



STRATHBOGIE SHIRE COUNCIL
PLANNING COMMITTEE
MINUTES

OF THE MEETING HELD ON TUESDAY 24 OCTOBER 2017
AT THE EUROA COMMUNITY CONFERENCE CENTRE
COMMENCING AT 4.00 P.M.

Councillors:

Malcolm Little (Chair)	(Hughes Creek Ward)
Amanda McClaren	(Lake Nagambie Ward)
John Mason	(Seven Creeks Ward)
Kate Stothers	(Honeysuckle Creek Ward)
Alistair Thomson	(Mount Wombat Ward)
Graeme (Mick) Williams	(Seven Creeks Ward)

Officers:

Steve Crawcour - Chief Executive Officer
Phil Howard - Director, Sustainable Development
Roy Hetherington - Director, Asset Services
David Roff – Director, Corporate and Liveability
Emma Kubeil – Manager, Sustainable Development
Cameron Fraser – Principal Planner

Business:

1. Welcome
2. Acknowledgement of Traditional Land Owners

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

3. Apologies

Councillor Debra Swan (Lake Nagambie Ward)

4. Confirmation of Minutes of the Planning Committee meeting held on Tuesday 26 September 2017

33/17 **CRS McCLAREN/MASON** : *That the Minutes of the Planning Committee meeting held on Tuesday 26 September 2017 be confirmed*

CARRIED

5. Disclosure of Interests

Nil.

6. Planning Reports

7. Other Business

An audio recording of this meeting is being made for the purpose of verifying the accuracy of the minutes of the meeting, as per Local Law No. 1 - Meeting Procedure (2014) or as updated from time to time through Council Resolution

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PLANNING COMMITTEE REPORT NO. 1 (PRINCIPAL PLANNER - CAMERON FRASER)

6. PLANNING REPORTS

**6.1 Planning Permit Application No. P2017-042
- Use and Development of Land for the Manufacture of Shotshell
Ammunition and Related Works ~ 167 Halsalls Lane, Creightons Creek**

Application is for:	Use and development of land for the manufacture of shotshell ammunition and related works
Applicant's/Owner's Name:	Paul Mitchell
Date Received:	09 May 2017
Statutory Days:	127
Application Number:	P2017-042
Planner: Name, title & department	Cameron Fraser Principal Planner Sustainable Development Department
Land/Address:	Lot 1 on Plan of Subdivision 715938Y Certificate of Title Volume 11457 Folio 663 167 Halsalls Lane, Creightons Creek VIC 3666
Zoning:	Farming Zone
Overlays:	Erosion Management Overlay (Part)
Under what clause(s) is a permit required?	Clause 35.07-1 Clause 35.07-4 Clause 44.01-1
Restrictive covenants on the title?	No
Current use and development:	Agriculture

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

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

- 6.1 Planning Permit Application No. P2017-042
- Use and Development of Land for the Manufacture of Shotshell Ammunition and Related Works ~ 167 Halsalls Lane, Creightons Creek (cont.)
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RECOMMENDATION

That Council

- having caused notice of Planning Application No. P2017-042 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* refuses the permit application and issues a Notice of Refusal under the provisions of Clause 35.07-1, Clause 35.07-4 and Clause 44.01-1 of the Strathbogie Planning Scheme in respect of the land known as Lot 1 on Plan of Subdivision 715938Y Certificate of Title Volume 11457 Folio 663, 167 Halsalls Lane, Creightons Creek VIC 3666, for the use and development of land for the manufacture of shotshell ammunition and related works, on the following ground:
 1. The application has failed to demonstrate that it will not cause unreasonable impacts, in particular safety impacts, on the nearby dwellings.

34/17 **CRS MASON/WILLIAMS** : *That the Recommendation be adopted.*

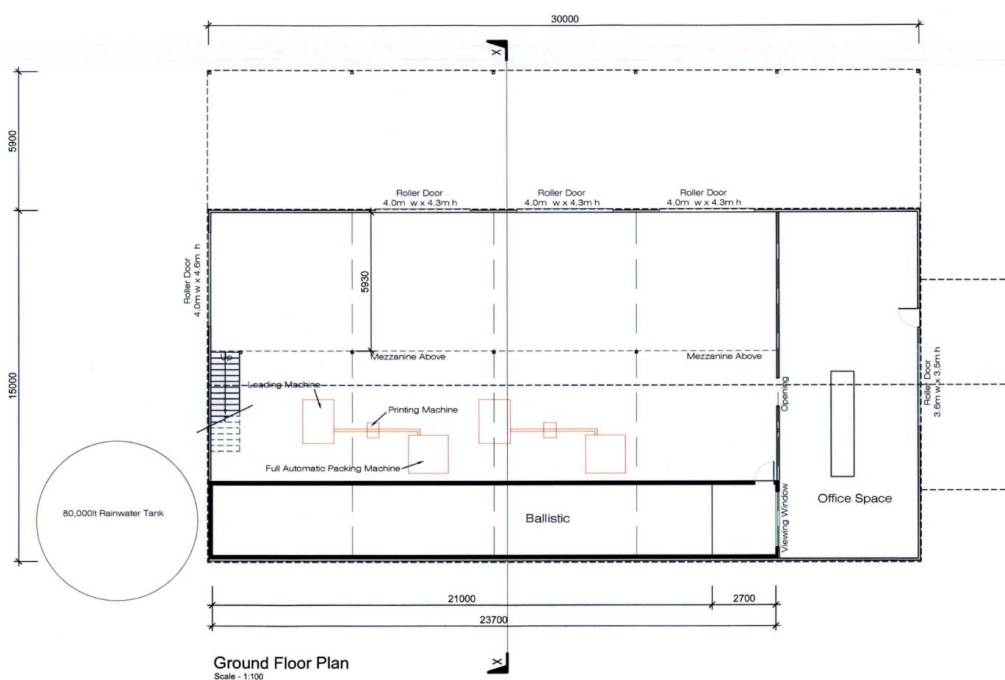
CARRIED

Proposal

The application proposes the use and development of land for the manufacture of shotshell ammunition and associated works.

Buildings and works associated with the development include the construction of a building in which the proposed use is to take place. The building will be 30 metres long and 15 metres wide with an overall height of 7.235 metres. Attached to this will be a 5.9m wide skillion lean-to on the western side and an 80,000 litre water tank on the southern side of the building. Internally, the building contains and office space, ballistic testing area and the factory area. Within the factory area, a mezzanine floor is proposed. Although explosive and dangerous materials will be stored in the Magazine Storage Areas, all activities associated with the actual manufacture of the ammunitions, including testing will be carried out within this building.

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The building will be clad in 'Woodland Grey' Colourbond sheeting on both the walls and roof and will have the appearance of an agricultural shed. It is noted however that this would be an industrial building and would need to be constructed to the relevant building standards for industrial buildings.

In addition to this, two proposed magazine stores are located 89 metres to the north east of the proposed building for the storage of material associated with the manufacture of shotshell ammunition.

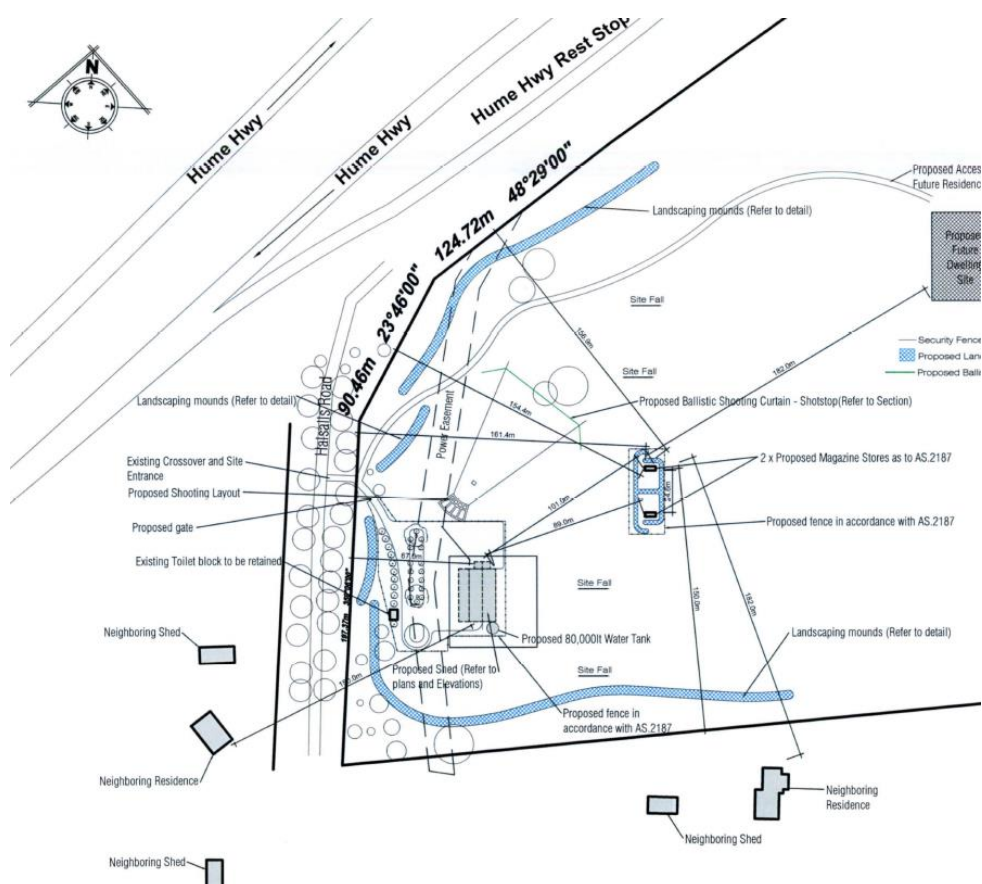
Fencing is proposed around both the proposed building in which the use is to be undertaken as well as the two proposed magazine stores in accordance with the relevant standards.

Vehicular access to the proposed building will be via an existing crossover located on Halsalls Lane with works proposed to take place to create appropriate driveways, parking and landscaping along the western side of the property fronting on to Halsalls Lane.

In addition to this, the plans submitted show a proposed 17 metre high Ballistic Shooting Curtain with associated shooting layout to the north of the building and west of the magazine storage areas. Landscaping mounds have also been shown on the plans. These mounds are shown as being between four and five metres wide and three to four metres high. These mounds are shown along the northern, western and southern boundaries in part and will be landscaped. The applicant has advised that these are no longer part of the proposal. Should a permit issue, amended plans would be required which show the removal of the ballistic curtain and landscaping mounds.

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A proposed future dwelling site is shown 182 metres from the north eastern edge of the magazine storage area. This is an 'as of right use' and does not require a permit, nor is it being considered as part of this application. Should a permit issue, amended plans showing the removal of this building (under the same condition as mentioned above) would be considered appropriate for clarity of the plans.



The proposed use of the land for the manufacture of shotshell ammunition is considered as 'Industry' pursuant to Clause 74 of the Strathbogie Planning Scheme.

The shotshell ammunition to be manufactured on the site is comprised of the following:

- Hulls (outer casing)
- Wads (for separation of shot and power)
- Lead pellets
- Primers (detonators)
- Gun powder (propellant)

All of these components are made off site and delivered to the property to be stored until such time as they are required for the manufacturing process.

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Lead to be used as part of the ammunition is recycled. This lead is extracted from existing shooting ranges by the applicant and brought to the site for re use in the proposed ammunition. The lead is not proposed to be processed in any way on the subject site.

Manufacture of the shotshells, including packaging, is fully automated and is proposed to take place fully within the proposed building. Staff will be required on site to load the materials into the machine and to stack and prepare the finished product to be taken off site. Testing of the ammunition manufactured on the site will be carried out within the ballistic area shown on the plans submitted. No testing is to be undertaken outside of this building.

The proposed use will operate between 7:00am and 6:00pm Monday to Friday with three staff to be working at the facility to start with room for an additional staff member as the business grows.

Traffic generated from the facility is expected to be as follows:

- One semi-trailer load per day for the delivery and transport of goods from the site.
- Deliveries from other medium rigid vehicles other than semi-trailers up to two times per day.
- Approximately eight staff movements per day (based on four employees).

The applicant has advised that customers are not required to travel to the site and that the product to be manufactured would be delivered to suppliers.

Subject site & locality

The subject site is located at No. 167 Halsalls Lane, Creighton's Creek which is more formally described as Lot 1 on Plan of Subdivision 715938Y Certificate of Title Volume 11457 Folio 663.

The site is irregular in shape and encompasses a total site area of 68.11 hectares. The site has two street frontages, including approximately a 1.76 kilometre frontage to Halsalls Lane to the north and north west and a 615.56 metre frontage to Creightons Creek to the east.

The site has a gentle downward slope between the eastern and western boundaries towards a minor depression within the centre of the site where an existing watercourse traverses the site.

According to the Certificate of Title of the land submitted with the application, the site is affected by three easements, which traverse the east and western portions of the site. The easements (E-1) are for the purposes of power lines. There are no other easements, restricted, covenants or Section 173 Agreements affecting the subject land.

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The subject site is largely undeveloped farmland however the western portion of the site is occupied by vacant buildings and infrastructure which formed part of a previous gun club with a shooting range. In addition, remnant patches of native vegetation surround the existing watercourse that traverses the centre of the site.

The site is located within an area developed for rural lifestyle and farming purposes, surrounded by farmland and associated housing. The site is located directly south of the Hume Freeway and is situated approximately 5.5 kilometres to the south west of the Euroa Township.

The site's immediate surrounds can be described as follows:

- **North:** Directly abutting the site's northern boundary is Halsalls Lane, followed by the Hume Freeway. Further north of the freeway is land use for agriculture and located in the Farming Zone.
- **East:** Immediately east of the site is Creightons Creek Road, further over is agricultural land zoned Farming and associated housing. These dwellings are located approximately 2.5 kilometres from the existing gun club.
- **West:** Directly west of the site is No. 172 Halsalls Lane which is used for farming and contains an existing dwelling located along the Halsalls Lane frontage. This dwelling is located approximately 160 metres to the south west of the proposed shotshell manufacturing facility.
- **South:** Immediately south of the site is No. 185 Halsalls Lane which contains farmland and an associated dwelling which is situated along the sites northern boundary. The existing dwelling is located approximately 170 metres to the south of the proposed shotshell manufacturing facility.

Permit/Site History

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

While no planning permits have been issued for the subject site, it is known that the site has previously been used as a gun club. The applicant has advised that there is significant lead contamination in the area of the site where the proposed works are to be undertaken.

Following the cessation of the use of the land for a gun club, the site, which formed part of a larger farming enterprise was re-subdivided into three separate parcels which is detailed further into this report.

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Public Notification

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

- Sending letters to adjoining land owners
- Placing (a) sign on site
- Placing a notice in the newspaper

The notification has been carried out correctly.

Council has received 60 objections to date. The key issues that were raised in the objections are:

- Close proximity to exiting residents (safety and amenity) – 29 submitters.
- Close proximity to Hume Freeway rest stop (safety and amenity) – 12 submitters.
- Industrial use on rural land is inconsistent with the Farming Zone and will impact on farming in the area – 40 submitters.
- Disruption to livestock (primarily horses and cattle) – 9 submitters.
- Security issues and the threat of terrorism – 26 submitters.
- Heavy vehicles and increased volumes of traffic using Halsalls Lane – 15 submitters.
- Access into site and Halsalls Lane/Creightons Creek Road is dangerous – 13 submitters.
- Use and development is inconsistent with the landscape and neighbourhood character values of the area (loss of amenity) – 20 submitters.
- Approval of the development will set a precedent for industrial uses in the Farming Zone – 24 submitters.
- Increase in noise – 5 submitters.
- Increase in risk to environment (No particular environment issue i.e. groundwater, vegetation etc.) – 13 submitters.
- Impacts of development on native vegetation – 5 submitters.
- Increase in pest plants and animals – 2 submitters.
- Potential issues with lead contamination both existing and expected – 12 submitters.
- Risk of Explosion – 11 submitters.
- Bushfire Issues – 30 submitters.
- Ability of local emergency service authorities to respond in the event of emergency at the facility – 9 submitters.
- Viability of the proposal – 1 submitter.
- Reduction in land values – 3 submitters.

Upon receipt of these objections, copies were forwarded to the applicant for a response. This response was forwarded to all of the objectors to the proposal. As a result of this, one objection was withdrawn.

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Following this, one more objection was received. This objection raised the following issues:

- Proximity to neighbouring dwellings is too close.
- Increased fire risk.
- Permit application is suited to industrial area.

A copy of this response was forwarded to the applicant. No response has been provided.

A large number of the submissions have also raised issues in relation to the proposed ballistic curtain and landscape mounds with particular reference to their use and the appearance of these facilities. As discussed previously in this report, these are no longer proposed and will be required to be deleted from the plans should a permit issue.

Officers Response:

As part of the assessment of an application of this nature Council must consider the relevant policy of the Strathbogie Planning Scheme which includes the zoning provisions, as well as the relevant policy within the State and Local Planning Policy Frameworks in relation to Industrial development, agricultural land use, environmental concerns, economic development, character, amenity and safety.

Section 60(1B) of the *Planning and Environment Act 1987* specifies that where objections are made on the social impacts of a proposal, and those objections are valid, the number of objections must be taken into consideration as part of the ultimate decision of the Responsible Authority. Sixty outstanding objections is a significant number of objections for our shire with the majority of applications receiving none or one or two submissions with generally only one or two receiving more than ten objections in any twelve month period. As noted above, a number of the submissions were received in relation to the amenity impacts of the proposal on both, adjoining land owners as well as the wider area and the strategic direction for the wider area.

The land is in the Farming Zone which seeks to protect and make available land for agricultural land uses. While the proposed industrial land use is not an as of right land use in the Farming Zone, neither are a number of the dwellings located in the vicinity of the site. In saying this however, some weight must be given to the fact that these dwellings are existing and legitimate land uses.

While the amenity and safety of surrounding land owners in this context cannot be given the same weight as it would had this proposal been located in a more urban context, amenity and safety remain a very important planning consideration.

While the land is zoned for agricultural purposes, and is unlikely to be rezoned for any other purpose at this time, this is not to say that industry should be automatically refused within rural areas. Some industrial development requires significant space for separation from sensitive land uses and other locations. Whether or not this site is appropriate is what needs to be considered as part of this application.

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Established grazing properties in the surrounding area have the potential to be significantly impacted upon should the site be managed inappropriately. Noise generated from the facility would be minimal provided conditions were imposed on any permit requiring appropriate noise attenuation works to be implemented to manage the noise generated from the facility, including the manufacturing plant and internal testing area.

In some of the objections received, concerns were raised around security and the potential for terrorism and the potential presence of those associated with this. The security of the building would need to be significant with approvals from Work Safe Victoria as part of the operation of the facility. In addition to this, the building to be constructed will be an industrial building and would need to meet the relevant requirements of the Building Code Australia for industrial buildings. The standards for this are greater than a standard agricultural shed.

Officers expect that there will be a risk of explosion from the facility. Officers consider that information about types of risks associated with the facility, likelihood of those risks eventuating and the likely impacts of those risks should be identified and broadly understood to more clearly understand the acceptability of the use on the subject site and within the local neighbourhood. Although the operational risks may be considered by Work Safe Victoria, officers consider that a broad understanding of these risks is necessary to assess whether the use is acceptable on the subject site. The applicant has advised that the requirements and restrictions of Work Safe are based on the development once constructed rather than what is proposed.

The risk of bushfire must be considered very carefully as part of the assessment of this application. Risks associated with the proposal come from both fires generated on the site or as a result of the proposal as well as the risk associated with a larger fire in the wider area which puts the proposed facilities, and therefore surrounding dwellings and the Hume Freeway at risk. The application has been referred to the CFA and this is discussed further into the report.

Lead brought to the site will be used for the manufacture of ammunition only. No lead is proposed to be smelted, spread or deposited on to the subject site. Strict State and Commonwealth legislation prohibits this and it is not being considered as part of the assessment of this application. Conditions have been provided by EPA for inclusion on any permit issued in relation to the management of the facility to ensure any spills are appropriately managed so as not to impact on the environment. No native vegetation is proposed to be removed as part of the proposal. It is considered by officers that there will not be any significant environmental impacts, if the proposal is appropriately managed, which can be controlled through permit conditions and other statutory approvals, as all of the works associated with both the manufacture and storage of materials will be contained within buildings to be constructed.

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The viability of a proposal and the impact on land values is not something that is able to be considered as part of the planning application process. With regard to property values however, any perceived reduction in the value of land is generally associated with the loss of amenity through various influences as has been raised elsewhere within the submissions received. This is addressed throughout this report.

Consultation

- In addition to the above, consultation with adjoining landowners, interested parties and objectors as well as the applicants has been undertaken.
- This included separate meetings with the Applicant as well as the Objectors on 29 August 2017. Councillors and officers were present at both of these meetings on 29 August 2017.

Referrals

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	Worksafe Victoria – No objection, no conditions
Section 52 Notices	Public Notice Goulburn Murray Water - No objection, subject to conditions Environment Protection Authority - No objection, subject to conditions VicRoads - No objection, subject to conditions Country Fire Authority - No objection, subject to conditions

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

Assessment

The zoning of the land and any relevant overlay provisions

Farming Zone

Purpose:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for the use of land for agriculture.*

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- *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.*

The use of land for industry is a Section 2 land use under Clause 35.07-1 of the Farming Zone which requires a planning permit. In addition, a permit is required under Clause 35.07-4 for buildings and works associated with a Section 2 land use.

It is considered that the proposal does not meet one of the purposes of the Farming Zone which is to provide for the use of land for agriculture.

In saying this however, the zone also notes that non-agricultural uses can be permitted provided such uses do not adversely affect the use of land for agriculture. It is considered that the proposed site is large enough to accommodate the proposed shotshell manufacturing facility and to the use of the eastern portion of the site for agriculture which, on its own, would be consistent with the zone.

What must be considered however, is the proposed use in its context and how this fits with agriculture as well as surrounding land uses. The nearest dwelling to the site is 182 metres according to the plans submitted with the application. This dwelling was constructed around 2014 and is located on a parcel of land over 40 hectares in area. This dwelling is an 'as of right' use. While the land is zoned for agriculture, the current status of this dwelling is significant in the decision that is made.

As discussed, the land was previously used as a gun club. The previous owners of the site ended lease agreements with the Euroa Gun Club and re subdivided the land into its current layout (Subject site and two lots along its southern boundary) in late 2013. The area where the gun club operated was contained within the subject site and is where the ammunition manufacture building is proposed to be located. Despite its previous use, these existing use rights have expired and a decision to allow the proposal should not be made by relying on previous use. A decision on this application needs to be based on the provisions of the Strathbogie Planning Scheme.

However, the likely existing contamination from the previous gun club use will affect future land uses and many agricultural uses are unlikely to be suitable on the subject site.

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Officers acknowledge that under the current provisions of the Strathbogie Planning Scheme, the proposed use will unlikely be able to establish within the industrial areas of the municipality due to the recommended buffer distances imposed on such uses. Therefore, the subject site represents an opportunity for such a use to establish on the subject site. The critical issue is whether the use can be a good neighbour to the legitimate residential land uses which are very close by. While amenity expectations for residents on land zoned Farming Zone cannot be given the same weight as residents in specific residential zones, these dwellings have been legitimately constructed with planning approval and as of right and are entitled to expect a level of amenity. It is considered there is a proliferation of dwellings along this area of Halsalls Lane to a point rural lifestyle is the prevailing character. Rural lifestyle is identified as the character of the area as lots range in size between approximately 20 hectares through to over 40 hectares and are used for residential purposes but there is a genuine small scale agricultural use of the land.

An assessment against the relevant decision guidelines contained at Clause 35.07-6 is provided in the table below:

General Issues	Complies	Officers Comment
<i>The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</i>	In part	Assessment against SPPF & LPPF is provided below.
<i>Any Regional Catchment Strategy and associated plan applying to the land.</i>	N/A	There is no relevant regional catchment strategy.
<i>The capability of the land to accommodate the proposed use or development, including the disposal of effluent.</i>	Yes	Given the size of the lot, it is considered capable of accommodating the proposed facility including the disposing of effluent. This has been approved by Council's Environmental Health Department and Goulburn-Murray Water.
<i>How the use or development relates to sustainable land management.</i>	Yes	The proposal utilises part of the site which is likely to be contaminated due to the previous use of the land as a gun club and shooting range and is unlikely to be suitable for agricultural use. The balance of the land will remain available for agricultural pursuits.

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<p><i>Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.</i></p>	<p>No</p>	<p>Based on the information available, the proposal has not demonstrated that it will be compatible with the surrounding land uses which comprises dwellings and farmland. It is considered that the existing dwellings located within 200 metres to the west and south of the site could be adversely affected by the proposed use and development of the land, particularly if an unforeseen event unfortunately occurred. It should be noted that the dwelling to the south is an as of right use in the Farming Zone. The use of land for this type of industry within this location needs to be carefully considered in such close proximity to two dwellings. Without more information about the risks, officers have been unable to conclude whether the proposed use is compatible with the surrounding land uses.</p>
<p><i>How the use and development makes use of existing infrastructure and service.</i></p>	<p>Yes</p>	<p>The site will utilise the existing infrastructure on site and buildings that were associated with the previous use of the land. Existing access is provided however may require upgrading. Existing services will also be utilised.</p>
<p>Agricultural Issues</p>		
<p><i>Whether the use or development will support and enhance agricultural production.</i></p>	<p>In part</p>	<p>The proposed use of the land for industry uses part of the land which is not suitable for agricultural use. The balance of the land can still support and enhance agricultural production.</p>
<p><i>Whether the use or development will permanently remove land from agricultural production.</i></p>	<p>Yes</p>	<p>Due to the historical use of the site, part of the site has already been removed from agricultural production. The proposal will not change this outcome.</p>

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<i>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	Given the size of the lot and the nature of the proposed use, the proposal is unlikely to limit the agricultural uses nearby.
<i>The capacity of the site to sustain the agricultural use.</i>	No	Given the size of the site, which is largely vacant except for a remnant patch of native vegetation along the existing waterway, it is considered that the undeveloped portion of the site could sustain an agricultural use however this is not proposed or affected as part of this application.
<i>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</i>	Yes	The lot does not carry any significant agricultural qualities.
<i>Any integrated land management plan prepared for the site.</i>	No	No integrated land management plan has been prepared.
<i>Dwelling Issues</i>	Complies	Officers Comment
<i>Whether the dwelling will result in the loss or fragmentation of productive agricultural land.</i>	N/A	Not applicable
<i>Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.</i>	N/A	Not applicable
<i>Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.</i>	N/A	Not applicable
<i>The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.</i>	N/A	Not applicable

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Environmental issues		
<i>The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.</i>	Yes	There are potential environmental risks however they are considered manageable. The proposed land use and works are however unlikely to significantly impact on the surrounding environment subject to compliance with permit conditions. The application was referred to the EPA and Goulburn Murray Water who offered no objection to the proposal subject to conditions including (but not limited to) the submission of Site and Environmental Management Plans.
<i>The impact of the use or development on the flora and fauna on the site and its surrounds.</i>	Yes	The proposal does not include the removal of any vegetation.
<i>The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.</i>	Yes	The proposal does not include the removal of any vegetation. The existing waterway and native vegetation within the centre of the site will remain untouched.
<i>The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.</i>	Yes	On site effluent disposal will be carried out in accordance with the requirements of the Responsible Authority. Council's Environmental Health Officer and Goulburn Murray Water did not object to the proposal subject to conditions.
Design and siting issue		
<i>The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.</i>	Yes	The proposed building is set back from the adjoining boundaries, located on land which is likely to be contaminated and is not considered to result in the loss of agricultural land.

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Related Works ~ 167 Halsalls Lane, Creightons Creek (cont.)

<p><i>The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.</i></p>	<p>No</p>	<p>The proposed siting is considered appropriate. Should a permit be issued, a condition will be placed on the permit requiring muted tones to ensure the development appropriately blends with the aesthetic environment. The main building on its own has the general appearance of standard agricultural shed however the inclusion of security fencing, landscaping and formalised access may detract from these values. Screening can be provided to reduce the visual impact of this development on the surrounding area.</p>
<p><i>The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.</i></p>	<p>Yes</p>	<p>The proposed buildings and works are unlikely to detract from the existing character and amenity values of the area.</p>
<p><i>The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.</i></p>	<p>Yes</p>	<p>The proposed building and associated infrastructure is considered to be appropriately located.</p>
<p><i>Whether the use and development will require traffic management measures.</i></p>	<p>Yes</p>	<p>The dwelling is considered unlikely to have any significant traffic management implications for Halsalls Road that cannot be managed. Council's Assets Department and VicRoads did not object to the proposal subject to conditions.</p>

Overall, this application is not considered to be consistent with the purpose and decision guidelines of the Farming Zone.

6.1 Planning Permit Application No. P2017-042
- Use and Development of Land for the Manufacture of Shotshell Ammunition and Related Works ~ 167 Halsalls Lane, Creightons Creek (cont.)

Erosion Management Overlay

Purpose:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development.*

The subject site is located within an area of the Erosion Management Overlay, as such a permit is required for all buildings and works.

The State Planning Policy Framework (SPPF)

Clause 11 - Settlement

- *Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.*
- *Planning is to recognise the need for, and as far as practicable contribute towards:*
 - *Health and safety.*
 - *Diversity of choice.*
 - *Adaptation in response to changing technology.*
 - *Economic viability.*
 - *A high standard of urban design and amenity.*
 - *Energy efficiency.*
 - *Prevention of pollution to land, water and air.*
 - *Protection of environmentally sensitive areas and natural resources.*
 - *Accessibility.*
 - *Land use and transport integration.*
- *Planning is to prevent environmental problems created by siting incompatible land uses close together.*
- *Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities.*

Clause 11.12-1 A diversified economy

Objective

- *To develop a more diverse regional economy while managing and enhancing key regional economic assets.*

As a region, our local economy is based primarily on agricultural production which provides a large number of jobs and supports our urban areas.

6.1 Planning Permit Application No. P2017-042
- Use and Development of Land for the Manufacture of Shotshell Ammunition and Related Works ~ 167 Halsalls Lane, Creightons Creek (cont.)

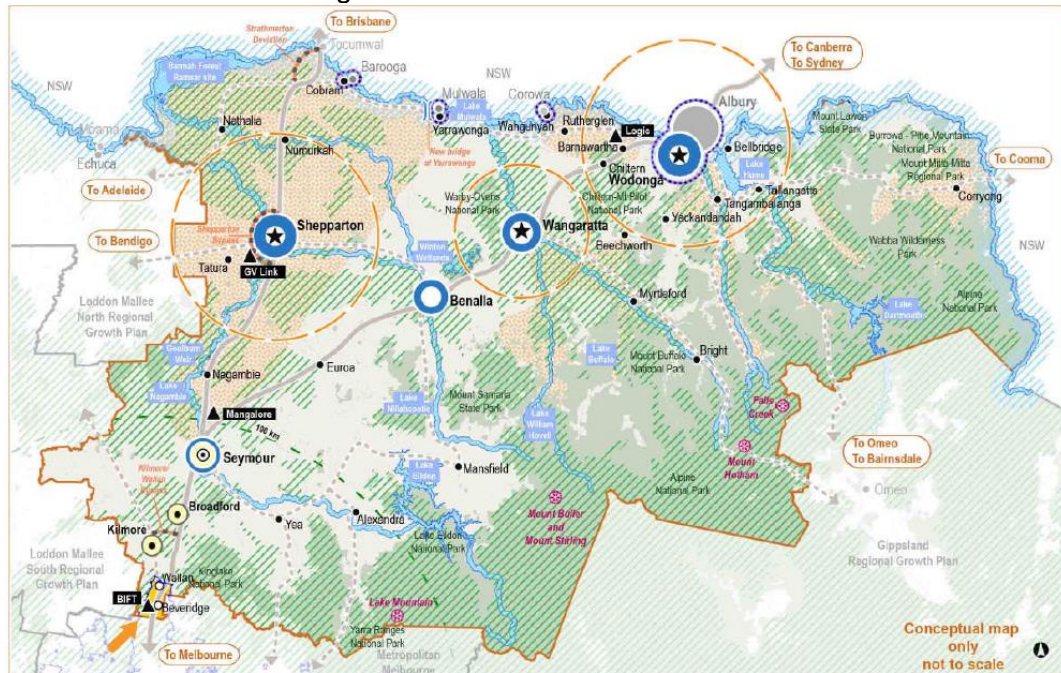
While this is the largest contributor to the local economy, diversification of our economy should be supported. The proposal would assist with diversifying the economic base of the municipality.

Clause 11.12-4 Infrastructure Objective

- *To improve people and freight movements and plan strategically for future infrastructure needs.*

The proposal is located within easy access to the Hume Freeway which does not require access directly into the Euroa Township. Issues have been raised in relation to the additional traffic along Creightons Creek Road, particularly at the intersection with Halsalls Lane. The industrial use of the subject site and the expected infrastructure needs will be located away from the existing industrial areas in the west and north of Euroa however it is unlikely to compromise the provision of such infrastructure into the future.

Clause 11.12-5 Hume Regional Growth Plan



SETTLEMENT NETWORK

- Major growth location
- Medium to high growth location
- Significant change location
- Designated identified growth centre in Plan Melbourne (1)
- Locations identified as 'Regional Cities' in a statewide context

OTHER KEY URBAN SETTLEMENTS

- Cross-border settlements
- Support growth in these urban locations, and lifestyle opportunities
- Towns and areas in the Hume Region within Melbourne's Urban Growth Boundary
- Settlements external to the region

¹Plan Melbourne (Chapter 6 – State of Cities) identifies Broadford, Kilmore and Seymour as peri-urban towns with potential to attract housing and population growth out of Melbourne

6.1 Planning Permit Application No. P2017-042
- Use and Development of Land for the Manufacture of Shotshell Ammunition and Related Works ~ 167 Halsalls Lane, Creightons Creek (cont.)

Although not identified as a major centre within the Hume Region, the site is located within close proximity to existing infrastructure and is not inconsistent with the relevant objectives of the Hume Regional Growth Plan.

Clause 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 must implement environmental principles for ecologically sustainable development that have been established by international and national agreements. Foremost amongst the national agreements is the Intergovernmental Agreement on the Environment, which sets out key principles for environmental policy in Australia. Other agreements include the National Strategy for Ecologically Sustainable Development, National Greenhouse Strategy, the National Water Quality Management Strategy, the National Strategy for the Conservation of Australia's Biological Diversity, the National Forest Policy Statement and National Environment Protection Measures.

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

Clause 12.04-2 Landscapes

Objective

- *To protect landscapes and significant open spaces that contribute to character, identity and sustainable environments.*

Strategies

- *Ensure sensitive landscape areas such as the bays and coastlines are protected and that new development does not detract from their natural quality.*
- *Improve the landscape qualities, open space linkages and environmental performance in green wedges and conservation areas and non-urban areas.*
- *Recognise the natural landscape for its aesthetic value and as a fully functioning system.*
- *Ensure natural key features are protected and enhanced.*

While the landscape values of the wider area have been raised as issues in the submissions received, it should be noted that the Strathbogie Planning Scheme does not identify the area as having any specific landscape values that must be considered. This aside, the use of rural land for industry must take into account the surrounding development patterns and character of the area, including the rural landscape. While the proposed shed in which the use is to be undertaken has an appearance similar to any agricultural building which could be constructed on the site, the surrounding infrastructure, including fencing, landscaping and trafficable areas has the potential to distinguish the proposal from a typical agricultural building.

6.1 Planning Permit Application No. P2017-042
- Use and Development of Land for the Manufacture of Shotshell Ammunition and Related Works ~ 167 Halsalls Lane, Creightons Creek (cont.)

While this is not singularly detrimental to the proposal as a whole, it must be taken into account when deciding the permit application. These matters are considered to have been appropriately addressed.

Clause 13.03-1 Use of contaminated and potentially contaminated land

Objective

- *To ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.*

The previous use of the land and the contamination issues are well known, there is no mandatory requirement or EPA orders in place for these issues to be resolved. It is understood at this time that while the lead contamination remains inert, there are no immediate public health issues while the land remains vacant. The current conditions of the land essentially prevent part of it from being used as for any sensitive use such as a dwelling and agricultural production on the site. This area of the site is considered the most appropriate location within the whole of the property for the proposed development.

If a permit was issued, an environmental site assessment should be undertaken to ensure that any contamination of the site will not affect the proposed industrial use.

Clause 13.03-2 Erosion and landslip

Objective

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

Strategies

- *Identify areas subject to erosion or instability in planning schemes and when considering the use and development of land.*
- *Prevent inappropriate development in unstable areas or areas prone to erosion.*
- *Promote vegetation retention, planting and rehabilitation in areas prone to erosion and land instability.*

The area of the site in which the development is proposed is affected by the Erosion Management Overlay. There are no identifiable erosion issues in the area of the site which is proposed to be developed and the earthworks proposed are minimal. The landscaping mounds shown on the plans were located within the area of the site affected by this overlay however, as detailed previously within this report, these are no longer proposed. The other earthworks associated with the development are generally considered to be minor and will not have any significant erosion implications. Should a permit issue, conditions requiring the stabilisation of any disturbed soils would be required and it is considered the proposal meets this objective.

Clause 13.04-1 Noise abatement

Objective

- *To assist the control of noise effects on sensitive land uses.*

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- Use and Development of Land for the Manufacture of Shotshell Ammunition and Related Works ~ 167 Halsalls Lane, Creightons Creek (cont.)

Strategy

- *Ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.*

Noise generated from the use which is audible outside of the building is expected to be mostly traffic noises. None of the ammunition to be manufactured on the site is proposed to be used outside of the building as part of the proposed use.

All testing of the manufactured product will be undertaken within the facility. Any permit should contain conditions requiring that appropriate noise attenuation measures are implemented to comply with the relevant EPA regulations. It is considered that the proposal can be appropriately managed to comply with this objective of the Strathbogie Planning Scheme.

Clause 13.05-1 Bushfire planning strategies and principles

Objective

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

Strategies

- *Overarching strategies*
 - *Prioritise the protection of human life over other policy considerations in planning and decision-making in areas at risk from bushfire.*
 - *Where appropriate, apply the precautionary principle to planning and decision-making when assessing the risk to life, property and community infrastructure from bushfire.*
 - *Bushfire hazard identification and risk assessment strategies*
 - *Apply the best available science to identify vegetation, topographic and climatic conditions that create a bushfire hazard.*

The materials used as part of the manufacture of the ammunition, including the storage and handling of these materials raises a number of concerns in relation to bushfire management.

Officers are aware of a number of fires which have been lit along the Hume Freeway. Whether these fires are deliberate, accidental or a natural occurrence, the prevalence of these events is frequent enough to generate genuine concern with the proposed development.

Acknowledging these issues, the application was referred to the Country Fire Authority (CFA) regional office in Shepparton. The regional office has consented to the proposal subject to the following conditions:

1. An Emergency Management Plan be developed for the site to address all risks associated with the nature of operation of the business.

6.1 Planning Permit Application No. P2017-042
- Use and Development of Land for the Manufacture of Shotshell Ammunition and Related Works ~ 167 Halsalls Lane, Creightons Creek (cont.)

2. Fuel reduction works must be undertaken by reducing the grass to no more than 100mm in height for a minimum distance of 30 metres and must be maintained during the declared “ Fire Danger Period” at the following locations;
 - around the Shot Manufacturing Building;
 - around the proposed Magazine Storage Area,
 - around the Practice Shooting Range.
3. A minimum of (1) one 9 Litre stored water extinguisher (or approved equivalent) shall be kept readily available at the Practice Shooting Range when operating during the declared Fire Danger Period.

The CFA have also noted that the buildings proposed will be required to be provided with Fire Hydrant and Fire Hose Reel coverage in accordance with the Building Code Australia.

Objections have also been received from the local brigade in relation to the increased bushfire risk associated with the proposal as well as the capabilities of local volunteers to fight fires near, around and created by the facility should this occur. While there are a number of issues associated with bushfire caused by both the natural features of the site as well as the proposed use, it is considered that bushfire issues on the site can be appropriately managed to satisfactorily meet the objective of this clause, particularly having regard to the formal position of the CFA.

Clause 14.01-1 Protection of agricultural land
Objective

- *To protect productive farmland which is of strategic significance in the local or regional context.*

Given the previous use of the land as a gun club, the likely lead contamination in this part of the site is a significant constraint on the agricultural productivity of the site. Significant remediation works would likely be required before the site could be sustainably used for agriculture or other sensitive uses such as a dwelling. The area of site to be used for this proposal is the most appropriate within the subject site as it leaves a significant area on uncontaminated land to be used for agriculture.

Given the current constraints of the zoning of this land, any agricultural use of the site would need to be undertaken by the owners of the land or by private agreement between the landowners and other operators.

The proposed siting of the development within the subject site does not detract from the productive farmland which remains part of the subject site.

14.01-2 Sustainable agricultural land use
Objective

- *To encourage sustainable agricultural land use.*

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- Use and Development of Land for the Manufacture of Shotshell Ammunition and Related Works ~ 167 Halsalls Lane, Creightons Creek (cont.)

Generally speaking, officers consider that a primary policy basis for allowing industrial uses in the Farming Zone is to allow rural based industries reliant on surrounding rural industries rather than the manufacture of product not directly associated with agriculture or other rural pursuit. The proposed use would not be related to the agricultural use of the surrounding area.

The previous use of the land, the likely contamination issues and the existing inability to use this part of the subject site for agricultural pursuits are relevant to considering the appropriateness of the use on this site

Clause 14.02-1 Catchment planning and management

Objective

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

The use of lead in the manufacture of the ammunition has the potential to significantly impact on the natural environment, particularly groundwater and above ground water supplies. The issues associated with the use of this product generally arise from poor management of the product and the use in production however it is an issue that can be managed appropriately. The application has been referred to Goulburn Murray Water who has provided consent to the proposal subject to the following conditions:

1. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
2. No buildings can be constructed within 100 metres of any waterways.
3. The shed must not encroach on the existing wastewater treatment system or disposal area or breach the minimum setback distances specified in the relevant EPA *Code of Practice – Onsite Wastewater Management*.
4. The existing wastewater treatment system must be upgraded to the satisfaction of Councils Environmental Health Department.
5. A site Construction Management Plan following the sediment control principles outlined in Construction Techniques for Sediment Pollution Control (EPA, 1991) should be submitted to the Responsible Authority for approval prior to any works commencing.
6. In order to ensure sediment transport to waterways does not occur, any stormwater run-off from buildings, mounds (and paved areas) must be dissipated as normal unconcentrated overland flow or directed to a dam.

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- Use and Development of Land for the Manufacture of Shotshell Ammunition and Related Works ~ 167 Halsalls Lane, Creightons Creek (cont.)

7. No contaminated water shall be discharged from the development site or permitted to enter any surface drainage systems.
8. The development and operation of the land must comply with the requirements of AS2187 (Explosives Storage, transport and Use)

The conditions of Goulburn Murray Water address a number of issues associated with the construction of the proposed buildings as well as the management of the site by requiring containment of any contamination to prevent discharge into the waterways on the site and the surrounding areas.

The Environment Protection Authority (EPA) was also notified of the proposal. EPA have consented to the proposal subject to the following conditions:

1. No processing or smelting of the lead shot brought onto the land is to occur without the consent of the Responsible Authority.
2. Noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.
3. A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard, in accordance with the EPA Publication 347 Bunding Guidelines 1992 or as amended.

The potential impacts of the development on the wider catchment area through the reintroduction of lead on to the site (but not into the ground) would likely be associated with poor operational management of the site and if lead was being processed or smelted. In this instance, it is considered that the conditions recommended by Goulburn Murray Water and the EPA, if imposed, can appropriately manage these issues to ensure the catchment is not affected by the development.

Clause 15.01-5 Cultural identity and neighbourhood character

Objective

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

Strategies

- *Ensure development responds and contributes to existing sense of place and cultural identity.*
- *Ensure development recognises distinctive urban forms and layout and their relationship to landscape and vegetation.*
- *Ensure development responds to its context and reinforces special characteristics of local environment and place by emphasising:*
 - *The underlying natural landscape character.*
 - *The heritage values and built form that reflect community identity.*
 - *The values, needs and aspirations of the community.*

6.1 Planning Permit Application No. P2017-042
- Use and Development of Land for the Manufacture of Shotshell Ammunition and Related Works ~ 167 Halsalls Lane, Creightons Creek (cont.)

The building will be clad in 'Woodland Grey' Colourbond sheeting on both the walls and roof and will have the appearance of an agricultural shed. This is consistent with other non-residential buildings in the surrounding area and it is considered that on its own, the building would not appear any different to any other farming shed in the wider area. Where the building will appear different however is in the surrounding fencing, formalised access ways landscaping, and external lighting and security measures around the facility.

Clause 15.03-2 Aboriginal cultural heritage
Objective

- *To ensure the protection and conservation of places of Aboriginal cultural heritage significance.*

The site is not located in an area identified as an area of Aboriginal Cultural Sensitivity. The watercourse traversing the site which is approximately 800 metres from the development location is not named, as is one of the criteria for establishing an area as sensitive. A Cultural Heritage Management Plan is not required under the provisions of the *Aboriginal Heritage Act 2006* however should any items of aboriginal cultural heritage be discovered as part of the development, the developers would be required to stop works and contact the relevant state government departments.

Clause 17.02-1 Industrial land development
Objective

- *To ensure availability of land for industry.*

Strategies

- *Identify land for industrial development in urban growth areas where:*
 - *Good access for employees, freight and road transport is available.*
 - *Appropriate buffer areas can be provided between the proposed industrial land and nearby sensitive land uses.*
 - *Protect and carefully plan existing industrial areas to, where possible, facilitate further industrial development.*
 - *Provide an adequate supply of industrial land in appropriate locations including sufficient stocks of large sites for strategic investment.*
 - *Protect industrial activity in industrial zones from the encroachment of unplanned commercial, residential and other sensitive uses which would adversely affect industry viability.*
 - *Encourage industrial uses that meet appropriate standards of safety and amenity to locate within activity centres.*
 - *Avoid approving non-industrial land uses, which will prejudice the availability of land for future industrial requirements, in identified industrial areas.*

Policy guidelines

Planning must consider as relevant:

- *Recommended Buffer Distances for Industrial Residual Air Emissions* (Environmental Protection Authority, 1990).

6.1 Planning Permit Application No. P2017-042
- Use and Development of Land for the Manufacture of Shotshell Ammunition and Related Works ~ 167 Halsalls Lane, Creightons Creek (cont.)

As discussed previously, the site is not located in an area for zoned industrial purposes. While it is considered that the likely contamination of the site, if not remediated, lends itself well to an industrial use, the need for a buffer distance should be considered. In the absence of any specific reports being included as part of the application, Council officers are not satisfied that there is an appropriate buffer to the nearby residential uses, which are sensitive. Within the municipality, there is no industrially zoned land which could be used for the proposed manufacturing operation and comply with the recommended buffer distances under clause 52.10.

Therefore, the particular circumstances of the subject site provide an opportunity to secure a new business and employer within the municipality which may be lost due to the constraints presented by the existing industrially zoned land. However, it remains critical that the proposed use will not unreasonably impact the surrounding properties.

Clause 18.02-4 Management of the road system

Objective

- *To manage the road system to achieve integration, choice and balance by developing an efficient and safe network and making the most of existing infrastructure.*

The proposal has been referred through to Council's Assets Department and VicRoads who have not objected to the proposal with Council's Assets Department providing conditions to be included on any permit issued.

The traffic generated from the site will be mostly staff and delivery vehicles. None of the product manufactured on the site is proposed to be sold directly from the property and retail is not proposed as part of this development. It is considered that customers, or others not directly associated with the manufacture of the ammunition will be on site from time to time.

The location of the development is such that ammunition manufactured on the site will not need to be transported through the urban area with access to the freeway available at Creightons Creek Road.

The amount of traffic generated by this would likely be minimal and will not significantly detriment the management of the road system.

18.02-5 Car parking

Objective

- *To ensure an adequate supply of car parking that is appropriately designed and located.*

Car parking is proposed to be provided on site and will be appropriately located to be consistent with this objective.

19.03-3 Stormwater

Objective

- *To reduce the impact of stormwater on bays and catchments.*

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- Use and Development of Land for the Manufacture of Shotshell Ammunition and Related Works ~ 167 Halsalls Lane, Creightons Creek (cont.)

Storm water management on the site throughout construction as well as upon commencement of the proposed use will, if approved, be carried out in accordance with the requirements of the Responsible Authority in conjunction with the requirement of Goulburn Murray Water.

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

Clause 21.01-2 Key Influences

- Sustainability

The Strathbogie Shire strives to continue to improve sustainability in all elements of the community including; settlement patterns, the natural and built environment, community services and facilities; economic development and growth, infrastructure and asset provision. To define the meaning of sustainability, we say that the general dictionary meaning applies, depending on the terms of reference i.e. environmental, economic etc. 'The ability to sustain itself'.

The proposal supports the diversification of the local economy with an industry separate from the influences of the Shire's agricultural base. The provision of an economic driver, separate from agriculture will further the ability of the region 'to sustain itself'.

- Settlement

In the coming years, the *Shire* is likely to build on 'tree change' growth in towns such as Nagambie and Avenel, due to their close proximity and access to Melbourne and the water features of Nagambie. Due to the picturesque nature of much of the area, the Shire is often faced with many land use conflicts, commonly between lifestyle properties and rural industries.

The area in which the development is proposed, offers great lifestyle opportunities which is how a number of dwellings have been constructed in the vicinity of the site. While dwellings are not always appropriate on land in the Farming Zone, those that exist have been legitimately approved or did not require a planning permit in the first place. These dwelling uses have legitimately established in the area and the proposed use needs to respond to them. In order to ensure land use conflicts are not created by the proposal, it is reasonable to have an understanding of the likely risks, their likelihood of occurring, and the consequences if those risk eventuate. To date, the proposal does not explain these and this is a considerable concern of officers.

- Environment

The natural environment is under increasing pressures from development, agricultural practices and the emerging threat of climate change. Through the protection of water, native vegetation and fauna and the encouragement of investment in renewable energy, the Shire will continue to assist in the protection and enhancement of the natural environment into the future.

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- Use and Development of Land for the Manufacture of Shotshell Ammunition and Related Works ~ 167 Halsalls Lane, Creightons Creek (cont.)

While some of the impacts (perceived or real) are considered to be largely manageable, the consequences of the mismanagement or an environmental issue such as further lead contamination or bushfire could have a significant impact on the local environment. Should a permit issue, any environmental requirements of the permit would need to be closely monitored.

21.02-4 Rural Zones

Overview

Approximately 230,000 hectares of land is farmed in the Strathbogie Shire, supporting around 700 farming enterprises. The predominant agricultural activities are livestock grazing and broadacre. There has been a recent emergence of other agricultural pursuits such as intensive animal husbandry, horticulture and equine industry.

The Shire is recognised as a preferred location for horse breeding due to its climate and access to Melbourne, Sydney and other regional centres. Important local infrastructure and services are also key drivers of this industry in the area.

Objective

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

The application proposes an industrial land use on land which has been zoned for agricultural purposes. The likely contamination issues associated with the site are considered a significant hindrance to the use of the land for agriculture or other purposes. Therefore, the agricultural capacity of the site is unlikely to be significantly compromised by the proposal.

Clause 21.02-6 Building Material – Muted Tones

Objective

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

The application proposed that the buildings be constructed of 'Woodland Grey' Colourbond cladding on both the walls and roof. These are considered to be 'muted tones' and are consistent with the objective of this clause of the Strathbogie Planning Scheme.

Clause 21.04-7 Bushfire

Overview

- *Areas of the Shire are identified as being prone to bushfires, particularly the Strathbogie Ranges. The impacts of a bushfire on life and property are influenced by factors including the subdivision pattern, availability of reticulated water, proximity to vegetation and community capacity.*

Objective

- *To minimise the risk to life, property and the environment from bushfire.*

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- Use and Development of Land for the Manufacture of Shotshell Ammunition and Related Works ~ 167 Halsalls Lane, Creightons Creek (cont.)

Significant concerns have been raised by the objectors in relation to bushfire risks associated with the proposal, including from the local brigade. These concerns are acknowledged and it is considered that if the site is not appropriately managed, there could be significant risk of either a bushfire event starting on the property or the implications of a bushfire in the wider area. As discussed previously within this report, it is considered that the risks associated with bushfire are manageable on the subject site.

Even though the local brigade has raised some concerns about the proposal, the referral response from the CFA did not express these concerns.

Clause 21.06-5 Commercial and Retail

Objective

- *To support retail and commercial/industrial development within the Shire.*

Strategies

- *Encourage the retention of existing retail and commercial/industrial businesses.*
- *Encourage a variety of new businesses in the Shire.*
- *Encourage new retail development within town centres.*
- *Direct industrial development in areas where required infrastructure, services and transport links are available.*

Generally speaking, further commercial and industrial development within the larger urban centres of the municipality is supported by officers. This application proposes the use of land in a rural area for industrial purposes. It is acknowledged that the land to be used for this purpose has likely been contaminated by its previous use and that the proposed use is unable to be undertaken on any existing industrially zoned land. While on its own, the proposal is one that this planning scheme could support in terms of this objective, consideration must be given to the context of the site and the wider area in which it sits.

Clause 21.07-5 Drainage

Objective

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

It is considered that appropriate drainage infrastructure can be provided on the site to manage the proposed buildings and works. This would be required by way of condition on any permit issued.

Clause 22.03-2 Objectives

The objectives of this policy are:

- *To ensure that the use and development of land does not prejudice the levels of service, safety and amenity of the Hume Freeway and Goulburn Valley Highway.*
- *To minimise any adverse effects of noise from traffic using the Hume Freeway and Goulburn Valley Highway.*

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- Use and Development of Land for the Manufacture of Shotshell Ammunition and Related Works ~ 167 Halsalls Lane, Creightons Creek (cont.)

It is considered that the proposal is unlikely to impact on the operation or safety of the Hume Freeway. The site has good access via local roads to the Hume Freeway which avoids the need to travel through Euroa.

As part of the assessment of the application, VicRoads were notified of the proposal pursuant to Section 52 of the *Planning and Environment Act 1987*. VicRoads have advised that they do not object to the proposal and have not provided any conditions to be included on any permit issued. It is considered that the proposal is consistent with the relevant objectives of this clause.

Relevant Particular Provisions

52.06 Car Parking

Purpose

- *To ensure that car parking is provided in accordance with the State Planning Policy Framework and Local 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.*

Pursuant to Table 1 of Clause 52.06-5, 2.9 car parking spaces per 100 square metres of net floor area are required for development of land associated with industrial uses. Based on the size of the proposed building of 627 square metres, including the lean to at the side of the building, 18 car parking spaces are required to be provided. Given the size of the property is over 60 hectares; it is considered that this can all be accommodated on the site should they be required. It should be noted also that it is only expected that up to four staff will be working at the facility. The 18 required car parking spaces are considerably greater than what will actually be required as part of the proposed use.

Clause 52.07 Loading and unloading of vehicles

Purpose

- *To set aside land for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety.*

Where a building is proposed to be used for the manufacture servicing, storage or sale of goods, loading bay facilities are required to be provided. As the buildings will be used for manufacture, this is required as part of the proposal. Loading bays for a building of this size must have a minimum area of 27.4 square meters with a width and length of at least 7.6 metres and 3.6 metres respectively. The height clearance for a loading bay must be at least 4 metres. It is considered that this is able to be accommodated on the site.

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- Use and Development of Land for the Manufacture of Shotshell Ammunition and Related Works ~ 167 Halsalls Lane, Creightons Creek (cont.)

Clause 52.10 Uses with adverse amenity potential

Purpose

- *To define those types of industries and warehouses which if not appropriately designed and located may cause offence or unacceptable risk to the neighbourhood.*

Clause 52.10 specifies setback distances from particular land uses to land in the following zoning categories and other existing land uses:

- Residential Zones
- Capital City Zone
- Docklands Zone
- Land used for a hospital (or land in a Public Acquisition Overlay to be acquired for a hospital)
- Land used for an education centre (or land in a Public Acquisition Overlay to be acquired for an education centre)

These provisions state that the manufacture of ammunition, explosives and fireworks must be at least 1000 metres from land in one of the above zones and that further safety assessments may be required. Despite the use of the adjoining properties for residential purposes, this clause is not relevant to the proposal and cannot be directly considered as part of the assessment of the application. This is because the dwellings are within the Farming Zone and not one of the specified zoned. However, clause 52.10 recognises the potential for such uses to cause amenity and safety impacts on dwellings.

Given the proximity of the dwellings to the proposed building, a greater understanding of the use and its potential impacts are required.

The decision guidelines of Clause 65

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

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

6.1 Planning Permit Application No. P2017-042
- Use and Development of Land for the Manufacture of Shotshell Ammunition and Related Works ~ 167 Halsalls Lane, Creightons Creek (cont.)

- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*

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

There are no relevant adopted State policies.

Relevant incorporated, reference or adopted documents

There are no relevant incorporated, reference or adopted documents.

Relevant Planning Scheme amendments

There are no relevant planning scheme amendments.

Risk Management

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

Strategic Links – policy implications and relevance to Council Plan

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

Summary of Key Issues

There are many aspects of the proposal which are worthy of support. Most of the issues raised by the proposal are considered to be adequately resolved or can be addressed through permit conditions.

The key outstanding issue relates to the potential impacts of the proposal, primarily from a safety perspective. While many of the more detailed safety issues are likely to be considered by other authorities, Council officers consider that the broad safety issues associated with the proposal are well known and understood so an informed assessment of the proposal's fit within the local context can be undertaken. Until this assessment can be undertaken, Council officers recommend that the application be refused on this basis.

Conclusion

Industrial land uses on land in the Farming Zone are not prohibited under the provisions of the Strathbogie Planning Scheme. Applications for land uses other than agriculture must take into consideration how they will contribute to character and coexist with surrounding land uses. In this circumstance, there is no material to assess whether the proposed industrial use of the land would likely to conflict with surrounding residential uses.

Attachments

Nil

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

7. OTHER BUSINESS

**7.1 Planning Scheme Amendments VC132 and GC13
- Updated Bushfire Provisions**

Author and Department

Principal Planner / Sustainable Development Department

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

No officer involved in the preparation of this report has any direct or indirect interest in this matter as provided in accordance with the *Local Government Act 1989*.

Summary

This report is provided to inform the Planning Committee of two recent Planning Scheme Amendments undertaken by the State Government with regard to bushfire management which affects land controlled by Strathbogrie Planning Scheme. In particular:

Amendment VC132

Planning Scheme Amendment VC132 which was Gazetted on 19 September 2017 was a general amendment to the Victoria Planning Provisions (VPP). The amendment provided updates to a number of bushfire provisions as well as other policies within the State Planning Policy Framework (SPPF), Zones and Overlays, Particular Provisions and General Provisions.

Amendment GC13

This amendment affected 64 planning schemes across the state, of which the Strathbogrie Planning Scheme was included. The Amendment:

- Introduced new and amended bushfire mapping into the Strathbogrie Planning Scheme (Bushfire Management Overlay - BMO)
- Inserted a schedule to Clause 44.06 of the Strathbogrie Planning Scheme.
- Deleted redundant references to the Wildfire Management Overlay (WMO) which was superseded by the Bushfire Management Overlay in 2011.
- Amend Schedule to Clause 61.03 to provide an update list of maps included in the Strathbogrie Planning Scheme.

RECOMMENDATION

That the report be noted.

35/17 CRS WILLIAMS/McCLAREN : That the Recommendation be adopted.

CARRIED

7.1 Planning Scheme Amendments VC132 and GC13
– Updated Bushfire Provisions (cont)

Background

Planning Scheme Amendment VC132 was gazetted on 19 September 2017. A VC amendment is a change to both the Victoria Planning Provisions and one or more planning schemes. This is a common type of amendment where the VPP is amended with immediate changes to be implemented into all planning schemes.

This particular VC amendment made a number of changes to the planning scheme with regard to bushfire, as well as a range of other corrections in regard to the State Planning Policy Framework, Zones and Overlays, Particular Provisions, General Provisions, Definitions, Incorporated Documents and VicSmart Planning Provisions. Details of these changes are included in the Explanatory Report which is appended to this report.

A GC amendment is an amendment to more than one planning scheme without any changes being made to the Victoria Planning Provisions. VC132 was implemented with changes relevant to Amendment GC13 which does the following:

- *Inserting BMO maps into 64 planning schemes in a manner listed in the attached sheet.*
- *Inserting schedules to Clause 44.06 in 47 planning schemes.*
- *Deleting redundant references to the Wildfire Management Overlay (WMO).*
- *Deleting the BMO (maps and ordinance) in some areas where the vegetation no longer meets the criteria as set out in Advisory Note 46.*
- *Amending schedules to Clause 61.03 for planning schemes to update the maps listed in the scheme.*

The changes to the Bushfire Management Overlay mapping introduce a further 966 properties into the overlay. 152 parcels have been removed and 634 properties have remained in the Bushfire Management Overlay.

92 of the parcels introduced into the overlay are located in the General Residential Zone within the Euroa Township. While most of these parcels are developed, any new development will now require a planning permit.

Provisions have been made for these 92 parcels through the implementation of a Schedule to the Bushfire Management Overlay (BMO1) which removes the need for referral to the CFA under Section 55 of the *Planning and Environment Act 1987*. A copy of this schedule as well as the updated ordinance has been included as a separate attachment to this report.

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.

7.1 Planning Scheme Amendments VC132 and GC13
– Updated Bushfire Provisions (cont)

Best Value / National Competition Policy (NCP / Competition and Consumer Act 2010 (CCA) implications

The author of this report considers that the report is consistent with Best Value, National Competition Policy and Competition and Consumer Act requirements.

Financial / Budgetary Implications

The inclusion of additional properties within the Bushfire Management Overlay as approved, is likely to result in a greater number of applications for planning permits. This is directly attributable to the additional 966 parcels to be included into the overlay.

Any application for buildings and works associated with the use of land for a dwelling, office, industry or generally any use which attracts people to a site, having regard to the purpose of the Overlay, (*To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level*), would now require a planning permit.

Economic Implications

The inclusion of an additional 966 parcels of land in the Bushfire Management Overlay will result in increased costs to developers in that planning permits will now be required for certain land uses on sites that weren't previously included in the overlay.

Environmental / Amenity Implications

The amendment to the Strathbogie Planning Scheme has the potential to result in a greater extent of vegetation removal as developers are required to create defensible open spaces. While this is an existing issue, it will be further exacerbated by these changes.

Community Implications

The author of this report considers that the recommendation has no significant community or social implications for Council or the broader community.

Victorian Charter of Human Rights and Responsibilities Act 2006

The author of this report considers that the recommendation does not limit any human rights under the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal / Statutory Implications

The author of this report considers that the recommendation has no legal or statutory implications which require the consideration of Council.

Consultation

Prior to the gazettal of this amendment, consultation was unable to be undertaken by Council Officers due to the uncertainty to the extent and content of the amended provisions.

7.1 Planning Scheme Amendments VC132 and GC13
– Updated Bushfire Provisions (cont)

Following this report, officers will be writing directly to all affected properties advising of the changes to the Strathbogie Planning Scheme.

In the instances of current applications for officer's review, there are no transitional arrangements. All applicants for permits currently being considered where the changes in the mapping have an effect have been notified.

Attachments

Explanatory Report VC132

Explanatory Report GC13

Bushfire Management Overlay

Schedule 1 to the Bushfire Management Overlay

Amended Bushfire Maps

Planning and Environment Act 1987

VICTORIA PLANNING PROVISIONS AMENDMENT VC132 EXPLANATORY REPORT

Who is the Planning Authority?

This Amendment has been prepared by the Minister for Planning.

The Minister for Planning is the planning authority for this Amendment.

What the Amendment does

Amendment VC132 is a general amendment that makes a number of administrative corrections and other changes to the Victoria Planning Provisions (VPP) and all planning schemes in Victoria as detailed below.

1. Amendment VC132 makes a number of administrative corrections and other changes to bushfire related provisions including:

Clause 13 (Environmental Risks)

- Inserting reference to the Bushfire Prone Area Map as a policy guideline in the State Planning Policy Framework to guide improved strategic planning for bushfire resilience.

Clause 44.06 (Bushfire Management Overlay)

- Specifying that a schedule to the Bushfire Management Overlay must contain a statement of the bushfire management objectives to be achieved and when the requirements within it apply.
- Inserting 'Service station' and 'Warehouse' in the list of uses where a permit is required for buildings and works associated with these uses.
- Providing a permit exemption for a building or works with a floor area of less than 100 square metres not used for accommodation and ancillary to a dwelling.
- Inserting a new sub clause that specifies the application requirements for an application under the Bushfire Management Overlay.
- Specifying that an application must meet the requirements of Clause 52.47 (Planning For Bushfire) unless the application meets all of the requirements specified in a schedule to the Bushfire Management Overlay.
- Clarifying that a schedule to the Bushfire Management Overlay may specify substitute approved measures, additional alternative measures and additional or substitute decision guidelines for the purposes of Clause 52.47.
- Replacing transitional arrangements and inserting Clause 44.06 into 11 planning schemes for the first time in preparation for Amendment GC13 which will introduce new Bushfire Management Overlay maps across Victoria.

Clause 52.47 (Planning For Bushfire)

- Clarifying the application and operation of this clause including how a schedule to the Bushfire Management Overlay may specify substitute approved measures, additional alternative measures and additional or substitute decision guidelines. The list of requirements under 'Application requirements' has been removed from this clause and is now specified in the Bushfire Management Overlay.
- Modifying Approved Measure (AM) 2.3 to require building design to be responsive to the landscape risk and reduce the impact of bushfire on the building.
- Specifying that the applicable bushfire attack level must be noted on the building envelope on the plan accompanying an application to subdivide land under the requirement for AM 5.2.
- Specifying that the plan accompanying an application to subdivide land must show that each lot satisfies the approved measure in AM 2.1 to ensure a complete assessment of bushfire mitigation issues for subdivision.
- Modifying Table 2 and 3 to clarify defensible space requirements for sites with a downslope of more than 20 degrees, low threat or modified vegetation.
- Specifying existing Fire Authority requirements for water supply including capacity, fittings and access under Table 4 – Water supply requirements.
- Specifying an additional requirement for accessways where the length of access is greater than 30 metres under Table 5 – Vehicle access design and construction.
- Inserting a new Table 6 that specifies standard vegetation management requirements and inserting reference to these requirements in approved measures or alternative measures related to defensible space.
- Inserting a new Table 7 that specifies outbuilding construction requirements.
- Removing incorrect references to an 'inner zone' where defensible space is concerned.

Clause 52.48 (Bushfire Protection: Exemptions)

- Replacing reference to the 'Building Amendment (Community Fire Refuge Construction) Interim Regulations 2011' with 'Ministerial Direction No. 4, Construction Requirements for a Community Fire Refuge (1 August 2012)'.
- Clarifying that the exemption to create defensible space also applies to the removal, destruction or lopping of vegetation for the construction of the dwelling in addition to its defensible space.

Clause 66 (Referral and Notice Provisions)

- Removing the need to refer an application for a non habitable outbuilding ancillary to a dwelling to the relevant fire authority providing certain conditions are met including the outbuilding construction requirements now specified in Table 7 to Clause 52.47.

Clause 72 (General terms)

- Removing an incorrect reference to 'outer zone' in the definition for Defensible space.

2. Amendment VC132 provides appropriate exemption from the need for public entities to apply for a planning permit in particular circumstances in Clause 36.03 (Public Conservation and Resource Zone) and improves the operation of this zone by:

- Providing appropriate exemptions from the need to apply for a planning permit where a public authority, such as a water authority, or a council, undertakes its activities under a number of prescribed Acts, or under a permit, lease, license, authority or agreement related to one of those Acts.
- Consolidating the Table of Uses to reduce unnecessary repetition of conditions associated with Section 1 uses.

3. Amendment VC132 makes a number of other administrative corrections and assorted changes throughout the VPP including:

State Planning Policy Framework

- Inserting Gisborne and Kyneton in the list of regional centres in Clause 11 (Settlement), consistent with the Victoria Settlement Framework map.
- Referencing an updated incorporated document, *Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management (Publication 891.4, Environment Protection Authority, 2016)* under Clause 19 (Infrastructure).

Zones and Overlays

- Updating references to the superseded *Dangerous Goods (Storage and Handling) Regulations* with the 2012 revision in the Mixed Use Zone, Township Zone, Industrial 1 Zone, Industrial 2 Zone, Industrial 3 Zone, Commercial 1 Zone, Commercial 2 Zone, Activity Centre Zone and Port Zone.
- Replacing the word 'identified' with 'specified' in the Heritage Overlay to ensure the wording is consistent and less ambiguous.
- Correcting a clause reference in the Erosion Management Overlay.

Particular Provisions

- Revising Clause 52.06 (Car Parking) to specify a passing area entrance width consistent with the relevant standard, clarify the design standard for mechanical parking in terms of vehicle height and delete transitional arrangements which are no longer required.
- Replacing reference to the 'Public Transport Development Authority' with 'Head, Transport For Victoria' in Clause 52.36 (Integrated Public Transport Planning), consistent with the concurrent change in Clause 66 (Referral and Notice Provisions).
- Clarifying which requirements prevail in the event of an inconsistency between state and local provisions in Clause 53.01 (Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan).
- Making a minor revision to spelling to ensure consistency in Clause 56 (Residential subdivision) and Clause 56.03 (Livable and sustainable communities).

General Provisions

- Including an annexe attached to a movable caravan located on land used for a camping and caravan park in the list of buildings and works not requiring a permit under Clause 62 (Uses, Buildings, Works, Subdivisions and Demolition Not Requiring a Permit).

- Replacing 'Metropolitan Planning Authority' with 'Victorian Planning Authority' in Clause 66 (Referral and Notice Provisions) to reflect the commencement of the *Victorian Planning Authority Act 2017* on 1 July 2017.
- Replacing the 'Public Transport Development Authority' with 'Head, Transport For Victoria' as the referral authority in Clause 66 (Referral and Notice Provisions) for applications of the kind listed in Clause 52.36-1.

Incorporated Documents, and VicSmart Planning Assessment

- In the table to Clause 81.01 (Table of Documents Incorporated in this Scheme), deleting *Australian Standard AS2890.5-1993, Parking Facilities Part 5: On-street parking* which is no longer referenced in the VPP, updating the *Guidelines for Environmental Management: Code of Practice* to version 891.4 and updating the *Principal Public Transport Network 2017* to address a minor map labelling error.
- Replacing the word 'identified' with 'specified' in Clause 92 (State VicSmart Applications) for classes of application under the Heritage Overlay to ensure the wording is consistent and less ambiguous.
- Correcting a clause reference under Clause 93.05 (Buildings and Works in an Overlay).

Strategic assessment of the Amendment

Why is the Amendment required?

Amendment VC132 is a general amendment that makes a number of administrative corrections and other changes to the VPP and all planning schemes in Victoria. The Amendment includes corrections for errors or omissions, clarifies various provisions to address uncertainty about their operation, and updates incorporated documents, reference documents or references to referral authorities.

The Amendment will also guide improved strategic planning for bushfire resilience in Victoria by referencing the Bushfire Prone Area Map as designated under the *Building Act 1993* in the State Planning Policy Framework. The Amendment also makes numerous administrative corrections and other changes to improve the clarity and operation of bushfire related provisions. Importantly, the Amendment resolves a number of technical matters in the bushfire provisions to help make the anticipated introduction of updated Bushfire Management Overlay mapping through Amendment GC13 as straightforward as possible.

The Amendment is also required to provide appropriate exemption from the need to apply for a planning permit in the Public Conservation and Resource Zone where a public entity, such as a water authority, undertakes its activities under a permit, lease, license or agreement situation associated with one of a number of prescribed Acts.

The changes in Amendment VC132 will improve the overall clarity and consistency of the VPP and in turn provide greater certainty for applicants and responsible authorities.

How does the Amendment implement the objectives of planning in Victoria?

The Amendment implements the objectives in section 4 of the *Planning and Environment Act 1987* (the Act). In particular, it supports the objectives to:

- (a) provide for the fair, orderly, economic and sustainable use, and development of land;
- (b) secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and Visitors to Victoria; and
- (c) balance the present and future interests of all Victorians.

How does the Amendment address any environmental, social and economic effects?

The Amendment will generate positive environmental, social and economic benefits by improving the overall clarity and consistency of the VPP and in turn provide greater certainty for applicants and responsible authorities. Administrative corrections to errors or omissions and clarification of existing provisions will improve the operation of planning schemes to ensure fair and reasonable planning outcomes that reflect current policy and facilitate the objectives of planning in Victoria.

Does the Amendment address relevant bushfire risk?

The Amendment will not increase the risk of life, property, community infrastructure and the natural environment from bushfire.

The Amendment inserts reference to the Bushfire Prone Area Map in the State Planning Policy Framework to help guide improved strategic planning that reflects bushfire risk in areas not subject to the Bushfire Management Overlay. The Amendment also makes a number of administrative corrections and other changes to bushfire related provisions to improve their clarity and operation. The changes will ensure these provisions can be interpreted correctly and that planning decisions continue to reflect bushfire risk where appropriate. The Country Fire Authority has been consulted on, and support the bushfire related changes in Amendment VC132.

Does the Amendment comply with the requirements of any Minister's Direction applicable to the Amendment?

The Amendment complies with all Ministerial Directions issued under section 12 of the Act.

The Amendment complies with the revised *Ministerial Direction on the Form and Content of Planning Schemes* issued under section 7(5) of the Act.

How does the Amendment support or implement the State Planning Policy Framework (SPPF)?

The Amendment supports or implements the broad objectives of the SPPF by ensuring that the SPPF itself continues to reflect current policy and is accurate.

The Amendment will support and implement Clause 13 (Environmental Risks) in particular by including reference to the Bushfire Prone Area Map under Clause 13.05 (Bushfire) to guide improved strategic planning for bushfire resilience and updating or correcting bushfire related provisions.

Does the Amendment make proper use of the Victoria Planning Provisions?

The Amendment makes proper use of the VPP by making administrative corrections and other assorted improvements to the VPP itself as described under 'What the Amendment does'.

How does the Amendment address the views of any relevant agency?

Amendment VC132 is a general amendment that includes changes to a broad selection of provisions in the VPP. Various government agencies and other entities were involved in the identification or preparation of particular changes that have been included in this Amendment including the Country Fire Authority, municipal councils, Planning Panels Victoria, Public Transport Victoria and the Victorian Civil and Administrative Tribunal.

Does the Amendment have a significant impact on the transport system, as defined by section 3 of the *Transport Integration Act 2010*?

The Amendment will not have a significant impact on the transport system as the changes include administrative corrections to errors or omissions and updates to reflect existing policy that will improve the overall efficiency and operation of the planning system.

Resource and administrative costs

What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

The Amendment is largely administrative in nature and will have minimal negative impacts on the resource and administrative costs of responsible authorities. However, the Amendment will have a positive impact in this regard as it clarifies and corrects elements of the VPP, including removing unnecessary permit requirements or enabling simpler permit requirements where appropriate.

Where you may inspect this Amendment

A copy of the Amendment can be inspected, free of charge, during office hours, at all municipal council offices in Victoria and at the following Department offices:

Barwon South West Region
Geelong office
Level 4
30-38 Lt Malop Street
GEELONG VIC 3220

Barwon South West Region
Warrambool office
703 Raglan Parade
WARRNAMBOOL VIC 3280

Gippsland Region
71 Hotham Street
TRARALGON VIC 3844

Grampians Region
Level 3, 402-406 Mair Street
BALLARAT VIC 3350

Hume Region
Level 1, 62 Ovens Street
WANGARATTA VIC 3676

Loddon Mallee Region
Cnr Midland Hwy and Taylor Street
EPSOM VIC 3551

The Amendment is also available for public inspection at www.delwp.vic.gov.au/public-inspection.

Planning and Environment Act 1987

**ALPINE, ALPINE RESORTS, ARARAT, BALLARAT, BANYULE,
BASS COAST, BAW BAW, BENALLA, BULOKE, CAMPASPE,
CARDINIA, CASEY, CENTRAL GOLDFIELDS, COLAC OTWAY,
CORANGAMITE, EAST GIPPSLAND, FRANKSTON, FRENCH
ISLAND AND SANDSTONE ISLAND, GANNAWARRA, GLENELG,
GOLDEN PLAINS, GREATER BENDIGO, GREATER GEELONG,
GREATER SHEPPARTON, HEPBURN, HINDMARSH, HORSHAM,
HUME, INDIGO, KNOX, LATROBE, LODDON, MACEDON RANGES,
MANNINGHAM, MANSFIELD, MAROONDAH, MELTON, MILDURA,
MITCHELL, MOIRA, MOORABOOL, MORNINGTON PENINSULA,
MOUNT ALEXANDER, MOYNE, MURRINDINDI, NILLUMBIK,
NORTHERN GRAMPPIANS, PYRENEES, QUEENSCLIFFE, SOUTH
GIPPSLAND, SOUTHERN GRAMPPIANS, STRATHBOGIE, SURF
COAST, SWAN HILL, TOWONG, WANGARATTA, WARRNAMBOOL,
WELLINGTON, WEST WIMMERA, WHITEHORSE, WHITTLESEA,
WODONGA, YARRA RANGES, AND YARRIAMBIACK PLANNING
SCHEMES**

AMENDMENT GC13

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Minister for Planning who is the planning authority for this amendment.

Land affected by the amendment

The amendment affects land in 64 planning schemes across Victoria where the Bushfire Management Overlay (BMO) has been applied in accordance with the criteria set out in *Planning Advisory Note 46 Bushfire Management Overlay Mapping Methodology and Criteria*.

The maps within each of the 64 planning schemes are detailed in the Instruction Sheet.

What the amendment does

The amendment introduces updated BMO mapping and the relevant provisions into planning schemes by:

- Inserting BMO maps into 64 planning schemes in a manner listed in the attached sheet.
- Inserting schedules to Clause 44.06 in 47 planning schemes
- Deleting redundant references to the Wildfire Management Overlay (WMO)

- Deleting the BMO (maps and ordinance) in some areas where the vegetation no longer meets the criteria as set out in Advisory Note 46
- Amending schedules to Clause 61.03 for planning schemes to update the maps listed in the scheme.

Strategic assessment of the amendment

Why is the amendment required?

There are currently significant areas of Victoria still at risk of extreme bushfire, including those affected by the 2009 Black Saturday bushfires, which are not included in the Bushfire Management Overlay. This amendment implements updated Bushfire Management Overlay mapping as part of the Victorian Government's commitment to implement all recommendations of the *2009 Victorian Bushfires Royal Commission*. It ensures the bushfire hazard is accurately mapped using a consistent criteria and that bushfire risk is adequately captured in the planning system.

In accordance with Recommendation 37 of the *2009 Victorian Bushfires Royal Commission*, the BMO mapping update was led by the Department of Environment, Land, Water and Planning (DELWP) in partnership between the Country Fire Authority (CFA) and consultation with councils, who provided feedback on local conditions. The introduced mapping is based on *Advisory Note 46: Bushfire Management Overlay Methodology and Criteria*, which sets a standardised mapping approach across Victoria. This mapping criteria provides consistency in the way the hazard is mapped and transparency for landowners and councils on the application of the overlay.

The amendment deletes redundant references to the Wildfire Management Overlay (WMO), replacing it with reference to the Bushfire Management Overlay (BMO).

The amendment also introduces BMO schedules, which streamline the planning permit process for applicants and councils by pre-setting bushfire protection measures and not requiring referral to the relevant fire authority if all of the requirements are met. The schedules provide certainty to landowners as to how the bushfire provisions apply to their land and a fast track process for applicants and council. Almost 70,000 properties will be included in a BMO schedule.

How does the amendment implement the objectives of planning in Victoria?

The amendment meets the objectives of planning as set out in the *Planning and Environment Act 1987*. In particular, it supports the objectives to:

- Provide for the fair, orderly, economic and sustainable use and development of land
- Secure a pleasant, efficient and safe working, living and recreational environment
- Facilitate development which achieves the objectives of planning in Victoria and planning objectives set up in planning schemes

How does the amendment address any environmental, social and economic effects?

The amendment will promote positive environmental, social and economic effects by providing consistency in the approach to mapping extreme bushfire hazard and the application of the Bushfire Management Overlay. It ensures that the risk of extreme bushfire is considered in decision-making for the development of land enabling planning authorities and responsible authorities to prioritise the protection of life.

Schedules to the Bushfire Management Overlay in some townships and localities provide a fast track pathway for applicants seeking to build a single dwelling, that will help to reduce the red tape and costs associated with applying for a planning permit.

Does the amendment address relevant bushfire risk?

The amendment addresses relevant bushfire risk by ensuring that bushfire hazard in Victoria is accurately mapped and identified in the planning scheme. The introduction of updated mapping ensures that extreme bushfire hazard is considered in areas at risk of bushfire and land owners and the community can access accurate and up to date bushfire hazard mapping through the planning scheme.

Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The amendment complies with all Ministerial Directions under Section 12 of the Act.

The amendment is consistent with the recently updated *Ministerial Direction on the Form and Content of Planning Schemes* under Section 7(5) of the Act which introduced an updated format for a Schedule to Clause 44.06 Bushfire Management Overlay.

How does the amendment support or implement the State Planning Policy Framework and any adopted State policy?

The amendment supports the Victorian Government's commitment to implement all of the recommendations of the *2009 Victorian Bushfires Royal Commission* in particular comprehensive and accurate mapping of the extreme bushfire hazard in Victoria.

The amendment supports and implements the updated bushfire provisions of the *State Planning Policy Framework Clause 13.05 – Bushfire*. In particular, the policy objective of strengthening community resilience to bushfire and the strategy of applying the best available science to identify vegetation, topographic and climate conditions that create a bushfire hazard.

How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The amendment introduces updated BMO mapping that accurately maps extreme bushfire hazard. This will support the consideration of bushfire hazard in the local planning policy framework and the municipal strategic statement.

Does the amendment make proper use of the Victoria Planning Provisions?

The amendment makes proper use of the Victoria Planning Provisions by introducing Clause 44.06 Bushfire Management Overlay and deleting redundant references to the WMO. It introduces schedules to the BMO to provide a precinct-wide approach and fast track pathway for certain areas within existing settlements in the BMO. The amendment is consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.

How does the amendment address the views of any relevant agency?

The amendment has been developed in conjunction with the CFA providing considerable input to the process of mapping and developing schedules.

Local councils have also been involved in verification of the mapping and made submission about both the mapping and the operation of the bushfire planning provisions. VC132 introduced just prior to this amendment has addressed some of the operational issues. The mapping verification process has addressed any issues with both the updated BMO maps and the mapping of schedules.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

The amendment will not have a significant impact on the transport system, as defined by Section 3 of the *Transport Integration Act 2010*.

Resource and administrative costs

What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

The Local Government Bushfire Planning Initiatives Fund has been established by DELWP to assist councils to implement the updated BMO mapping. This includes grants to assist with notifying residents. DELWP also provided councils with a package of communication materials to ensure they have the resources to appropriately respond to enquiries.

Expanding the area included in the BMO is likely to lead to an increase in planning permit applications under the BMO. However this increase in the administrative burden is mitigated to some extent through:

- Streamlined assessment processes in BMO schedules on 70,000 properties
- Planning permit exemptions for outbuildings under 100m²
- Removing the need to refer to the CFA outbuildings over 100m² that meet specified conditions.

Significantly these planning permit exemptions and streamlined processes apply to areas already in the existing BMO as well as those added in the BMO mapping update. Further, approximately 17,000 properties will be removed from the BMO.

Where you may inspect this amendment

The amendment is available for public inspection, free of charge, during office hours at the following places:

Alpine Shire Council
Great Alpine Road
Bright

Alpine Resorts Shire Council
Department of Environment, Land, Water
and Planning
8 Nicholson Street
East Melbourne

Ararat Shire Council
59 Vincent Street
Ararat

City of Ballarat
The Phoenix Building
25 Armstrong Street South
Ballarat

City of Banyule
Ivanhoe Service Centre
275 Upper Heidelberg Road
Ivanhoe

Bass Coast Shire Council
Wonthaggi Civic Centre
76 McBride Avenue
Wonthaggi

Baw Baw Shire Council
Warragul Customer Service Centre
61 Smith Street
Warragul

Benalla Shire Council

1 Bridge Street East
Benalla

Buloke Shire Council

367 Broadway
Wycheproof

Campaspe Shire Council

2 Heygarth Street
Echuca

Cardinia Shire Council

20 Siding Avenue
Officer

City of Casey

Magid Drive
Narre Warren

Central Goldfields Shire Council

12-22 Nolan Street
Maryborough

Colac Otway Shire Council

2-6 Rae St
Colac

Corangamite Shire Council

181 Manifold Street
Camperdown

East Gippsland Shire Council

273 Main Street
Bairnsdale

Frankston City Council

Frankston City Council Civic Centre
30 Davey Street
Frankston

**French Island and Sandstone Island
Shire Council**

Department of Environment, Land,
Water and Planning
8 Nicholson Street
East Melbourne

Gannawarra Shire Council

47 Victoria Street
Kerang

Glenelg Shire Council

71 Cliff Street
Portland

Golden Plains Shire Council

2 Pope Street
Bannockburn

Greater Bendigo

195-229 Lyttleton Terrace
Bendigo

Greater Geelong

Customer Service Centre, Ground Floor
100 Brougham Street
Geelong

Greater Shepparton

90 Welsford Street
Shepparton

Hepburn Shire Council

76 Vincent Street
Daylesford

Hindmarsh Shire Council

Administrative Centre
92 Nelson Street
Nhill

Horsham Shire Council

18 Roberts Avenue
Horsham

Hume City Council

Broadmeadows office
1079 Pascoe Vale Road
Broadmeadows

Indigo Shire Council

Yackandandah Offices
34 High Street
Yackandandah

Knox City Council

511 Burwood Highway
Wantima South

Latrobe Shire Council

141 Commercial Road
Morwell

Loddon Shire Council

41 High Street
Wedderburn

Macedon Ranges Shire Council

Gisborne Administration Centre

40 Robertson Street
Gisborne

Manningham City Council
699 Doncaster Road
Doncaster
Mansfield Shire Council
33 Highett Street
Mansfield

Maroondah City Council
City Offices Service Centre
Braeside Avenue, Ringwood

Melton City Council
232 High Street
Melton

Mildura Shire Council
108-116 Madden Avenue
Mildura

Mitchell Shire Council
113 High Street
Broadford

Moira Shire Council
Main Administration Centre
44 Station Street
Cobram

Moorabool Shire Council
Council office
15 Stead Street
Ballan

Mornington Peninsula Shire Council
Mornington Office
2 Queen Street
Mornington

Mount Alexander Shire Council
Town Hall, 25 Lyttleton Street
Castlemaine

Moyne Shire Council
Princes Street
Port Fairy

Murrindindi Shire Council
Council offices
Perkins Street
Alexandra

Nillumbik Shire Council

Council Offices
Civic Drive
Greensborough

Northern Grampians Shire Council
56-69 Main Street
Stawell

Pyrenees Shire Council
Council Shire Offices
5 Lawrence Street
Beaufort

Borough of Queenscliffe
50 Leamonth Street
Queenscliffe

South Gippsland Shire Council
9 Smith Street
Leongatha

Southern Grampians Shire Council
111 Brown Street
Hamilton

Strathbogie Shire Council
109a Binney Street
Euroa

Surf Coast Shire Council
1 Merrijig Drive
Torquay

Swan Hill Rural City Council
45 Splatt Street
Swan Hill

Towong Shire Council
32 Towong Street
Tallangatta

Rural City of Wangaratta
62-68 Ovens Street
Wangaratta

Warmambool Shire Council
25 Liebig Street
Warrambool

Wellington Shire Council
Sale Service Centre
18 Dasally Street
Sale

West Wimmera Shire Council
49 Elizabeth Street
Edenhope

Whitehorse City Council
379-397 Whitehorse Road
Nunawading.

Whittlesea City Council

The amendment can also be inspected free of charge at the Department of Environment,
Land, Water and Planning website at www.planning.vic.gov.au/public-inspection.

25 Ferres Boulevard
South Morang

Wodonga Shire Council
104 Hovell Street
Wodonga

Yarra Ranges Shire Council
15 Anderson Street
Lilydale

44.06 BUSHFIRE MANAGEMENT OVERLAY

19/09/2017
VC132

Shown on the planning scheme map as **BMO** with a number (if shown).

Purpose

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

To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.

To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.

To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

44.06-1 Bushfire management objectives and application of schedules

19/09/2017
VC132

A schedule to this overlay must contain a statement of the bushfire management objectives to be achieved for the area affected by the schedule and when the requirements within it apply.

44.06-2 Permit requirement

19/09/2017
VC132

Subdivision

A permit is required to subdivide land. This does not apply if a schedule to this overlay specifically states that a permit is not required.

Buildings and works

A permit is required to construct a building or construct or carry out works associated with the following uses:

- Accommodation (including a Dependent person's unit)
- Child care centre
- Education centre
- Hospital
- Industry
- Leisure and Recreation
- Office
- Place of assembly
- Retail premises
- Service station
- Timber production
- Warehouse

This does not apply to any of the following:

- If a schedule to this overlay specifically states that a permit is not required.
- A building or works consistent with an agreement under Section 173 of the Act prepared in accordance with a condition of permit issued under the requirements of Clause 44.06-5.

- An alteration or extension to an existing building used for a dwelling or a dependent person's unit that is less than 50 percent of the gross floor area of the existing building.
- An alteration or extension to an existing building (excluding a dwelling and a dependent person's unit) that is less than 10 percent of the gross floor area of the existing building.
- A building or works with a floor area of less than 100 square metres not used for accommodation and ancillary to a dwelling.
- A building or works associated with Timber production provided the buildings or works are not within 150 metres of Accommodation or land zoned for residential or rural residential purposes.

44.06-3 Application requirements

19/09/2017
VC132

Unless a schedule to this overlay specifies different requirements, an application must be accompanied by:

- A **bushfire hazard site assessment** including a plan that describes the bushfire hazard within 150 metres of the proposed development. The description of the hazard must be prepared in accordance with Sections 2.2.3 to 2.2.5 of AS3959:2009 Construction of buildings in bushfire prone areas (Standards Australia) excluding paragraph (a) of section 2.2.3.2. Photographs or other techniques may be used to assist in describing the bushfire hazard.
- A **bushfire hazard landscape assessment** including a plan that describes the bushfire hazard of the general locality more than 150 metres from the site. Photographs or other techniques may be used to assist in describing the bushfire hazard. This requirement does not apply to a dwelling that includes all of the approved measures specified in Clause 52.47-1.
- A **bushfire management statement** describing how the proposed development responds to the requirements in this clause and Clause 44.06. If the application proposes an alternative measure, the bushfire management statement must explain how the alternative measure meets the relevant objective.

If in the opinion of the responsible authority any part of these requirements is not relevant to the assessment of an application, the responsible authority may waive, vary or reduce the requirement.

44.06-4 Requirements of Clause 52.47

19/09/2017
VC132

An application must meet the requirements of Clause 52.47 unless the application meets all of the requirements specified in a schedule to this overlay.

A schedule to this overlay may specify substitute approved measures, additional alternative measures and additional or substitute decision guidelines for the purposes of Clause 52.47.

44.06-5 Mandatory condition

19/09/2017
VC132

Subdivision

A permit which creates a lot for a single dwelling on land zoned for residential or rural residential purposes must include the following condition:

"Before the statement of compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement must:

- *State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the [*insert name of applicable planning scheme] Planning Scheme.*

- *Incorporate the plan prepared in accordance with Clause 52.47-2.4 of this planning scheme and approved under this permit.*
- *State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.*

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement."

This does not apply:

- If a schedule to this overlay specifies that a Section 173 Agreement is not required.
- Where the relevant fire authority states in writing the preparation of an agreement under Section 173 of the Act is not required for the subdivision.
- For the subdivision of the land into lots each containing an existing dwelling or car parking space.

A permit to subdivide land must include any condition specified in a schedule to this overlay.

Buildings and works

A permit to construct a building or construct or carry out works must include the following condition:

"The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed."

A permit allowing a dwelling to be constructed to the next lower bushfire attack level in accordance with AM1.2 in Clause 52.47-1 must include the following condition:

"Before the development starts, the owner must enter into an agreement with the responsible authority under section 173 of the Planning and Environment Act 1987 to provide for the following:

- *A dwelling constructed in accordance with planning permit [*insert planning permit reference] must not be occupied until a private bushfire shelter (a Class10c building within the meaning of the Building Regulations 2006) is:*
 - *Constructed on the same land as the dwelling.*
 - *Available for use by the occupants of the dwelling at all times.*
 - *Maintained in accordance with the requirements of the building permit issued for that private bushfire shelter.*

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement."

A permit to construct a building or construct or carry out works must include any condition specified in a schedule to this overlay.

44.06-6

19/09/2017
VC132

Referral of applications

An application must be referred under Section 55 of the Act to the person or body specified as the referral authority in Clause 66.03, unless a schedule to this overlay specifies otherwise.

44.06-7 Notice and review

19/09/2017
VC132

An application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act, unless a schedule to this overlay specifies otherwise.

A schedule to this overlay may specify that notice be given to any person or body in accordance with Section 52(1)(c) of the Act.

44.06-8 Decision guidelines

19/09/2017
VC132

Before deciding on an application, in addition to the decision guidelines in Clause 52.47 and Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Any other matters specified in a schedule to this overlay.

44.06-9 Transitional arrangements

19/09/2017
VC132

The requirements of Clause 44.06 Bushfire Management Overlay do not apply to a single dwelling, or a dependent person's unit, when a permit under the *Building Act 1993* was issued before the commencement of Amendment GC13, if:

- vegetation is managed to accord with the bushfire attack level assessment undertaken at the time the building permit was issued; and
- a static water supply of:
 - 2500 litres on lots of 500 square metres or less
 - 5000 litres on lots of more than 500 square metres,is provided to the satisfaction of the responsible authority.
- no permit was required for such development under Clause 44.06 before the commencement of Amendment GC13.

Notes: Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of land.

Check the requirements of the zone which applies to the land.

Other requirements may also apply. These can be found at Particular Provisions.

STRATHBOGIE PLANNING SCHEME

03/10/2017
GC13

SCHEDULE 1 TO CLAUSE 44.06 BUSHFIRE MANAGEMENT OVERLAY

Shown on the planning scheme map as **BMO1**.

EUROA BAL-12.5 AREAS

1.0

03/10/2017
GC13

Statement of the bushfire management objectives to be achieved

To specify bushfire protection measures to construct or extend one dwelling on a lot.
To specify referral requirements for applications to construct or extend one dwelling on a lot.

Application

The application to construct or extend one dwelling on a lot must include all the requirements set out in this schedule.
Clause 52.47 applies in all other circumstances.

2.0

03/10/2017
GC13

Permit requirement

None specified.

3.0

03/10/2017
GC13

Application requirements

An application must be accompanied by a bushfire management plan that:

- Shows all of the required bushfire protection measures specified in this schedule,
- Includes written conditions that implement the required bushfire protection measures,
- Identifies water supply including the location of any fire hydrant within 120 metres of the rear of the building, and
- Details vehicle access.

4.0

03/10/2017
GC13

Requirements to be met

The following requirements apply to an application to construct a single dwelling on a lot:

- The dwelling must be constructed to BAL-12.5
- Defendable space is to be provided for a distance of 30 metres around the dwelling or to the property boundary, whichever is the lesser and maintained in accordance with the vegetation management requirements of Clause 52.47 with the following variation:
 - The canopy of trees must be separated by at least 2 metres.
- A static water supply must be provided in accordance with Clause 52.47, and
- Vehicle access must be provided in accordance with Clause 52.47.

If these requirements are not met, the requirements of Clause 52.47 apply.

5.0

03/10/2017
GC13

Substitute approved measures for Clause 52.47

None specified.

6.0

03/10/2017
GC13

Additional alternative measures for Clause 52.47

None specified.

STRATHBOGIE PLANNING SCHEME

7.0 Mandatory Condition

03/10/2017
GC13

An application must include the mandatory conditions as specified in Clause 44.06-4.

8.0 Referral of application not required

03/10/2017
GC13

An application for a single dwelling on a lot meeting all of the required bushfire protection measures is not required to be referred under Section 55 of the Act to the person or body specified as the referral authority in Clause 66.03.

9.0 Notice and review

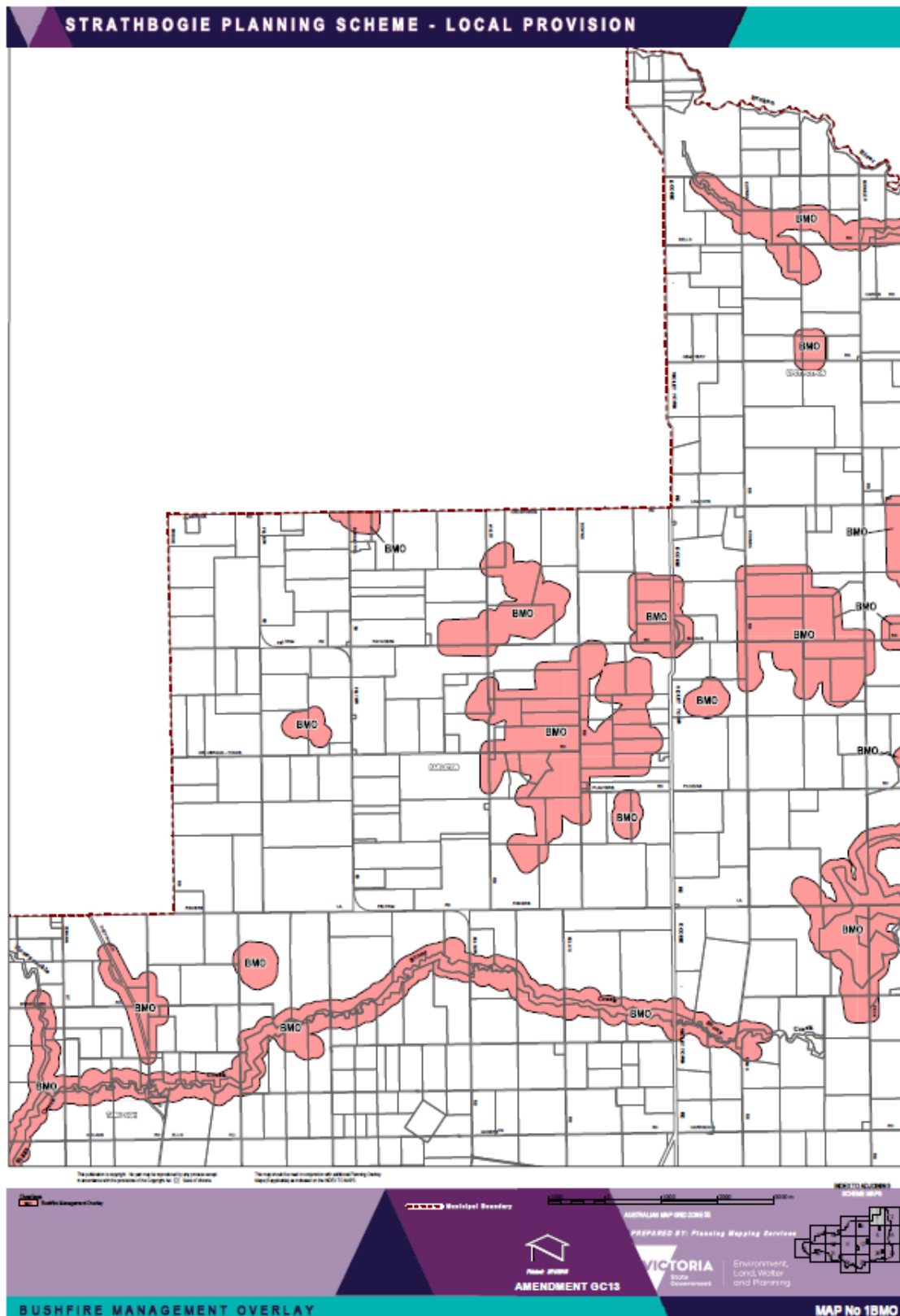
03/10/2017
GC13

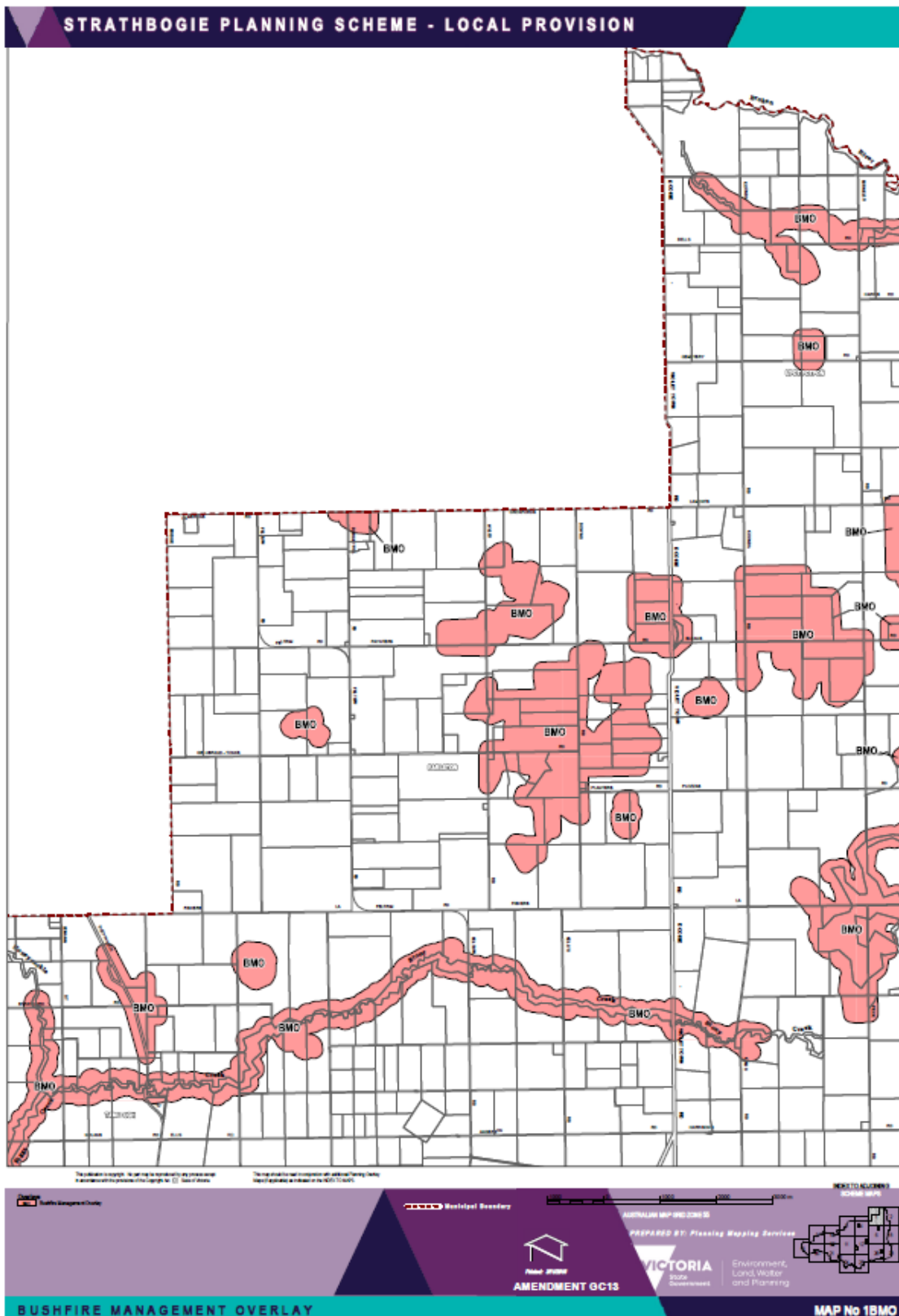
None specified.

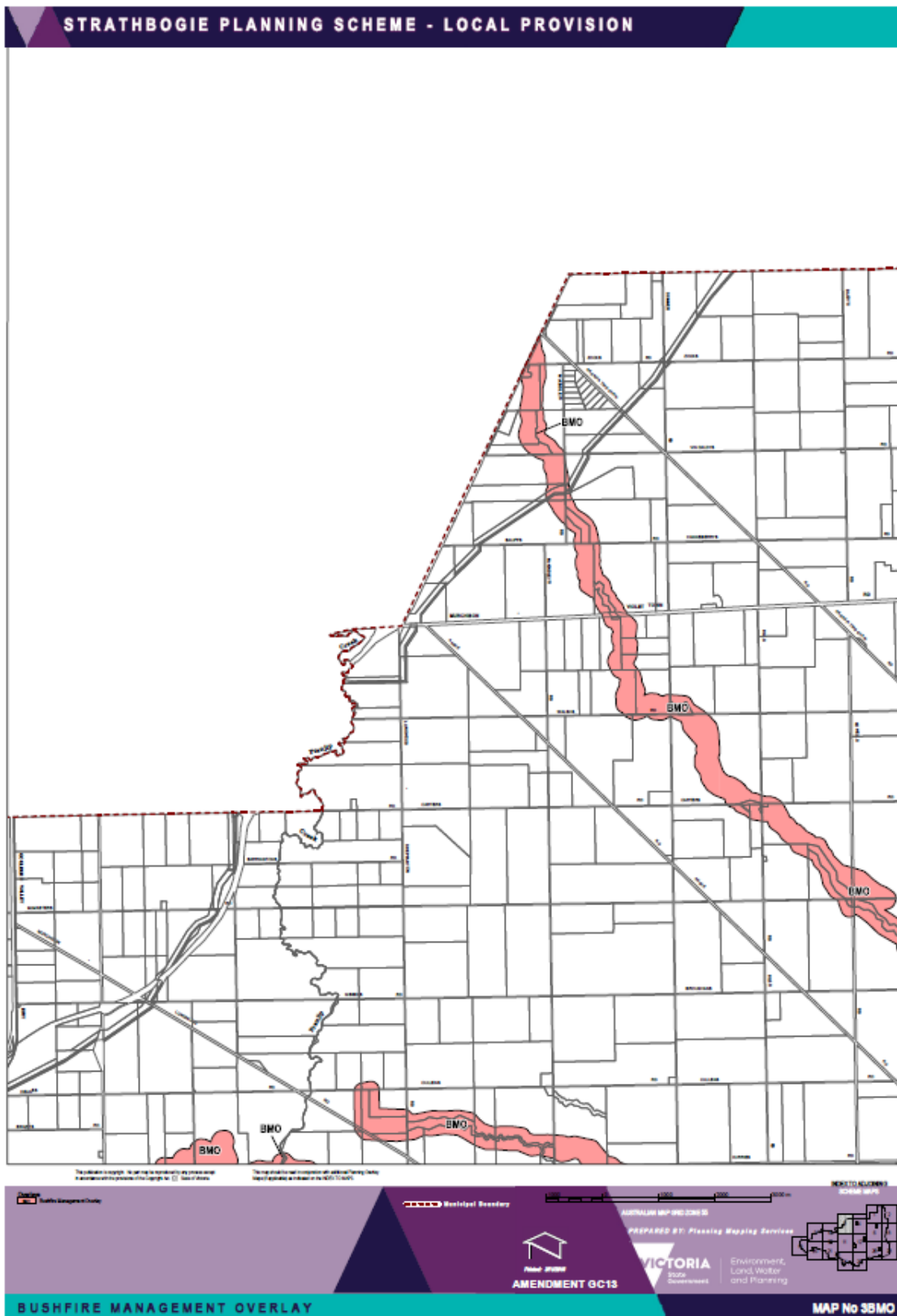
10.0 Decision guidelines

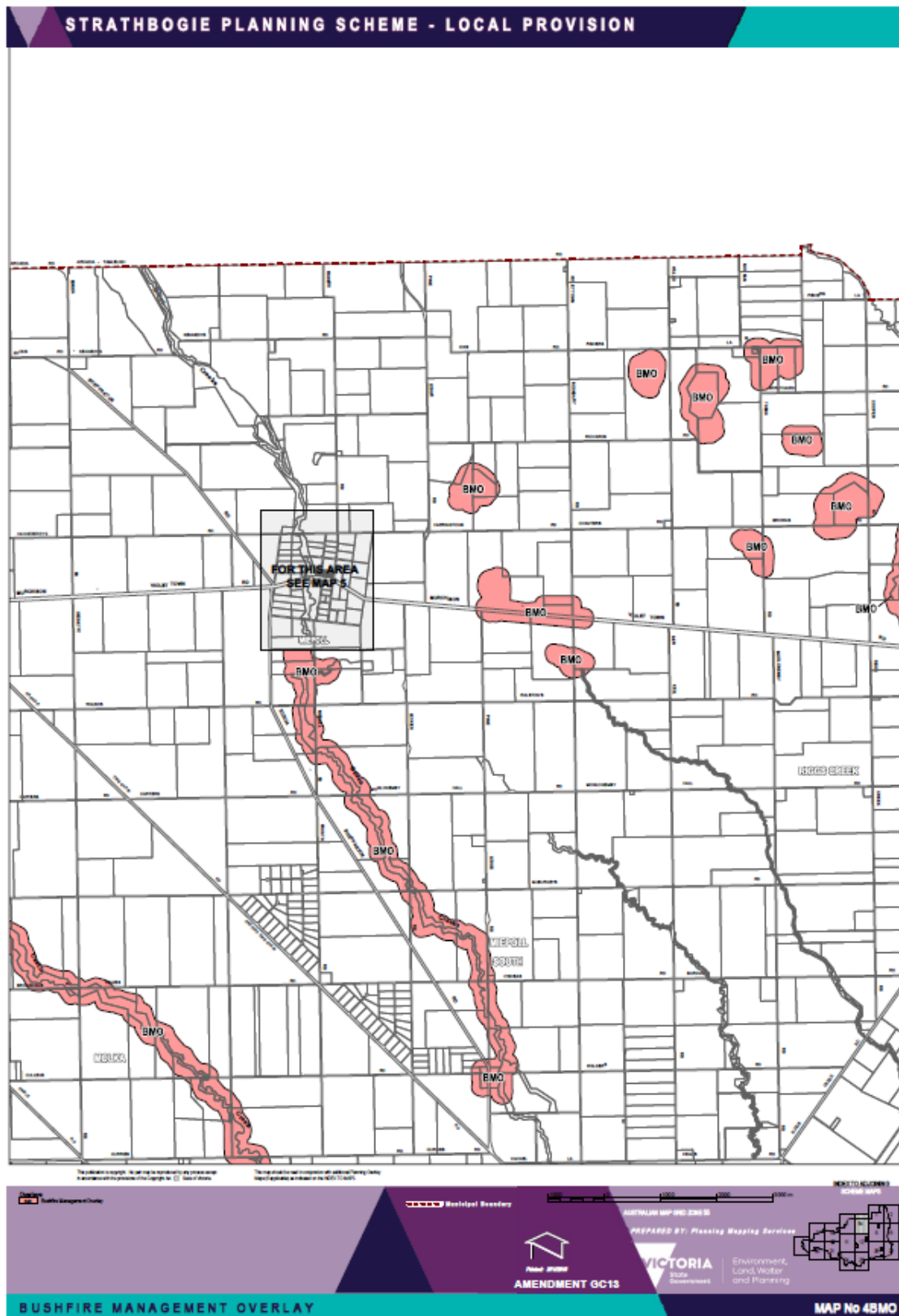
03/10/2017
GC13

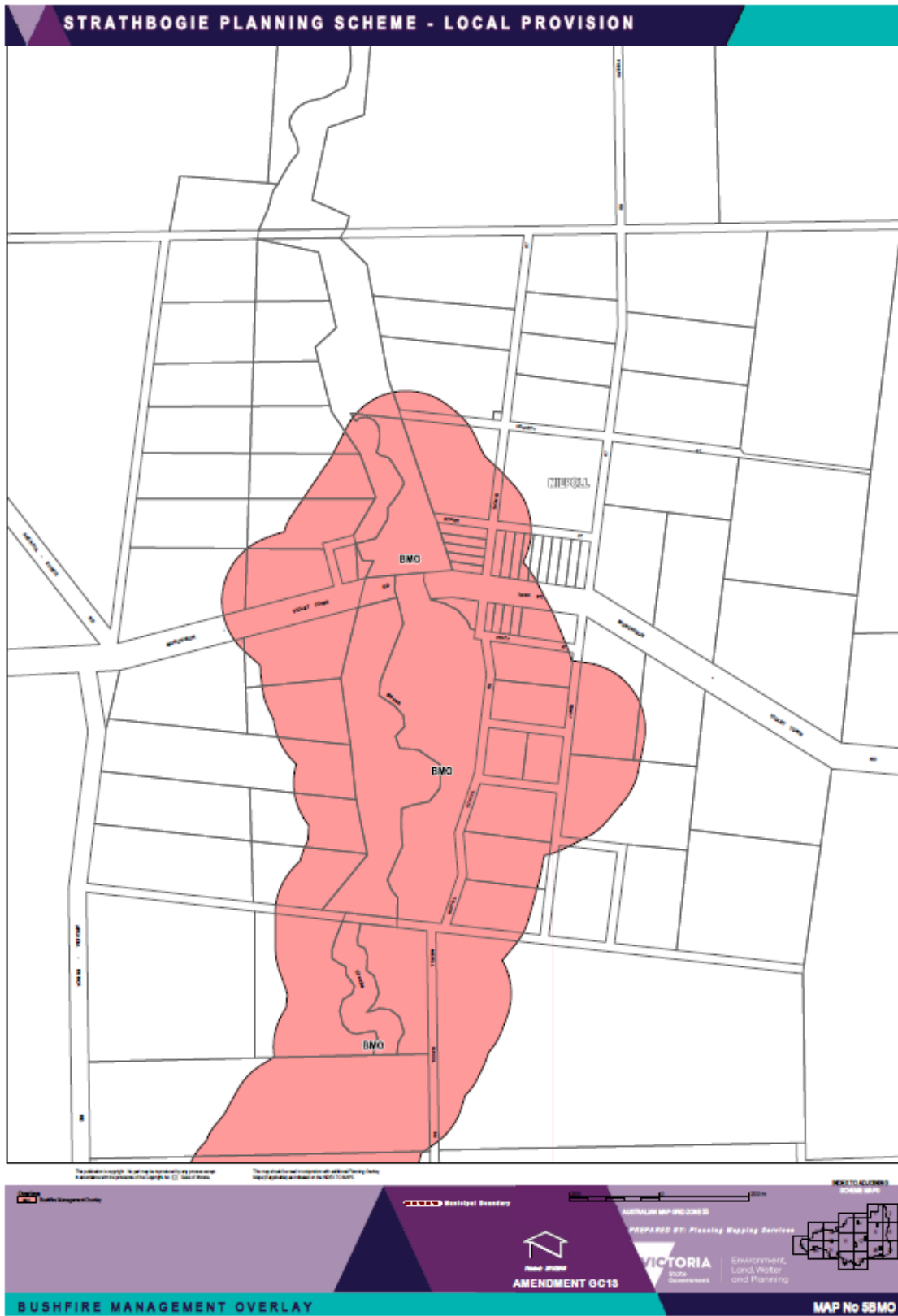
Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider whether all of the bushfire protection measures in this schedule have been met.

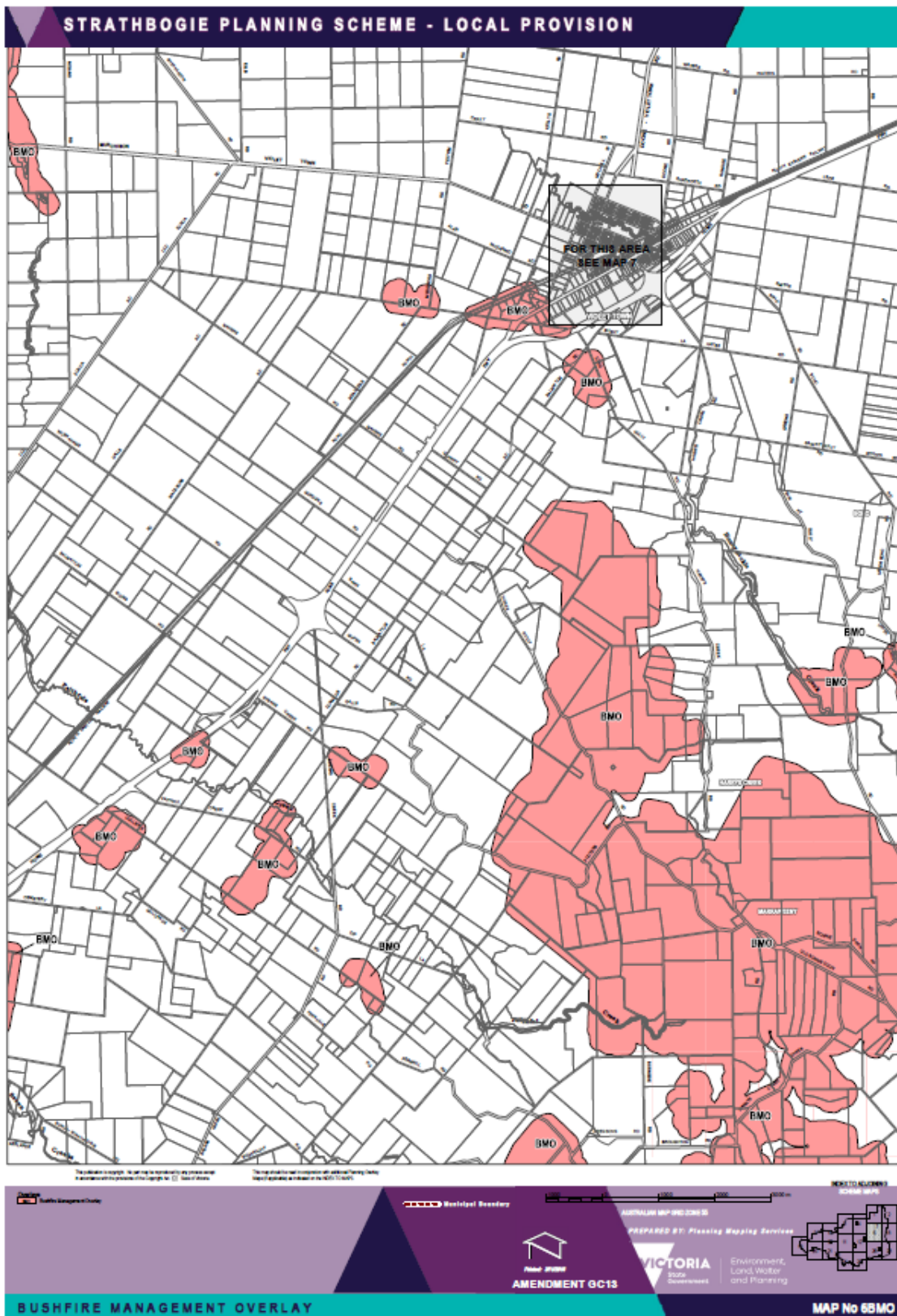




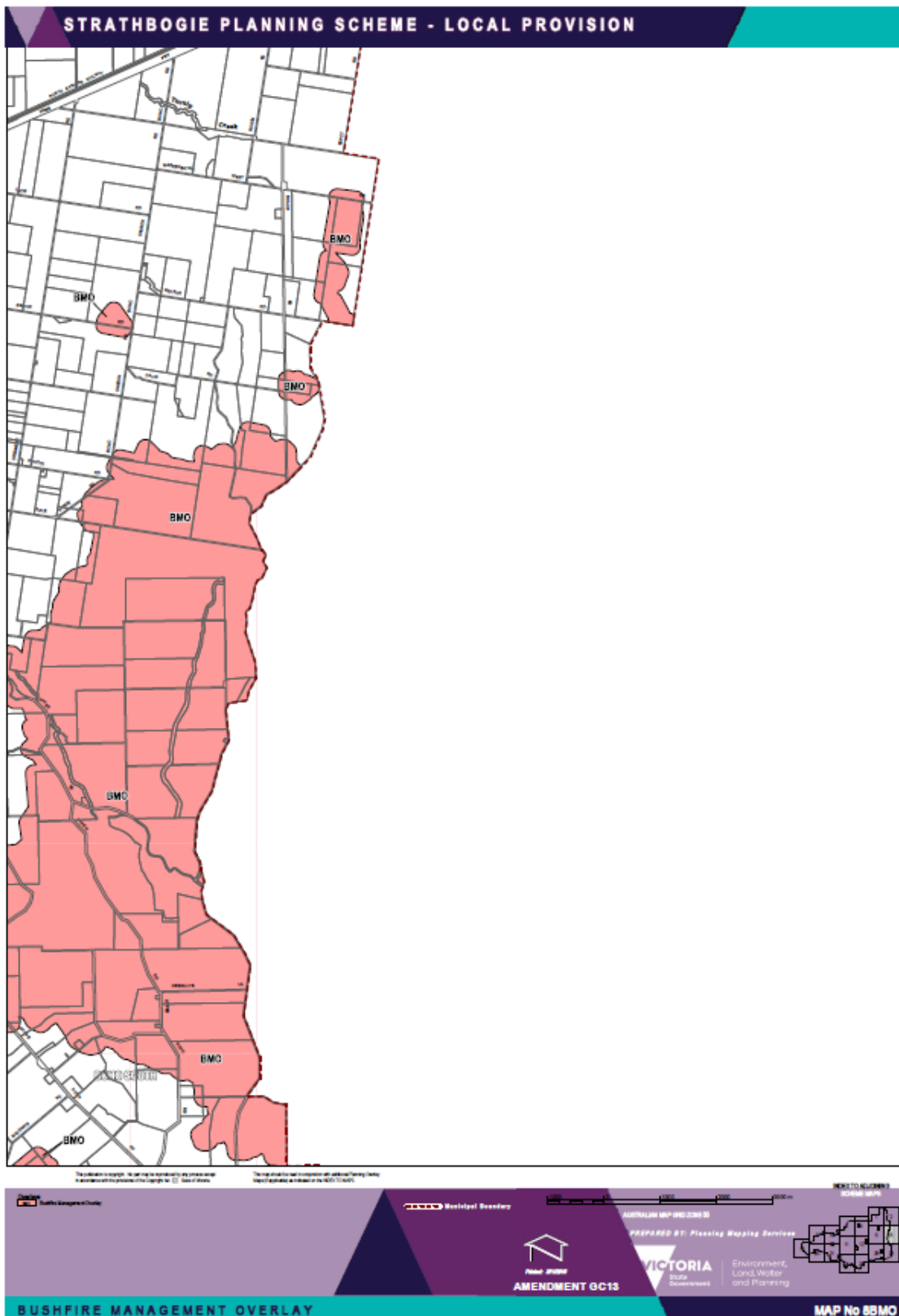


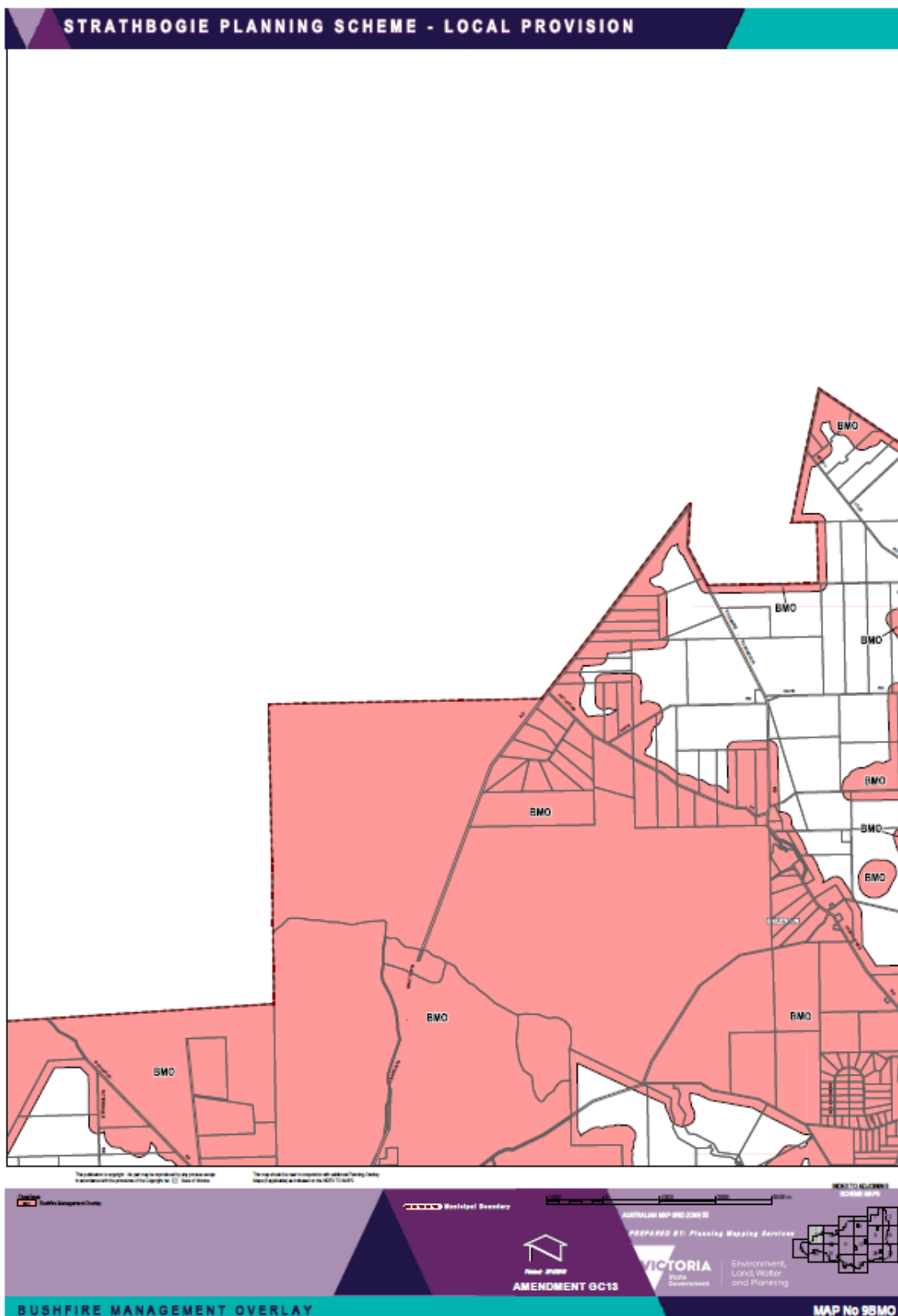


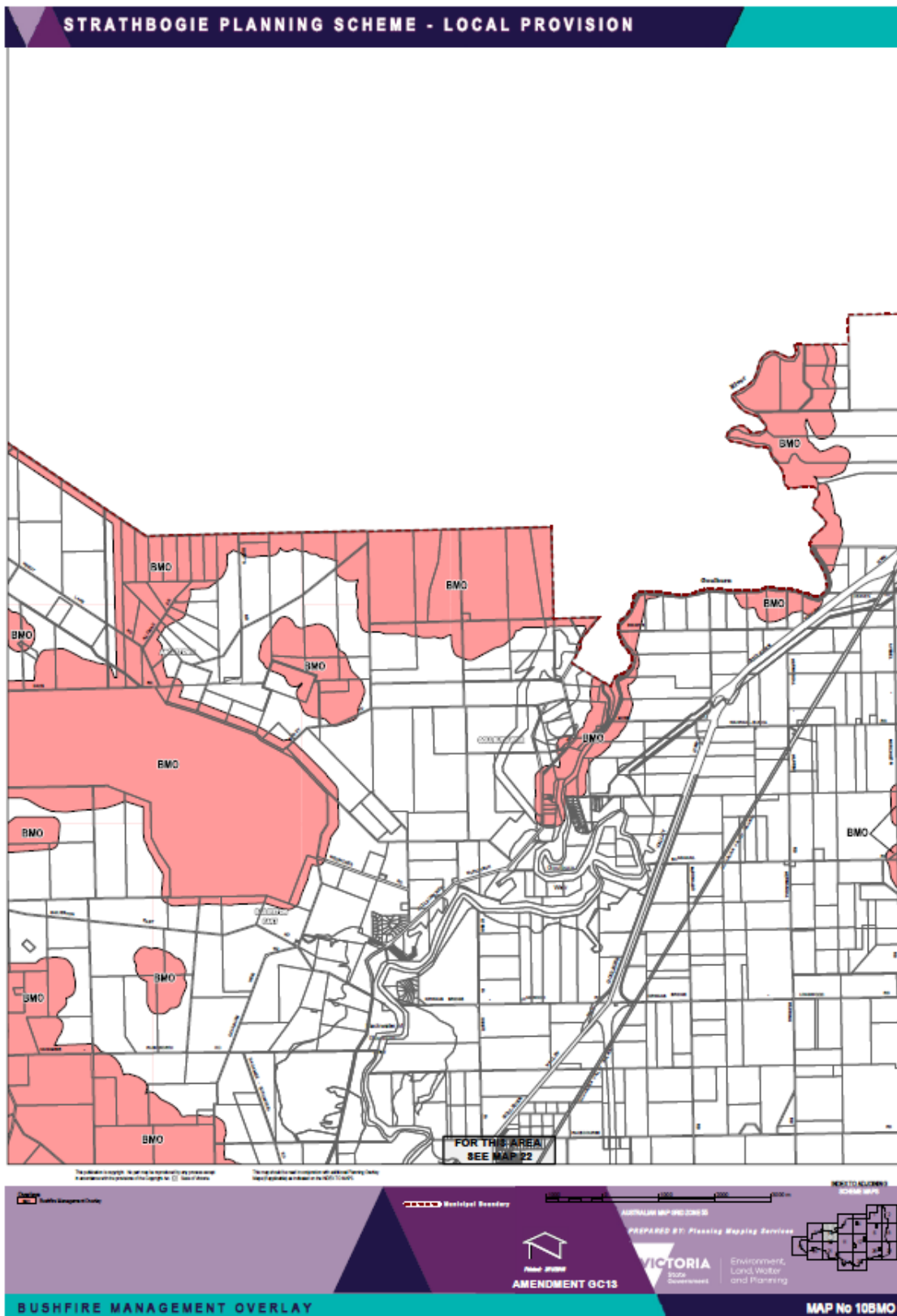


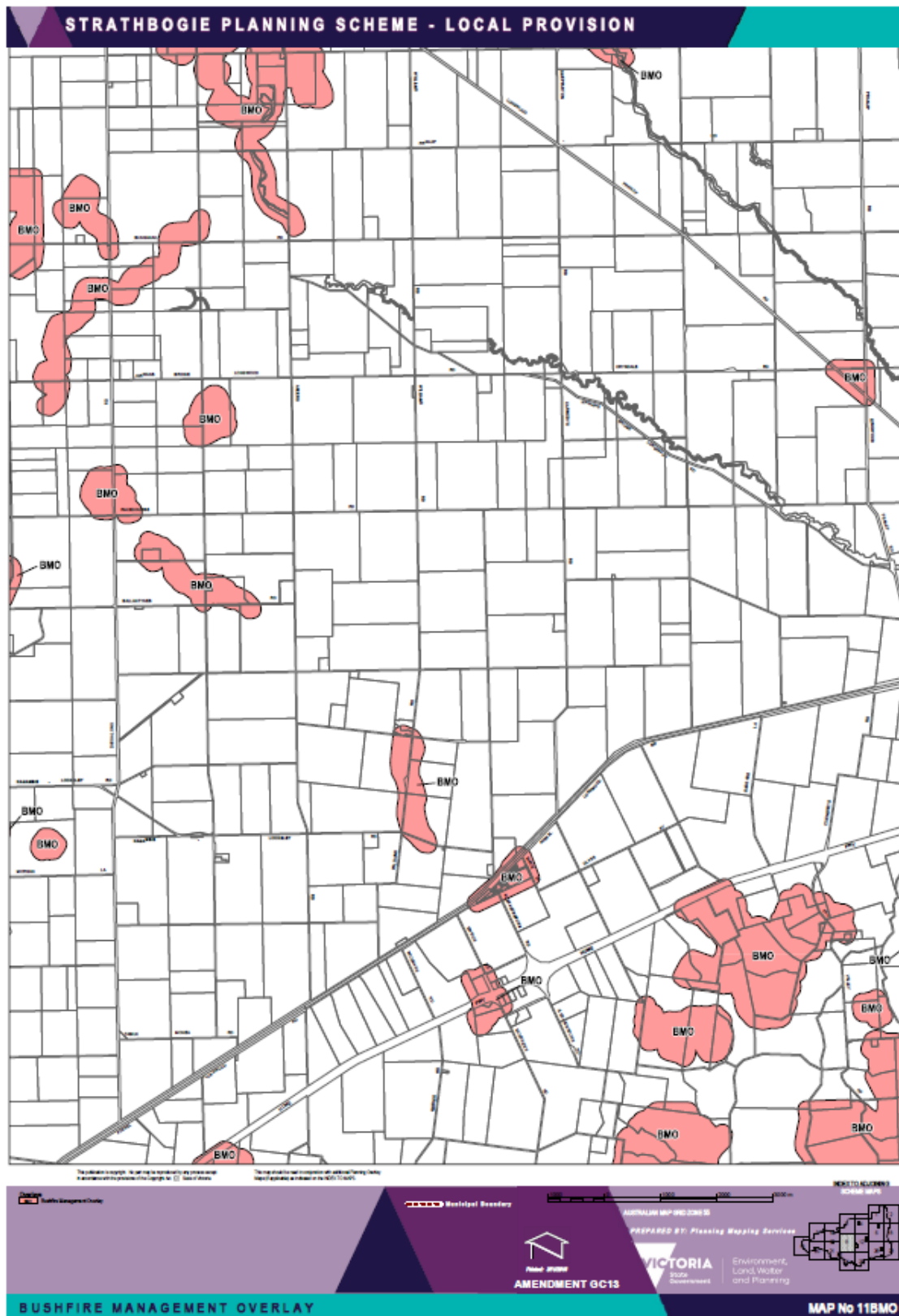


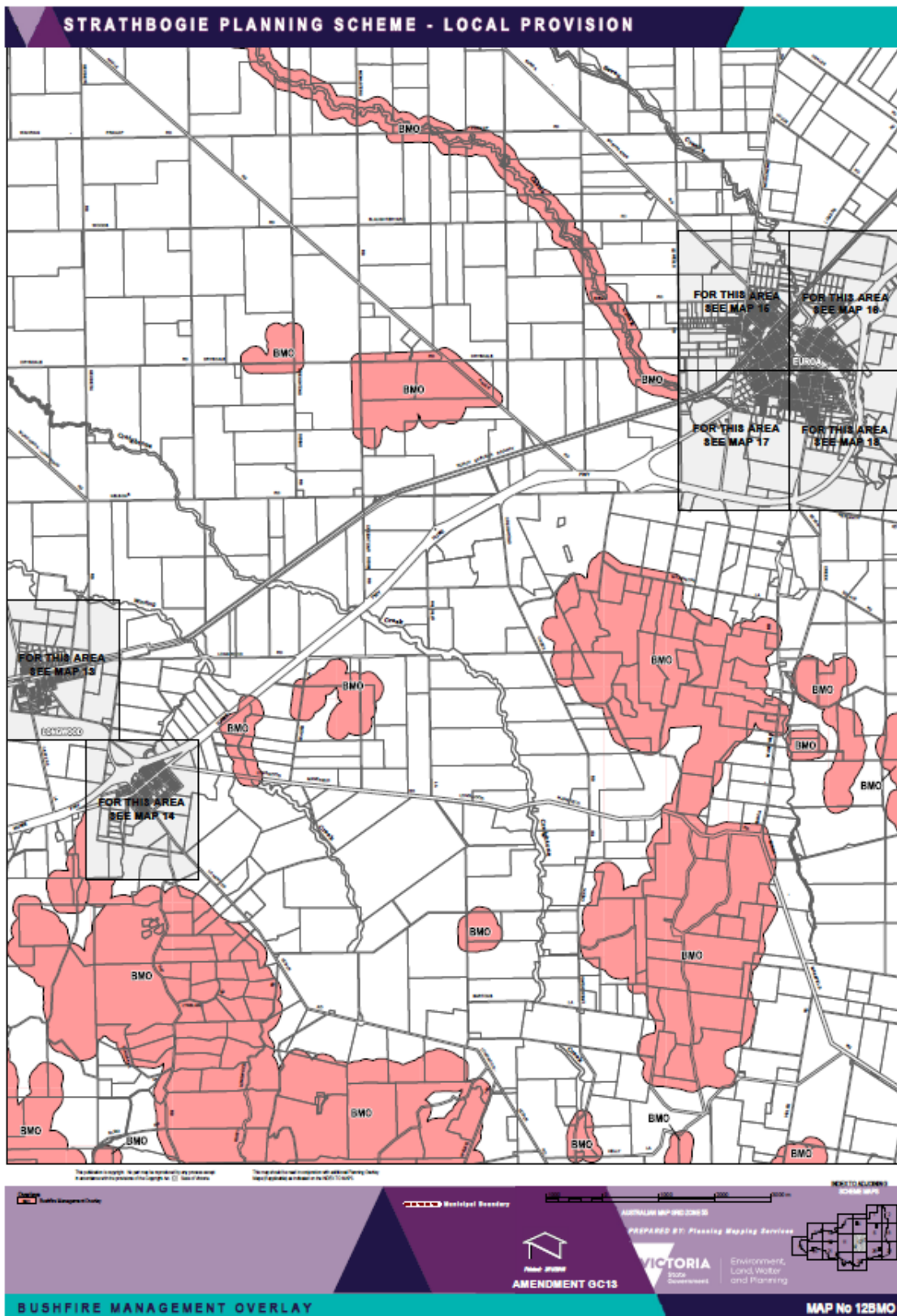




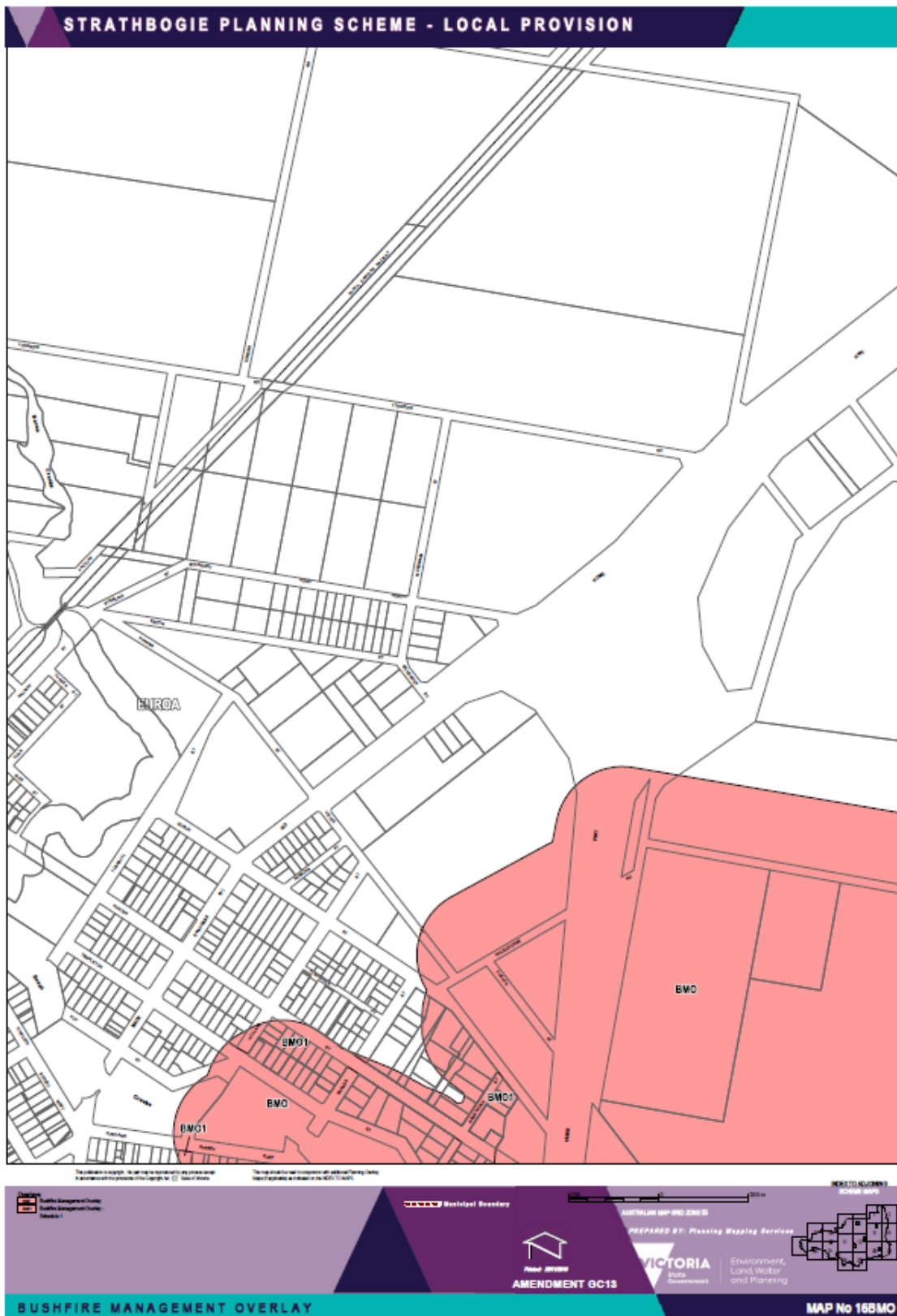




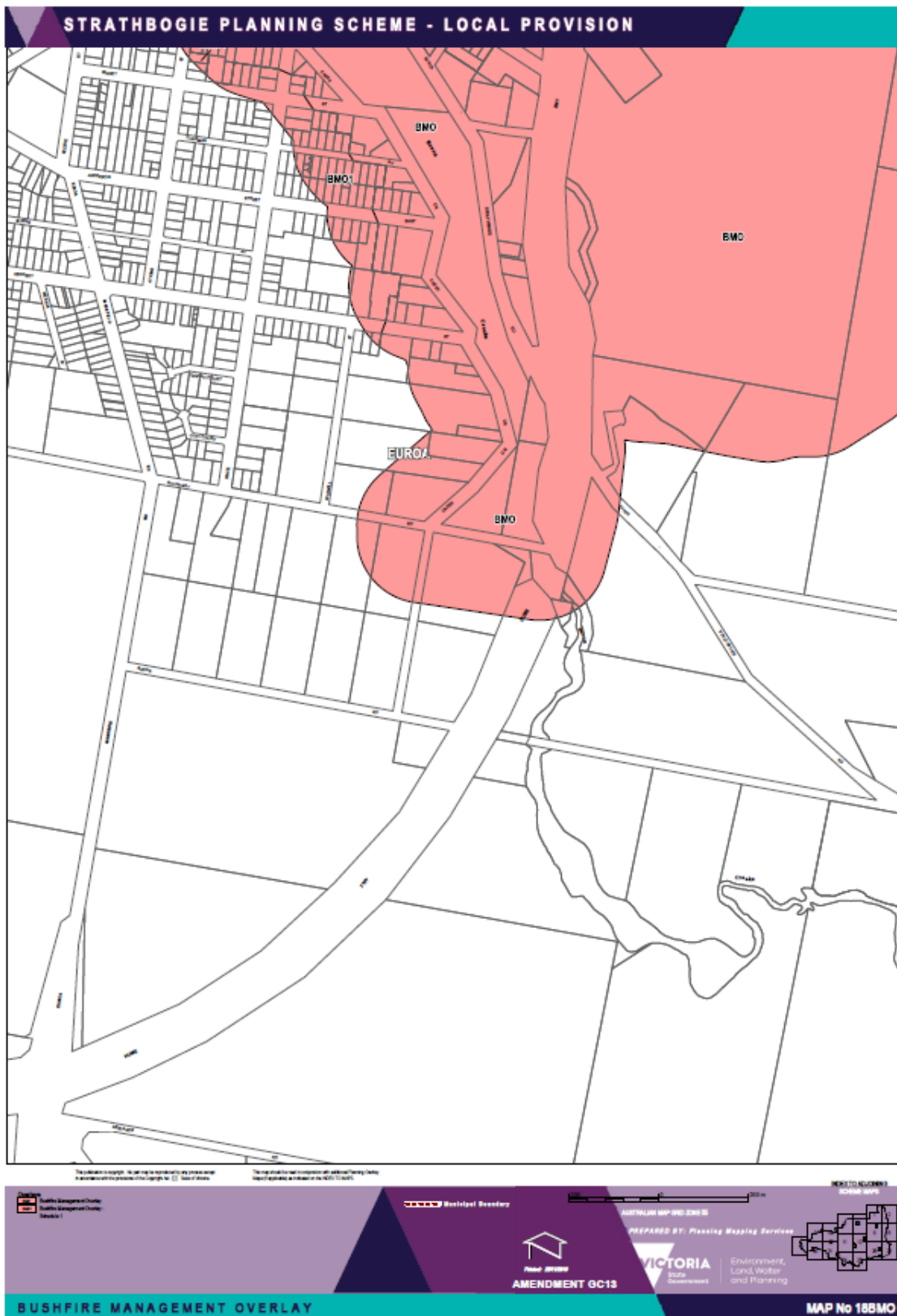


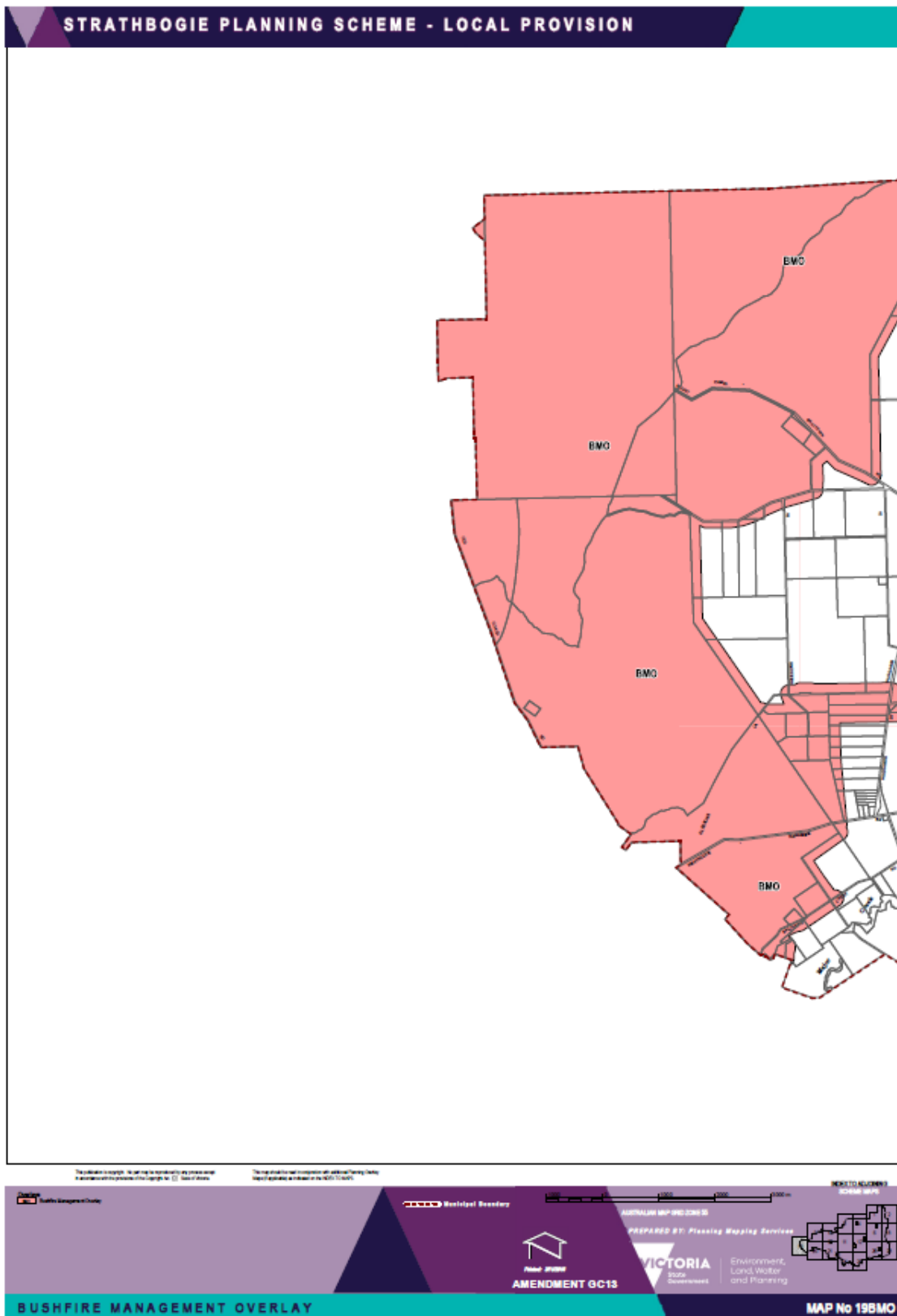


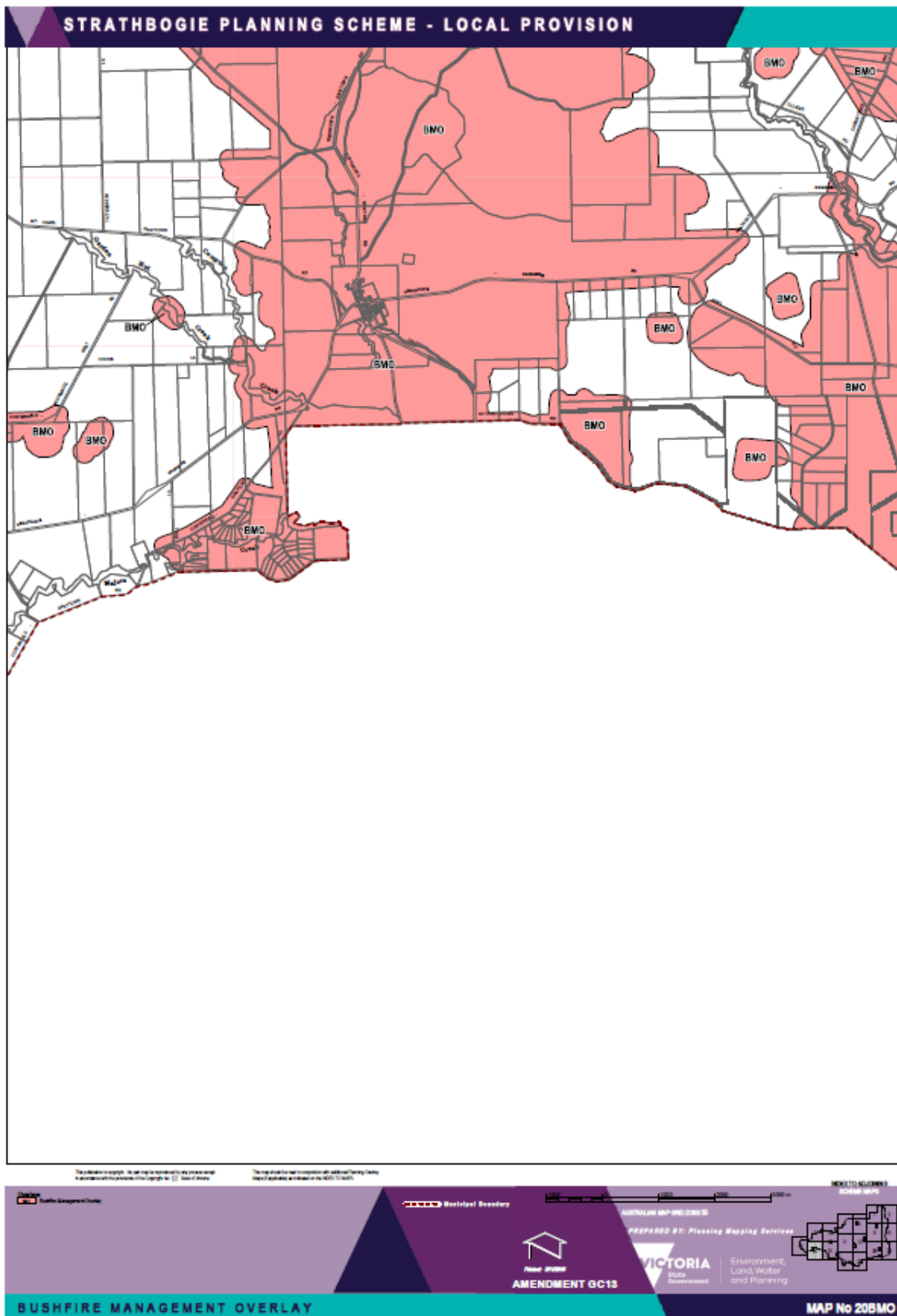


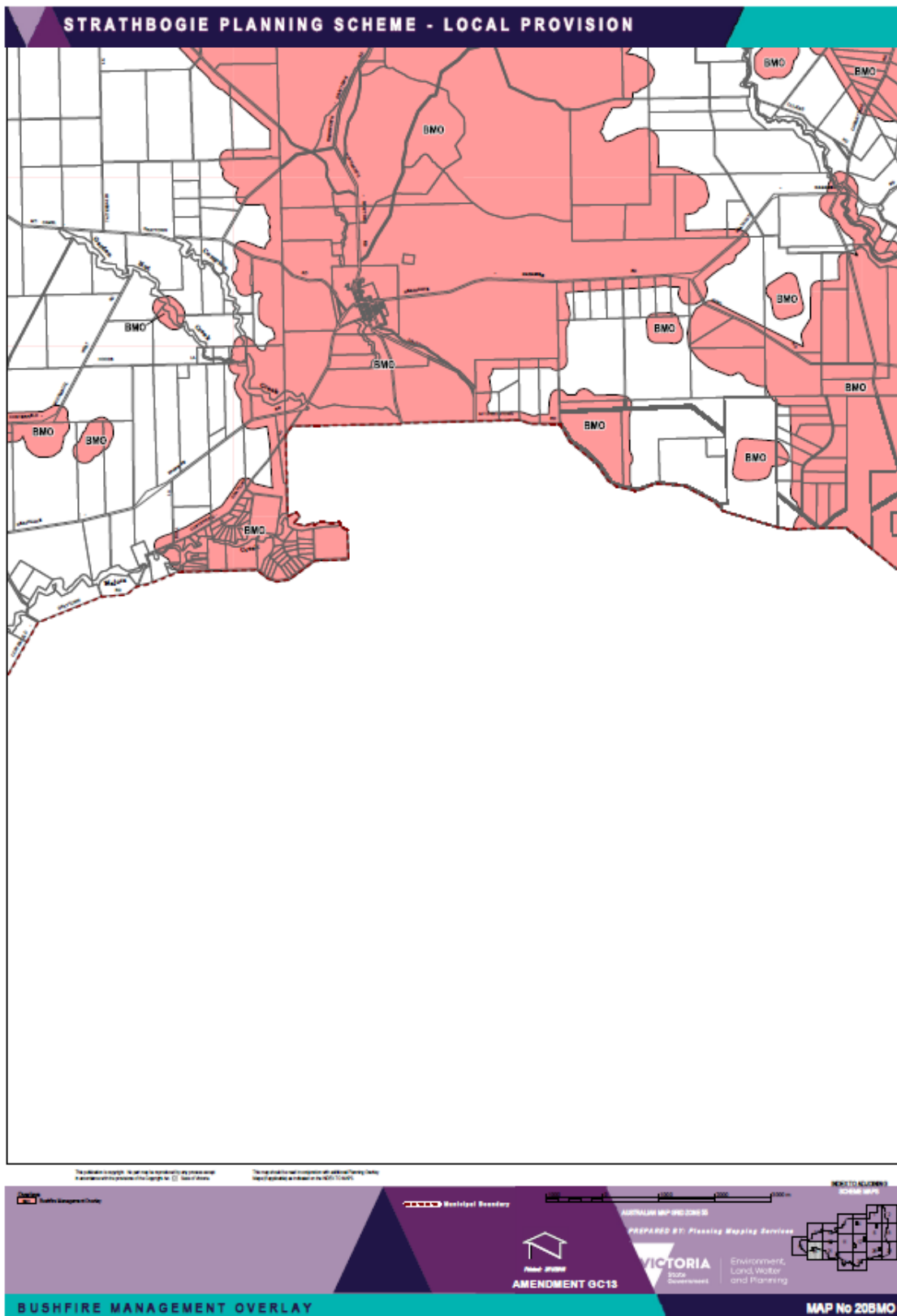


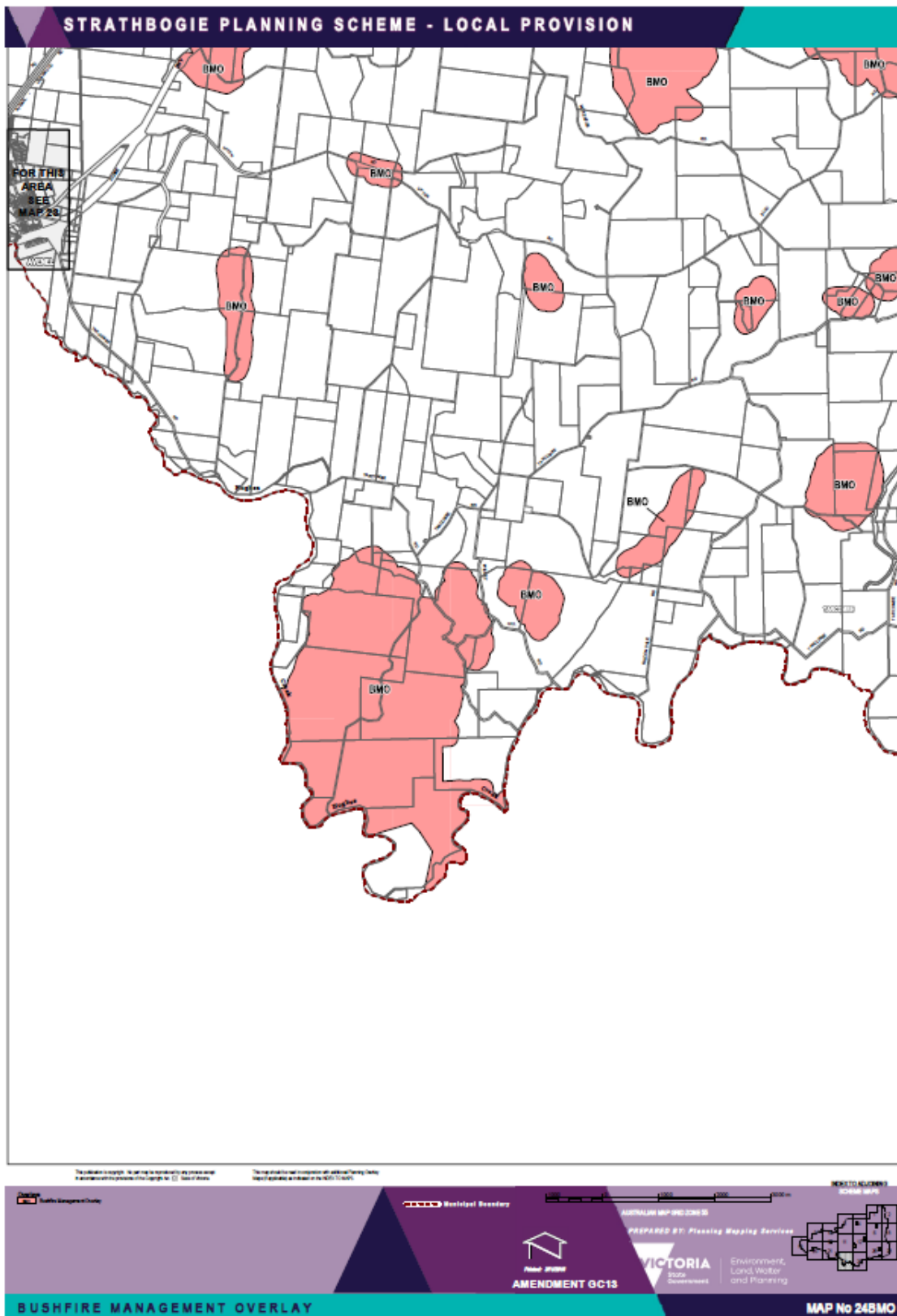


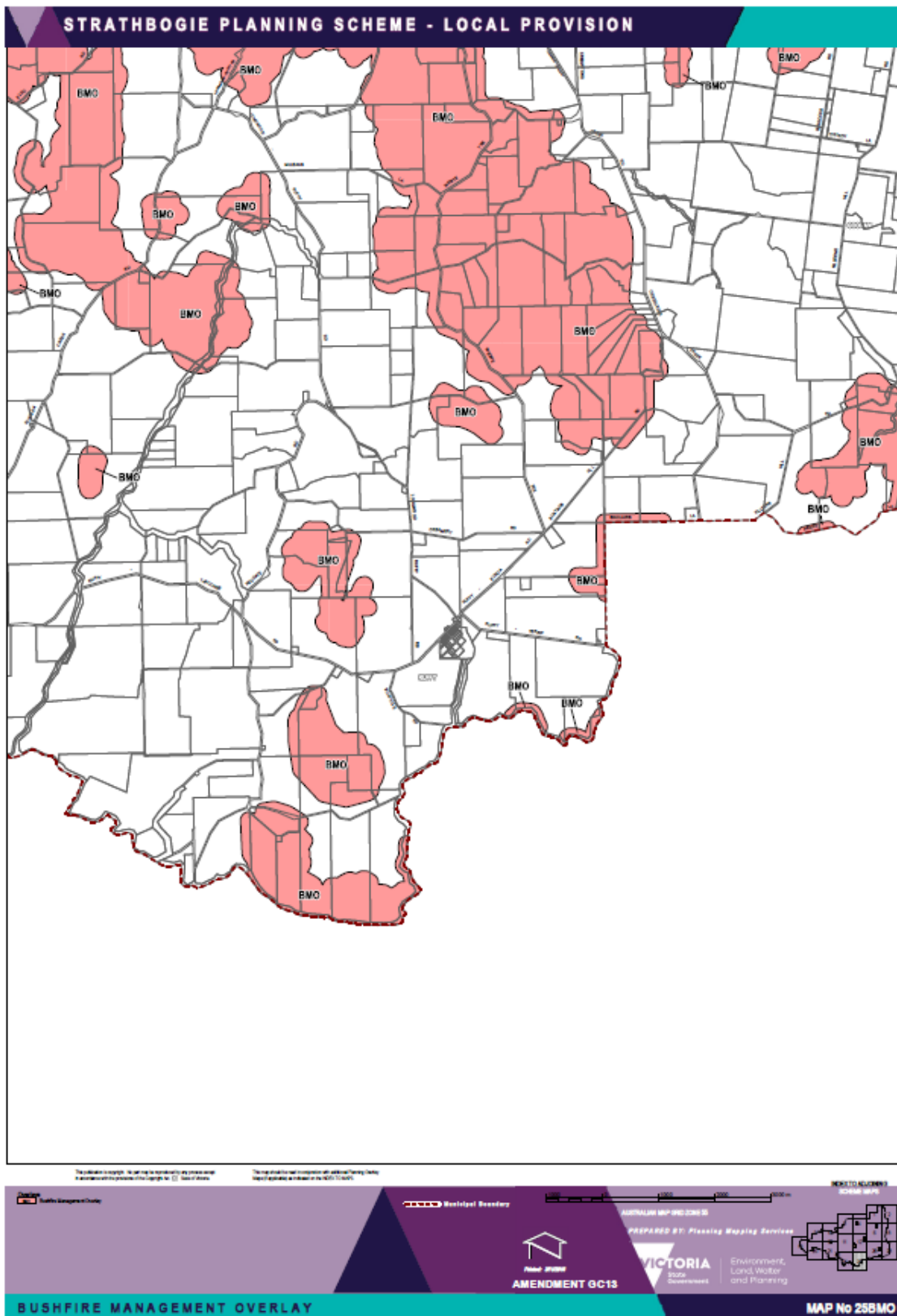


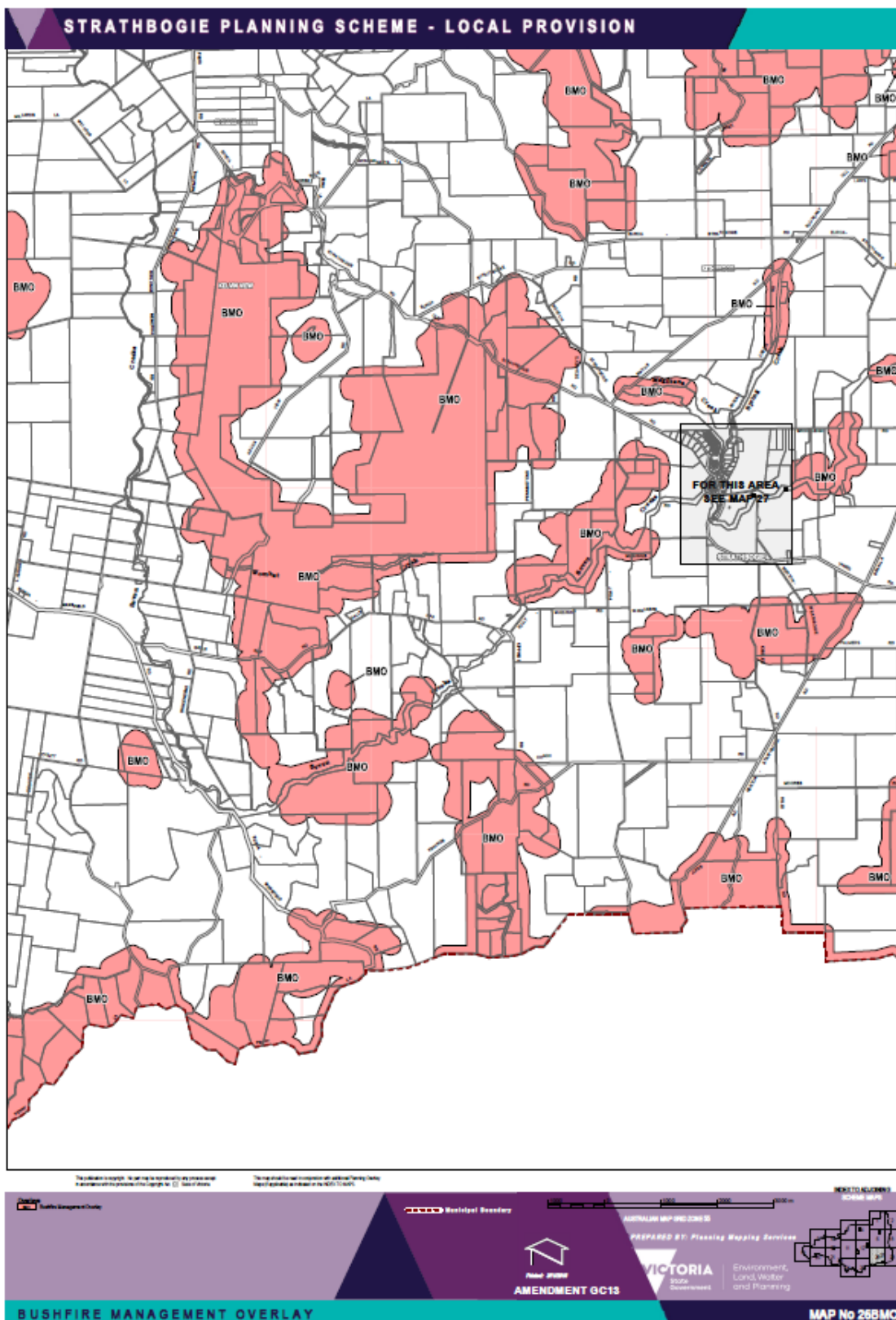


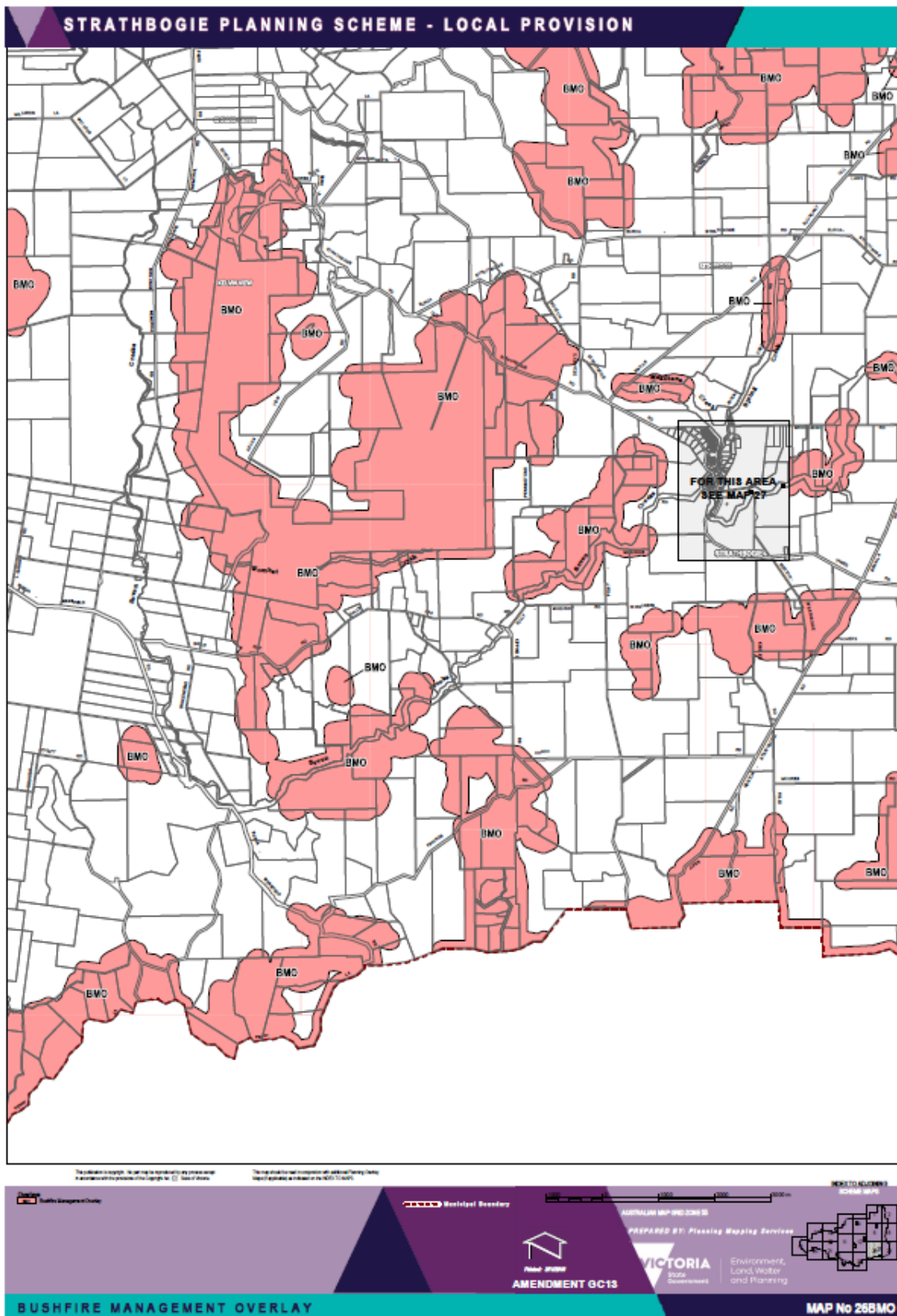


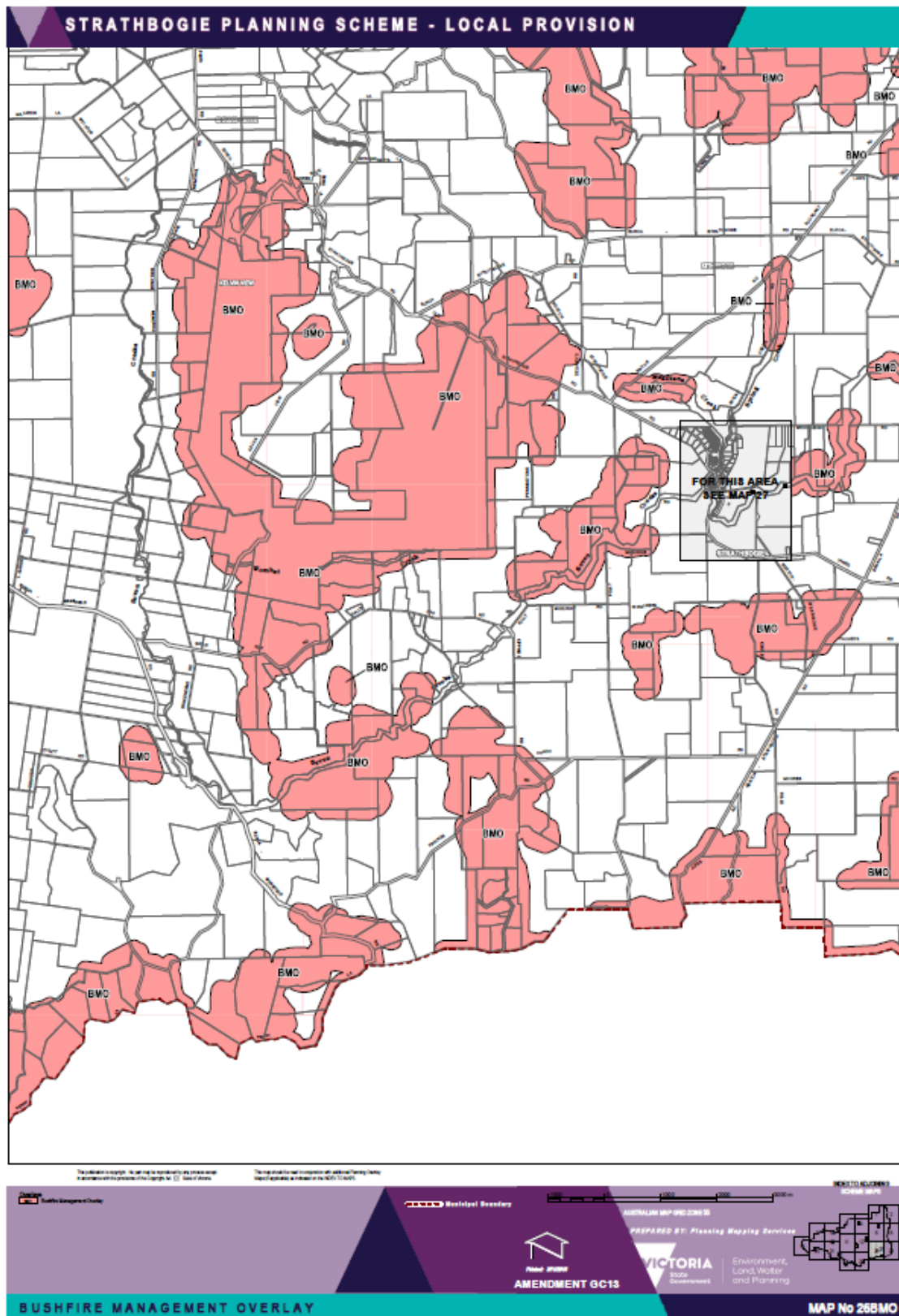












PLANNING COMMITTEE REPORT NO. 3 (DIRECTOR, SUSTAINABLE DEVELOPMENT - PHIL HOWARD)

**7.2 Planning Applications Received
- 15 September to 10 October 2017**

Following are listings of Planning Applications Received for the period 15 September to 10 October 2017.

RECOMMENDATION

That the report be noted.

36/17 CRS McCLAREN/THOMSON : That the Recommendation be adopted.

CARRIED

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 4.46 P.M.

Confirmed as being a true and accurate record of the Meeting

.....
Chair

.....
Date

Planning Applications Received

Friday, 15 September 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
Upton Road, Avenel Victoria 3664	P2005/007 - 2	Change use for land for quantity of product stored	Craig Spencer	\$8,000.00

Tuesday, 19 September 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
Kibbles Road, Strathbogie VIC 3666	P2016-168 - 1	Development of land for a Fixed NBN (telecommunications) Facility	Ericsson Pty Ltd (on behalf of nbn Co)	\$240,000.00

Wednesday, 20 September 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
194 Buntings Hill Road, Ruffy VIC 3666	P2017-100	Development of land for stables	AITKEN, Sharon Leanne	\$48,885.00
71 Bartons Lane, Creightons Creek VIC 3666	P2017-101	Development of land for stables	Richard Nettleton	\$250,000.00

Thursday, 21 September 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
65 Wheelers Lane, Creightons Creek VIC 3666	P2017-102	Use and Development of land for group accommodation (up to two people)	DANIEL, Stephen John	\$50,000.00

Wednesday, 27 September 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
133 Faithfull Road, Longwood East VIC 3666	P2017-103	Use and Development of land for a dwelling and outbuilding	Neil Tubb	\$385,000.00
205 High Street, Nagambie Victoria 3608	P2011/057 - 2	Extension to existing car wash and construction of car detailing bays	Melanie Squires	\$0.00 *
37 Kettels Road, Kirwans Bridge VIC 3608	P2016-126 - 2	Replacement dwelling	Damon Fent	\$0.00 *

48-52 Graham Street, 12-14 Boundary Road North, Euroa VIC 3666	P2016-080 - 1	Relocation of a carriageway easement and increase to extension and associated hardstand.	Philip Szepe	\$20,000.00
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Thursday, 28 September 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
736 Mitchellstown Road, Mitchellstown VIC 3608	P2017-104	Use and Development of land for 2 dwellings, 1 stable and a machinery shed	Gervale Nominees Pty Ltd	\$1,800,000.00

Tuesday, 3 October 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
1 Ballantynes Road, Nagambie Victoria 3608	P2005/103 - 3	Construction of further Two (2) Poultry Sheds and Three (3) Silos	Zaintrans Pty Ltd	\$0.00 *
429 Ballantynes Road, Nagambie Victoria 3608	P2007/067 - 1	Use of land for 280,000 Bird Broiler Farm. Develop & use of a Second Dwelling	Sunrise Poultry Pty Ltd	\$0.00 *

Wednesday, 4 October 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
30 Jones Street, Avenel VIC 3664	P2017-105	Use and Development of land for two dwellings	Alan Plunkett	\$440,000.00

Thursday, 5 October 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
196 Browns Road, Wahring VIC 3608	P2017-015 - 1	Development of land for horse barn	Don Newnham	\$0.00 *

Friday, 6 October 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
295-299 High Street, Nagambie VIC 3608	P2016-068 - 1	Use and development of the land for a food and drink premises and function centre, including restaurant, tavern, café and brewery components, use of land to sell and consume liquor, alteration of access to a Road Zone and waiver of the standard car parking, loading and bicycle parking requirements	Daniel Demant	\$0.00 *

Monday, 9 October 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
478 Creightons Creek Road, Creightons Creek VIC 3666	P2017-106	Three (3) lot subdivision	Graeme Schneider - Monger & Tomkinson	\$0.00 *
6 Withers Street, Longwood VIC 3665	P2017-107	Development of land for an extension to a dwelling	Roy Cooper	\$5,000.00
646 Sheans Creek Road, Balmattum VIC 3666	P2017-108	Use and development of land for a shed	Adrian Cross	\$5,000.00

Tuesday, 10 October 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
13 Kiernan St Longwood VIC 3665	P2017-109	Use and development of land for a dwelling	LOTON, Lynette Fay	\$9000.00

*NB – '\$0.00 in Cost of Works means either no development, endorsement of plans or amendment to the original permit

Example Legend	Description
P2014-001	Planning permit application
P2014-001-1	Proposed amendment to a planning permit