



## STRATHBOGIE SHIRE COUNCIL

### PLANNING COMMITTEE

# AGENDA

MEETING TO BE HELD ON TUESDAY 17 DECEMBER 2019

AT THE EUROA COMMUNITY CONFERENCE CENTRE

COMMENCING AT 4.00 P.M.

**Chair:** Malcolm Little *(Hughes Creek Ward)*

**Councillors:** Amanda McClaren *(Lake Nagambie Ward)*  
Debra Bower *(Lake Nagambie Ward)*  
John Mason *(Seven Creeks Ward)*  
Alistair Thomson *(Mount Wombat Ward)*  
Graeme (Mick) Williams *(Seven Creeks Ward)*

**Officers:** Phil Howard Acting Chief Executive Officer  
David Roff Group Manager, Corporate and Community  
Jeff Saker Group Manager, Community Assets  
Emma Kubeil Acting Group Manager, Innovation and Performance  
Melissa Crane Acting Manager, Planning and Investment  
Trish Hall Town Planner

#### **Business:**

1. Welcome

Resignation of Councillor Kate Stothers *(Honeysuckle Creek Ward)*

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

4. Confirmation of Minutes of the Planning Committee meeting held on 15 October 2019

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

Phil Howard  
**ACTING CHIEF EXECUTIVE OFFICER**

11 December 2019

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

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

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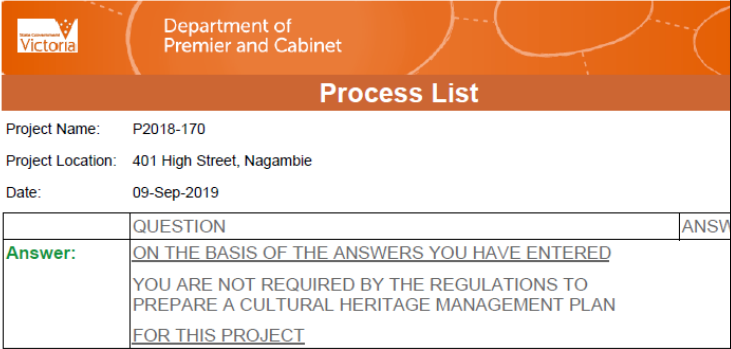
| <b>Planning Committee Reports</b> |   |   |   |             |
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| <b>6. Planning Reports</b>        |   |   |   |             |
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| 6.2<br>(AMPI-MC)                  | P2019-062   | Two (2) Lot Subdivision (Boundary Realignment); Construction and Use of a Dwelling and Shed                     | 82 Worland Road, Euroa  | 34          |
| 6.3<br>(AMPI-MC)                  | P2019-099   | Native Vegetation Removal   | Beaton Street Road Reserve, Challenger Street Road Reserve (between De Boos and Morgan Streets), Birkett Street Road Reserve, Euroa | 52          |
| 6.4<br>(AMPI-MC)                  | P2019-109   | Construction and Use of a Free-Range Poultry Farm (2 sheds, 180,000 birds); Removal of Native Vegetation        | 457 Drysdale Road, Euroa  | 65          |
| <b>7. Other Business</b>          |   |   |   |             |
| 7.1<br>(AGMIP)                    | Planning Applications Received - 2 October to 3 December 2019 |   |   | 96          |

**PLANNING COMMITTEE REPORT NO. 1 (ACTING MANAGER, PLANNING AND INVESTMENT – MELISSA CRANE)**

**6. PLANNING REPORTS**

**6.1 Planning Permit Application No. P2018-170  
- Use and Development of Land for a Caravan Park (Cabins Only) and to Create/Alter a Road in Road Zone Category 1 ~ 401 High Street, Nagambie**

**Application Details:**

| Application is for:                          | Use and development of land for a caravan park (cabins only) and to create/alter to a road in Road Zone Category 1  |      |          |      |         |  |  |
|--|---|------|----------|------|---------|--|--|
| Applicant's/Owner's Name:                    | John Beresford<br>For; CRC Constructions Pty Ltd  |      |          |      |         |  |  |
| Date Received:                               | 22 November 2018  |      |          |      |         |  |  |
| Statutory Days:                              | 14  |      |          |      |         |  |  |
| Application Number:                          | P2018-170   |      |          |      |         |  |  |
| Planner: Name, title & department            | Melissa Crane<br>Acting Manager Planning and Investment   |      |          |      |         |  |  |
| Land/Address:                                | Lot 1, PS823639<br>401 High Street, Nagambie VIC 3608   |      |          |      |         |  |  |
| Zoning:                                      | Farming Zone, General Residential Zone, adjacent to Road Zone Category 1  |      |          |      |         |  |  |
| Overlays:                                    | No Overlays   |      |          |      |         |  |  |
| Is a CHMP required?                          | <p>No, the allotment is not in an area of Cultural Heritage Sensitivity.</p>  <p>Project Name: P2018-170<br/>             Project Location: 401 High Street, Nagambie<br/>             Date: 09-Sep-2019</p> <table border="1"> <thead> <tr> <th></th> <th>QUESTION</th> <th>ANSW</th> </tr> </thead> <tbody> <tr> <td>Answer:</td> <td>ON THE BASIS OF THE ANSWERS YOU HAVE ENTERED YOU ARE NOT REQUIRED BY THE REGULATIONS TO PREPARE A CULTURAL HERITAGE MANAGEMENT PLAN FOR THIS PROJECT</td> <td></td> </tr> </tbody> </table> |      | QUESTION | ANSW | Answer: | ON THE BASIS OF THE ANSWERS YOU HAVE ENTERED YOU ARE NOT REQUIRED BY THE REGULATIONS TO PREPARE A CULTURAL HERITAGE MANAGEMENT PLAN FOR THIS PROJECT |  |
|  | QUESTION  | ANSW |          |      |         |  |  |
| Answer:                                      | ON THE BASIS OF THE ANSWERS YOU HAVE ENTERED YOU ARE NOT REQUIRED BY THE REGULATIONS TO PREPARE A CULTURAL HERITAGE MANAGEMENT PLAN FOR THIS PROJECT  |      |          |      |         |  |  |
| Is it within an Open Potable Catchment Area? | No  |      |          |      |         |  |  |

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|  |   |
|--|---|
| Under what clause(s) is a permit required? (include description) | Caravan and camping park is a section 2 use in the Farming Zone, buildings and works associated with a section 2 use in the Farming Zone; Alteration/Creation of access to a Road Zone Category 1 under Clause 52.29. |
| 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*.

**Summary**

- The application proposes the use and development of a caravan and camping park (cabins only), and the creation of access at 401 High Street, Nagambie, formally known as Lot 1 PS 823639.
- The proposal is for a Cabins only caravan park, with the capacity for 139 cabins, and supported by shared facilities in the centre of the site.
- The application was advertised and 9 objections were received. 5 of these were withdrawn, 3 verbally indicated they were satisfied with amendments to the proposal, and one was not satisfied. One supporting submission was also received.
- The objections raised a number of issues including:
  - Access to River Street (since removed through amendment to the application)
  - Loss of character in rural area
  - Lack of diversity in housing
  - Increased traffic and amenity impacts
  - Light and drainage issues
  - Impacts of adjoining farming enterprises
- The application has been assessed within the 60-day statutory timeframe as the application was on further information while the subdivision to create the subject site was completed.
- The application is being heard before Planning Committee due to the 4 unresolved objections.
- The proposal meets the objectives of the Planning Policy Framework, Local Planning Policy Framework as well as the relevant particular provisions.
- It is recommended that Council resolve to issue a Notice of Decision to grant a permit in accordance with the Officer's recommendation.

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## RECOMMENDATION

### That Council

- having caused notice of Planning Application No. P2018-170 to be given under Section 52 of the *Planning and Environment Act 1987*

and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* issues a Notice of Decision to grant a permit under the provisions of Clause 35.07 *Farming Zone* and Clause 52.29 *Land Adjacent to Road Zone Category 1* of the Strathbogie Planning Scheme in respect of the land known as Lot 1 Plan of Subdivision 823639, Parish of Tabilk, 401 High Street, Nagambie VIC 3608, for the use and development of land for a caravan park (cabins only) and to create/alter access to a road in Road Zone Category 1, in accordance with endorsed plans, subject to the following conditions:

1. Prior to the commencement of any buildings or works a plan or plans shall be submitted and approved by the Responsible Authority. Such plans must show the nature of all external materials and finishes, siting and dimensions of all buildings, details of water storage tanks and any proposed excavations. When approved these plans shall be endorsed and form part of this permit.
2. Prior to the commencement of works, including demolition and excavation, a Construction Management Plan must be submitted to and endorsed by the Responsible Authority. No works are permitted to occur until the Plan has been endorsed by the Responsible Authority. Once endorsed, the construction management plan will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The plan must provide details of the following:
  - (a) Hours for construction activity in accordance with any other condition of this Permit;
  - (b) Measures to control noise, dust, water and sediment laden runoff;
  - (c) Measures to inform adjacent residents of work schedules, etc.
  - (d) Measures relating to removal of hazardous or dangerous material from the site, where applicable.
  - (e) A plan showing the location of parking areas for construction and sub- contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors / tradespersons upon completion of such areas, without delay;
  - (f) A Traffic Management Strategy prepared in accordance Clause 9 of the Infrastructure Design Manual (IDM);

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- (g) Swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;
  - (h) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;
  - (i) Measures to ensure that sub-contractors / tradespersons operating on the site are aware of the contents of the Construction Management Plan;
  - (j) Contact details of key construction site staff;
  - (k) A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support site sheds on Council road reserves; and
  - (l) Any other relevant matters.
3. Prior to the commencement of works, a Site Environment Management Plan (SEMP), must be submitted to and approved by the responsible authority and, where relevant, other authorities. When approved, the plan will be endorsed and form part of this planning permit.
4. Prior to the commencement of works, the owner or developer must submit to the Responsible Authority a written report and photos of any prior damage to public infrastructure. Listed in the report must be the condition of kerb & channel, footpath, seal, street lights, signs and other public infrastructure fronting the property and abutting at least two properties either side of the development. Unless identified with the written report, any damage to infrastructure post construction will be attributed to the development. The owner or developer of the subject land must pay for any damage caused to the Councils assets/Public infrastructure caused as a result of the development or use permitted by this permit.
5. Prior to the commencement of any demolition works on site, an Asbestos Management Plan must be submitted to and approved by the responsible authority.
6. No direct access to River Street is to be constructed from the subject site.

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### Landscaping

7. Prior to the commencement of works, a detailed landscape plan must be prepared. The detailed landscape plan must be to the satisfaction of the responsible authority and must be submitted and assessed against the construction plans by the responsible authority. When approved, the landscape plan will be endorsed and will then form part of the permit. The landscape plan must be drawn to scale with dimensions must be provided. The landscape plan must show:
- (a) New planting including the layout to be provided across the site and in any road reserves;
  - (b) Detailed planting schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.
  - (c) The removal of all existing disused structures, foundations, pipelines or stockpiles and the eradication of weeds,
  - (d) The supply and spread of sufficient topsoil and sub soil if required on the proposed areas of open space to provide a stable, free draining surface and hydro-seeding of proposed grass areas (including within any drainage reserves),
  - (e) Mechanisms for the exclusion of vehicles,
  - (f) All proposed open space, streetscape embellishments such as installation of pathways, garden beds, seating, shelters, picnic facilities, boardwalks, tree planting, signage, drinking fountains, irrigation systems, playgrounds, artwork, retaining walls, protective fencing (temporary and permanent), wetlands and ornamental water bodies (including within any drainage reserves).
8. Prior to the commencement of use all landscaping works shown on the endorsed plan must be carried out and completed to the satisfaction of the responsible authority.

### Engineering design parameters:

9. The final design parameters for the roadways and pathways must be based on Councils Infrastructure Design Manual (IDM) as modified from time to time, to the satisfaction of the Responsible Authority. All works shall conform to plans and specifications prepared by a qualified engineer at permit holders expense and approved by the Responsible authority. A list of specific details and requirements are as follows;
- (a) Pram crossings must be provided at all intersections to the satisfaction of the responsible authority.



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- (b) Provide temporary turnaround areas for roads terminated at stage boundaries. The size must be sufficient to turn service and emergence vehicles around without reversing. A minimum of 250mm depth of approved crushed rock material is required.
  - (c) A pavement design must be submitted for the entire road network by a suitably qualified engineer in accordance with clause 12.7 of the IDM. Irrespective of such design a minimum pavement depth of 250mm must be provided in an approved material. Council requires that the pavement wearing course be in accordance with Clause 12.7.16.
  - (d) Design of roads and footpath must be accessible to people with disabilities and include tactile ground surface indicators, and kerb ramps required for the safe movement of people with disabilities as per relevant Australian Standards.
  - (e) The Vehicle crossings to the subject allotments from the road must be constructed at a location and of a size and standard satisfactory to the Responsible Authority.
  - (f) Subsoil drainage installed for all kerb and channel.
10. Basin design regarding volume must be in accordance with the Infrastructure Design Manual. Any basin that is not designed to the IDM standard must be fully fenced to preclude pedestrian access. Council preference for basin construction is a dry basin as per the IDM to allow simplified maintenance practices. A design that fits with the overall development of the land and meets the IDM requirements is preferred.
11. The internal road network must be designed so that service vehicles including emergency and refuge vehicles are not required to reverse as per the IDM. This may require temporary turnaround areas at stage boundaries or common areas for rubbish collection.
12. Where no internal footpath is provided the design of the internal road must reflect a minimum width that allows vehicles to pass around two pedestrians side by side.
13. All stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge drains to the satisfaction of the Responsible Authority. No effluent or polluted water of any type may be allowed to enter the stormwater drainage system.
14. The stormwater system must incorporate principles of Water Sensitive Urban design relating to stormwater treatment as per clause 20 of the IDM.

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**15. Where onsite retention is proposed it must be designed so that the rate of storm water runoff from the development must not be more than the rate of runoff from the site prior to the development, all to the satisfaction of the Responsible Authority. The drainage system must be designed in accordance with the requirements of Clause 19 of the IDM "On-site Detention Systems". The on-site storage size for the development must be in accordance with Table 13. The allowable discharge rate to Council drains shall be the lesser of;**

- (a) that which is outlined in Table 13 and**
- (b) the remaining capacity of the existing drainage system (clause 19.3.1 of the IDM).**

**Catchment analysis will be required to determine the fall of the land. Where discharge to an existing drainage system is proposed analysis of predeveloped flows as per the catchment will be required to ensure existing outfall is not adversely affected by the development [www.designmanual.com.au](http://www.designmanual.com.au)**

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

**Engineering Plans Requirements:**

**17. Prior to the commencement of works, a storm water impact assessment must be submitted to and approved by the Responsible Authority. The plan must detail where discharge is proposed to the existing road reserve on High Street. This impact assessment should also provide an assessment of the existing drainage infrastructure and catchment to determine the available capacity.**

**18. Prior to the commencement of works, a properly prepared drainage discharge plan with computations must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The Drainage infrastructure system design must be in accordance with the IDM Clause 18. The location of any required storage capacity detention/ retardation areas must be shown and accompanied by sufficient details to allow a complete feasibility analysis of the overall system. The information and plans must include:**

- (a) Details of how the works on the land are to be drained and/or retarded.**
- (b) Computations including total energy line and hydraulic grade line for the existing and proposed drainage as directed by Responsible Authority.**
- (c) independent drainage for each building.**
- (d) underground pipe drains conveying stormwater to the legal point of discharge for the whole site.**

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- (e) measures to enhance stormwater discharge quality from the site and protect downstream waterways including the expected discharge quality emanating from the development (output from MUSIC or similar) and design calculation summaries of the treatment elements.
- (f) a maximum discharge rate from the site is to be determined by computation to the satisfaction of the responsible authority with consideration given to the capacity of the downstream network.
- (g) Documentation demonstrating approval from the relevant authority for the legal point of discharge.
- (h) The provision of gross pollutant and/or litter traps installed at the drainage outfall of the development to ensure that no effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system.
- (i) The details of the incorporation of water sensitive urban design designed in accordance with "Urban Stormwater Best Practice Environmental Management Guidelines" 1999.
- (j) The contours of the land, as shaped to cause drainage to the legal point of discharge.
- (k) The proposed finish surface level of each building site and finished slope of each site;
- (l) Indication of extent and depth of cut and/or fill to be carried profile of the land.
- (m) Council requires end of line stormwater treatment integrated within the retarding basin reserve. The basin must be designed as a dry basin without any provision for a wetland treatment area or permanent water body. Music modeling must be completed to show required nutrient reductions are being achieved.

***Please note:***

The existing system flows through private property north of the development, therefore justification must be submitted to justify the rate of discharge including discharge from rare rainfall events to ensure that adjacent parcels are not adversely impacted by additional runoff from the new development. Alternatively, a design may be submitted to carry excess water across the site toward the lake, which may fit with a future development of the land. Stormwater treatment details must be submitted for assessment in both cases.

19. Prior to the commencement of works, a plan prepared in accordance with the IDM parameters for the footpath in the High Street Road reserve must be submitted to and approved by the responsible authority. This plan must detail the construction requirements for the extension of the existing footpath from the existing footpath at the intersection of River Street and High Street to extend along the full frontage of the subject land.

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**20. Prior to the commencement of works, a car parking plan must be submitted to and approved by the responsible authority. This plan must be based on 'RTA Guide to Traffic Generating Developments' V2.2, and must provide parking as well as storage areas for motorhomes and caravans, in addition to the required statutory requirements for parking, namely;**

- (a) 1 space for every 10 units (residents), plus**
- (b) 1 space for every 10 units (visitors), plus**
- (c) space for every 2 employees**

**For car parking requirements see Table 1 of 52.06-5 *Car Parking* of the Strathbogie Planning Scheme, as follows:**

- 1 space to each one or two bedroom dwelling, plus**
- 2 spaces to each three or more bedroom dwelling, plus**
- 1 space for visitors to every five dwellings**

**21. Prior to commencement of works, detailed design plans for the area set aside for internal access must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will form part of the planning permit. The plans must include the following all in accordance with councils adopted 'Infrastructure Design Manual' and the relevant Australian Standards:**

- (a) Dimensioned access, internal roads, crossovers and parking bays, fully sealed and drained.**
- (b) All infrastructure including concrete footpath, kerb and channel, drainage, public lighting and utility services.**
- (c) Asphalt pavement design with SM2 kerb and channel or equivalent.**
- (d) Vehicle crossing for each building site**
- (e) All surface details**
- (f) Proposed court bowls**
- (g) All relevant signage and line marking**
- (h) A common area set aside for rubbish and mail collection.**
- (i) Temporary turn around areas at stage boundaries designed to minimum IDM standard.**
- (j) All surface details including pavement profile details.**
- (k) Lot grading for each allocated lot.**
- (l) Fencing of any permanent water bodies.**
- (m) Drainage design.**

**Engineering Construction Requirements:**

**22. Prior to the commencement of use all works must be completed in accordance with the endorsed plans to the satisfaction of the responsible authority.**

**23. Prior to the commencement of use, a footpath must be required to be constructed to join the existing path at the intersection of River Street and High Street and along the full frontage of the subject site.**

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**24. Drainage system must be constructed before commencement of the use and development as per the approved plans.**

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

**Environmental Health**

**26. All wastewater must be discharged into the reticulated sewerage system to the satisfaction of the responsible authority**

**Site Management**

**27. Appropriate steps must be taken to retain all silt and sediment on site during the construction phase to the satisfaction of the Responsible Authority, in accordance with the sediment control principles outlined in Construction Techniques for Sediment Pollution Control (EPA, 1991) and to the satisfaction of the Responsible Authority.**

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

**29. The permit holder shall ensure that dust suppression is undertaken in the form of constant water spraying or other natural based proprietary dust suppressant to ensure that dust caused by vehicles moving along the *access road* and/or within the site does not cause a nuisance to surrounding properties to the satisfaction of the Responsible Authority. The development shall not have an adverse impact on existing or future air quality.**

**30. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the Responsible Authority.**

**31. The approved SEMP must be implemented to the satisfaction of the Responsible Authority.**

**Design and amenity**

**32. The external cladding of all proposed buildings, including the roof's, must be constructed of new materials of muted colours to enhance the aesthetic amenity of the area. Material having a highly reflective surface must not be used.**

**33. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority such that no direct light is emitted outside the boundaries of the subject land.**

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34. All security alarms or similar devices installed on the land must be of a silent type approved by the Standards Association of Australia and be connected to a registered security service.
35. The amenity of the area must not be detrimentally affected by the use, through the:
  - (a) Appearance of any building, works or materials;
  - (b) Transport of materials, goods or commodities to or from the land;
  - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil;
  - (d) Presence of vermin, and;
  - (e) Others as appropriate.
36. The site shall at all times be kept in a neat and tidy condition to the satisfaction of the Responsible Authority. Any litter shall be immediately removed from the site and surrounding area at the direction of the Responsible Authority.

**VicRoads**

37. Prior to the commencement of use the applicant must construct the mitigating works to the satisfaction of and at no cost to Roads Corporation as follows:
  - (a) Insert treatment types BAR and AUL on High Street, Nagambie, at the intersection of the new proposed access.

**Ausnet Electricity Services Pty Ltd**

38. Prior to the commencement of use, the applicant must:
  - (a) Enter into an agreement AusNet Electricity Services Pty Ltd for supply of electricity.
  - (b) Enter into an agreement with AusNet Electricity Services Pty Ltd for the rearrangement of the existing electricity supply system.
  - (c) Enter into an agreement with AusNet Electricity Services Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a property boundary
  - (d) Provide easements satisfactory to AusNet Electricity Services Pty Ltd for the purpose of "Power Line" in the favour of "AusNet Electricity Services Pty Ltd" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing AusNet Electricity Services Pty Ltd electric power lines and for any new power lines required to service the subject land on the endorsed plan and/or abutting land.
  - (e) Obtain for the use of AusNet Electricity Services Pty Ltd any other easement required to service the development.

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- (f) Adjust the position of any existing AusNet Electricity Services Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.
- (g) Set aside on the subject land Reserves for the use of AusNet Electricity Services Pty Ltd for electric substations.
- (h) Provide survey plans for any electric substations required by AusNet Electricity Services Pty Ltd and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. AusNet Electricity Services Pty Ltd requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.
- (i) Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by AusNet Electricity Services Pty Ltd. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
- (j) Ensure that all necessary auditing is completed to the satisfaction of AusNet Electricity Services Pty Ltd to allow the new network assets to be safely connected to the distribution network.

**Goulburn Murray Water**

39. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).

40. All wastewater from the caravan park must be disposed of via connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.

**Goulburn Valley Water**

41. Prior to the commencement of use, the permit holder must arrange:
- (a) Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;
  - (b) Provision of a water supply meter to the development, located at the property boundary and to the satisfaction of Goulburn Valley Region Water Corporation;
  - (c) Any existing water service that crosses any of the proposed allotment boundaries within the proposed development must be disconnected and re-located at the developer's expense, to be wholly within one allotment only, including notification of the proposed lot to be serviced by the existing water meter, to the satisfaction of the Goulburn Valley Region Water Corporation;

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- (d) Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;
- (e) Provision of reticulated sewerage and associated construction works to each tenement within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation
- (f) Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.
- (g) All works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage', and to the satisfaction of the Corporation's Property Services Section.
- (h) The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Corporation relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided on request.

**Country Fire Authority**

42. The proposed Lifestyle Village must achieve compliance with the Victorian Fire Services – Caravan Park Fire Safety Guideline 2012. The design must satisfy the following Prescriptive Provisions (PP) :-
- (a) PP1 – Fire Fighter Access and Fire Separation;
  - (b) PP2 – Fire Vehicle Access;
  - (c) PP3 – Occupant Fire Equipment;
  - (d) PP4 – Fire Authority Equipment;
43. A condition is to be included on all individual lease agreements that requires that no locks are added to side gates of cabin sites to ensure that fire fighter access can be gained via these gates at all times;
44. Before the development commences, detailed design drawings demonstrating compliant fire hydrant and fire hose reel coverage must be provided to the satisfaction of CFA;
45. A 30m wide fuel reduced vegetation perimeter buffer on the northern & western aspects (as depicted in SPIIRE Dwg No. 305394P01 Version 1 dated 22/11/2018) is to be maintained as short cropped (no greater than 100mm) during the declared fire danger period until such time as the surrounding land becomes developed.



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**Development**

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

- **The development is not started within two (2) years of the date of this permit.**
- **The development is not completed within four (4) years of the date of this permit**
- **The use is not started within two (2) years after the completion of the development.**
- **The use is discontinued for a period of two (2) years.**

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

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

**Planning Notes:**

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

**VicRoads**

- **Separate consent for works within the road reserve and the specifications of these works may be required under the Road Management Act. It should be noted that the consent application will be treated as a developer funded application which requires fees and detailed plans and specifications.**

---

**Proposal**

The application is for the construction of a lifestyle village, based on the definition as a "Caravan and Camping Park (cabins only)", for approximately 130 cabins to be placed on the site at 401 High Street, Nagambie. The development will have the cabins placed across the site in a garden setting, with a clubhouse facility, social meeting places, swimming pool, open space areas and communal gardens. The whole of the development will be managed through a central office.

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The cabins are proposed of a high quality, constructed by Jayco. All cabins will have attached carports, and are considered under the definition as a moveable structure. The proposal includes the removal of the existing dwellings, while retaining some of the shedding for the proposed development.

Following referral to VicRoads, the proposal was amended to accommodate the requirements for access of VicRoads.



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**Subject site & locality**

The subject site is approximately 7.5 hectares in size, and currently contains two dwellings and associated shedding. The allotment was created through a subdivision approved in 2018. The site is in the Farming Zone, adjacent to a Road Zone Category 1 (High Street). The subject site is bounded by Farming Zone land in the same ownership to the north and the west, with Lobbs Lane located further to the north. High Street bounds the property from the east, and private dwellings on River Street in the General Residential Zone bound the property to the south.

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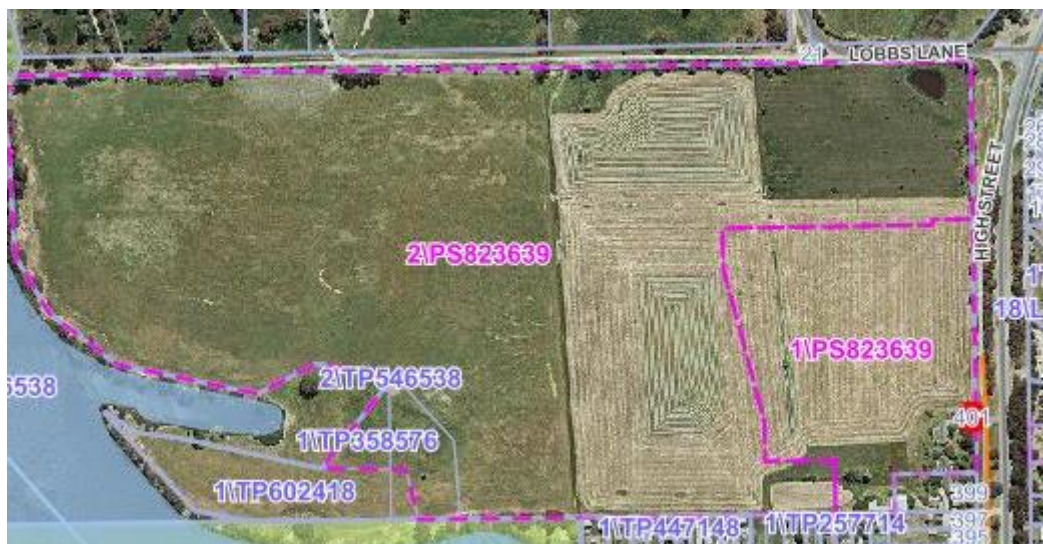


Figure 1: Aerial imagery as at December 2017



Figure 2: Looking back towards existing dwellings on subject site

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Figure 3: Looking across rear of the subject site towards the River Street dwellings

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### **Permit/Site History**

A search of Council's electronic records results in the following permits relevant to this site:

P2018-083 – Two lot sub-division, issued 17 July 2018.

P2019-096 – Residential Subdivision, not issued. This is the subject of a proponent driven planning scheme amendment/permit application.

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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

The notification has been carried out correctly.

Council has received 9 objections and one supporting submission, with 5 withdrawn, leaving 4 objections outstanding. 3 of these submitters have verbally indicated they were satisfied with the changes to the application. The key issues that were raised in the objections are:

- Do not support emergency access/access to River Street (5 submitters)
- Concern with how the cabins will be rented/owned (1 submitter)
- Want a buffer between the development and dwellings in River Street (1 submitter)
- Loss of character for the rural area (1 submitter)
- Need to ensure diversity of the community population (1 submitter)
- Traffic due to dependency on vehicles (1 submitter)

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- Noise impacts on neighbours (1 submitter)
- Light pollution (1 submitter)
- Concerned with drainage changes and contamination (1 submitter)
- Effect on horse breeding business (1 submitter)
- Not appropriate in the farming zone (1 submitter)
- Not supported in the Nagambie Growth Management Strategy (1 submitter)
- Inappropriate location for high density dwellings (1 submitter)
- Will put pressure on health and community services in the area (1 submitter)

### Consultation

In order to resolve the submissions, individual meetings were originally offered to all submitters. This resulted in two submissions being withdrawn. A further meeting of parties was held on the 29<sup>th</sup> August with the applicant, objectors and council officers. The following was confirmed through the meeting:

1. There was no longer a proposed access through to River Street.
2. All buildings were now setback from the dwellings in River Street to create a buffer.
3. Confirmed that the cabins would be leased as per normal caravan park requirements.

Following this meeting, 5 of the objectors indicated they were now satisfied with the proposal, with 3 withdrawn in writing. It is noted that all these submitter's main concerns were with the River Street access that was removed from the proposal.

### Referrals

External Referrals/Notices required by the Planning Scheme:

| Referrals/Notice     | Advice/Response/Conditions   |
|----------------------|--|
| Section 55 Referrals | VicRoads – no objections subject to conditions.  |
| Section 52 Notices   | Country Fire Authority – No objections subject to conditions<br>Goulburn Valley Water – No objections subject to conditions<br>SP AusNet – No objections subject to conditions |

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

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**Assessment**

**The zoning of the land and any relevant overlay provisions**

**Farming Zone**

Purpose:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

A planning permit is required for both the use of the land as a Caravan and Camping Park (cabins only) and for any buildings and works associated with the section 2 use.

Consideration of alternative uses in the Farming Zone must be assessed in terms of the potential impact on the ability of the land to be farmed. In this case, the land has been identified in the Nagambie Growth Management Strategy as being suitable for future residential development, and not identified as land appropriate to maintained for farming purposes. In terms of the zone, the main consideration will be how this development can impact on the ability of adjoining properties to be farmed. With appropriate conditions in relation to drainage and lighting, it is the opinion of council officers that there are sufficient setbacks between the development site and nearby farming enterprises to ameliorate any impacts.

The nearest active farming enterprise is approximately 200 metres to the north of the site.

An assessment of the application against the decision guidelines of the zone is below:

| <b>Decision Guideline</b>   | <b>Response</b>  |
|---|--|
| <i>The Municipal Planning Strategy and the Planning Policy Framework.</i> | The application is considered to meet some of the relevant clauses at the local and planning policy framework. |

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|   |   |
|---|---|
| <i>Any Regional Catchment Strategy and associated plan applying to the land.</i>                                      | The application is generally consistent with the relevant Regional Catchment Strategy for the site.   |
| <i>The capability of the land to accommodate the proposed use or development, including the disposal of effluent.</i> | The site will be connected to reticulated water and sewerage, which will support the development appropriately.   |
| <i>How the use or development relates to sustainable land management.</i>   | The application will change the use of the land from farming to an accommodation use. The land is identified in the <i>Nagambie Growth Management Strategy</i> as being appropriate for future residential rezoning. This supports the change of the use to accommodation as the long-term vision for this parcel is not for farming. |

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*Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.*

The wider locality is suitable for tourism purposes and this proposal will support the broader locality in providing another form of accommodation. The land to the south and east both used for primarily residential purposes, with the land to the north in the Low Density Residential Zone. With the predominant use of this area identified as residential, this is a reasonable outcome for this site. Of note is the Farming Zone land to the north, which has been identified since 2004 in the *Rural Residential Strategy* as suitable for a rural residential Zoning, as indicated in the below map. This is also supported in Clause 21.03-4 *Nagambie* with the Nagambie Structure Plan supporting this future rural residential land as well (shown below in the Local Planning Policy Framework section).

*5.1.8 Area 8 (Nagambie North)*

The land identified for Area 8 that is used for rural living purposes is pictured below. The area is in close proximity to established rural living development and the Nagambie Township. The majority of lots are subdivided into 10 acres (4 hectares). Most of the land is being used for agricultural purposes.

*Recommendations for Implementation of Strategy:*

- a) Undertake more detailed evaluation of specific planning and technical issues for Nagambie North to identify areas for Rural Residential rezoning
- b) As part of the evaluation process consider the following areas as shown on the map:

Figure 8: Area 8 (Nagambie North)

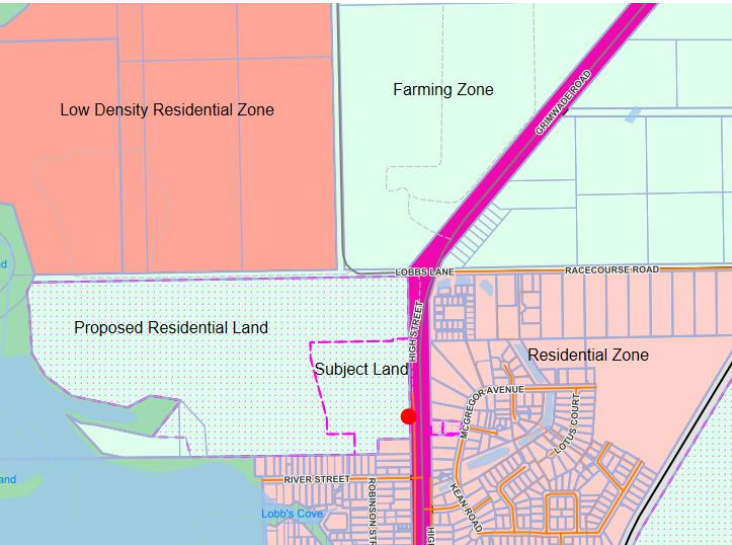




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|  |   |
|--|---|
| <p><i>How the use and development makes use of existing infrastructure and services.</i></p>   | <p>The property is proposed to be accessed from High Street. Provision of a Traffic Impact Assessment report, and amendment to the proposal, has resulted in conditional consent from VicRoads. The proposal will be required to undertake works to provide an access to the property and will be supported by specific requirement for right hand turning treatments on the road itself.</p> |
| <p><i>Whether the use or development will support and enhance agricultural production.</i></p>   | <p>The subject site has been identified as appropriate for rezoning to residential use. A caravan and camping park is a permit required use for in the Farming Zone and is a reasonable alternative use on land that is already compromised for farming purposes due to the proximity of existing residential uses.</p>   |
| <p><i>Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.</i></p> | <p>The proposed use and development of the site will occupy a significant portion of the site. No agricultural uses are proposed on the site, but the land is already compromised for more intensive agricultural practices due to the proximity of the existing residential areas.</p>   |

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|  |   |
|--|---|
| <p><i>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</i></p> | <p>The land is predominantly surrounded by residentially used or zoned land, with the exception of the land to the north of Lobbs Lane. The site itself is setback approximately 180 metres from this parcel, providing a sufficient buffer from this agricultural land use. The below map identifies the broader zoning of the area.</p>  |
| <p><i>The capacity of the site to sustain the agricultural use.</i></p>  | <p>The proposal does not include an agricultural use and is an alternative use for consideration. Based on the proximity to existing residential areas, and the projections for future residential uses in this area, this is considered a reasonable response.</p>   |
| <p><i>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</i></p>        | <p>The qualities of the land do not impact on the proposed use. Conditions in relation to drainage of the site are included in the recommendation to address the impacts from the proposed decrease in permeability of the site.</p>  |
| <p><i>Any integrated land management plan prepared for the site.</i></p>   | <p>No integrated land management plan exists for the site.</p>  |

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|   |   |
|---|---|
| <p><i>The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.</i></p>  | <p>The land is identified as future residential, so there is anticipated to be an increase in residential uses in the area into the future.</p>   |
| <p><i>The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.</i></p>   | <p>Conditions in relation to stormwater management and drainage will be placed on any permit that may issue.</p>  |
| <p><i>The impact of the use or development on the flora and fauna on the site and its surrounds.</i></p>  | <p>The application does not involve the removal of any vegetation and is unlikely to have a significant impact on Fauna. The only trees on the site are around the existing dwellings and considered part of the gardens.</p> |
| <p><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></p> | <p>The application will not directly impact upon vegetation.</p>  |
| <p><i>The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.</i></p>  | <p>The site will be required to be connected to reticulated sewer and on-site effluent disposal will not be required.</p>   |

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(cont.)

|   |  |
|---|--|
| <p><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></p>  | <p>The buildings are located on the whole of the site and are setback at least 180 metres from the nearest agricultural use.</p>   |
| <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>Conditions are included in the recommendation in relation to landscaping and colours of the buildings. These will require that the site be designed in accordance with the rural amenity of the 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>The proposal will extend the residential character of the township of Nagambie and will not have a negative impact on the broader locality.</p>   |
| <p><i>The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.</i></p>  | <p>The proposal will utilise High Street for access, and will be connected to reticulated water, sewer and power supplies.</p>   |
| <p><i>Whether the use and development will require traffic management measures.</i></p>   | <p>The application was supported by a Traffic Impact Assessment Report, which was assessed and approved by VicRoads.</p>   |

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**Planning Policy Framework (PPF)**

Clause 13.07-1S, *Land use compatibility*

Objective: To safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.

Strategies:

- Ensure compatibility of a use or development as appropriate to the land use functions and character of the area by:
- Directing land uses to appropriate locations
- Using a range of building design, urban design, operational and land use separation measures.

Response: Although the land is zoned farming, and this is an accommodation use, the area is identified for future residential uses and is predominantly abutting land zoned accordingly. The land to the north used for agricultural purposes, being a horse breeding facility, is separated by approximately 200m from the edge of that property, with the dwelling and associated infrastructure in between the bulk of the paddocks and the subject land.

Clause 14.01-1S, *Protection of agricultural land*

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

Strategies:

- Protect productive agricultural land from unplanned loss due to permanent changes in land use.
- Prevent inappropriately dispersed urban activities in rural areas.
- Limit new housing development in rural areas by
  - Directing housing growth into existing settlements.
- In considering a proposal to use, subdivide or develop agricultural land, consider the:
  - Desirability and impacts of removing the land from primary production, given its agricultural productivity.
  - Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.
  - Compatibility between the proposed or likely development and the existing use of the surrounding land.

Response: The subject land provides for an accommodation use in the Farming Zone, but in an area identified for future residential development. Further to this, the proximity of the land to existing residential developments would limit its ability to be used for more intensive agricultural pursuits without creating offsite amenity impacts that would be considered acceptable.

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Clause 15.01-1S, *Urban Design*

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

Strategies:

- Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.
- Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.

Response: While the site is not in an urban zone at this point, it is adjacent to urban areas and this consideration is relevant in the consideration. Extensive landscaping is proposed to be undertaken, with this to be managed through conditions on any permit that may issue. This landscaping will need to be designed to respond to the broader area and assist the site with its amalgamation into the residential areas.

Clause 19.03-2S, *Infrastructure design and provision*

Objective: To provide timely, efficient and cost-effective development infrastructure that meets the needs of the community.

Strategy: Provide an integrated approach to the planning and engineering design of new development.

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

Clause 21.02-1, *Whole municipality*

Objective: To have consistent planning across the Municipality that individually represents and respects the natural and built environment.

Strategies:

- Encourage development that considers environmentally sustainable practices
- Ensure residential development can be appropriately serviced and is developed considering good design principles.
- Retain areas of high-quality rural land for farming and agricultural purposes.

Response: The proposal will provide for fully serviced cabins, with reticulated water, sewerage and power to each site. The land is not identified as being high quality agricultural land that needs protection from residential uses but has been identified as appropriate for conversion to residential uses in the Nagambie Growth Management Strategy.

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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.

Strategy: Require the use of buildings materials and colours which are in context with the surrounding environment.

Response: Conditions will be placed on any permit that may issue that will require that all buildings are constructed in a manner that will fit in with the surrounding environment.

Clause 21.03, *Local Area Plans*

Clause 21.03-4, *Nagambie*

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

Strategies:

- Recognise Nagambie as a lakeside location
- Improve connections between the town and the lake and provide more opportunities for public access to the lake edge including moorings.
- Protect and enhance the environmental values of the land and other natural features
- Encourage the clustering of higher density dwellings around the town centre.
- Encourage more walking and cycling routes.
- Provide a variety of recreation opportunities as the town expands.

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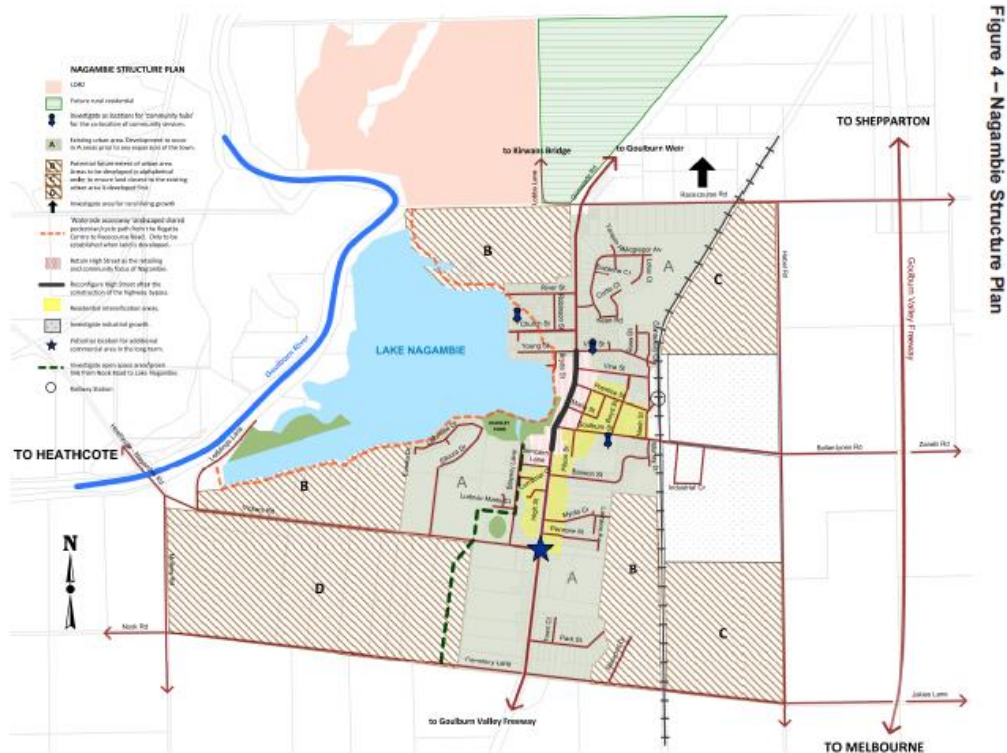


Figure 4 – Nagambie Structure Plan

Response: The site is in location category B for residential development, even though it is currently in the Farming Zone it has been identified for residential development. In relation to the timing of development of location category B areas, it is important to note that the land identified as Category A directly opposite the site has been either already developed with dwellings or has a planning permit for residential subdivision, leaving no significant parcels of land in the northern section of Nagambie available for residential development.

Significant in this plan is also the identification of the land to the north as being suitable for rural residential development, which has relevance to the potential impacts on farming activities as outlined in one of the submissions.

**Relevant Particular Provisions**

Clause 52.29, *Land adjacent to a Road Zone, Category 1*

Purpose: To ensure appropriate access to identified roads.

A planning permit is required to create or alter an access to a Road Zone Category 1 (High Street).

Response: Following amendments to the proposal, and provision of a Traffic Impact Assessment Report, VicRoads have provided conditional consent to the application.



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**The decision guidelines of Clause 65**

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

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

Response: The site has existing buildings, some of which are to be demolished to facilitate the development. Asbestos Management will be required to ensure there is no contamination as part of this demolition. Apart from this, the site is suitable for the development, and will be a positive addition to the Nagambie Township.

**Other relevant adopted State policies/strategies**

There are no relevant adopted State policies.

**Relevant incorporated, reference or adopted documents**

The relevant reference documents for this report are:

- *Infrastructure Design Manual, Shire of Campaspe, City of Greater Bendigo, Greater Shepparton City Council, Version 4, March 2013.*
- *Nagambie Growth Management Plan, Planisphere, December 2008*
- *Nagambie Style Guideline, Planisphere, December 2008*
- *Rural Residential Strategy, Strathbogie Shire, July 2004.*

**Relevant Planning Scheme amendments**

There are no relevant planning scheme amendments.

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**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.

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**Summary of Key Issues**

With regard to the Farming Zone:

- The land is identified for future residential use in the *Nagambie Growth Management Strategy*
- The proposal is a permit required use and a reasonable alternative use when given due consideration to the sites proximity to existing residential areas.
- The site has adequate buffers to protect nearby agricultural land uses.

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

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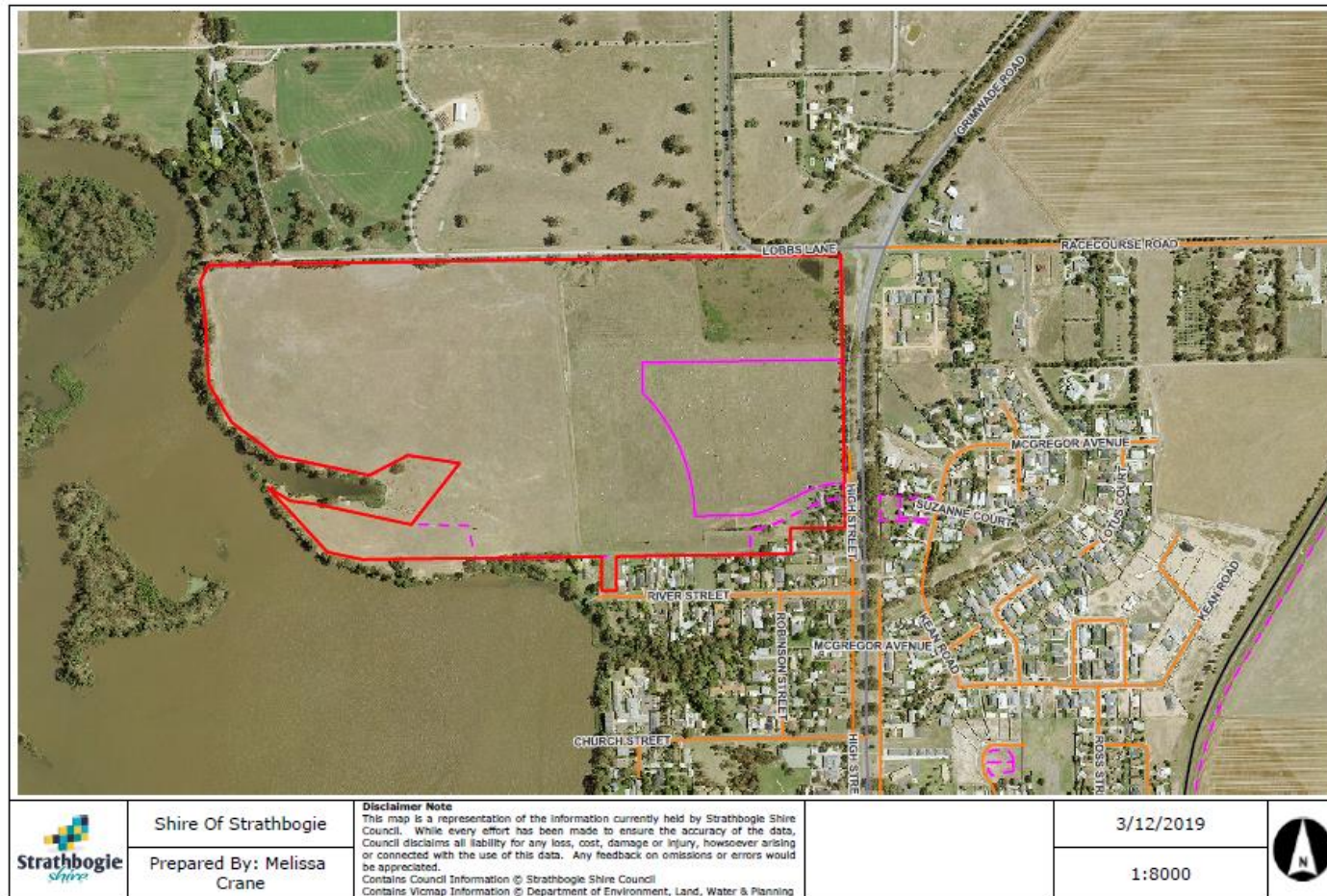
**Conclusion**

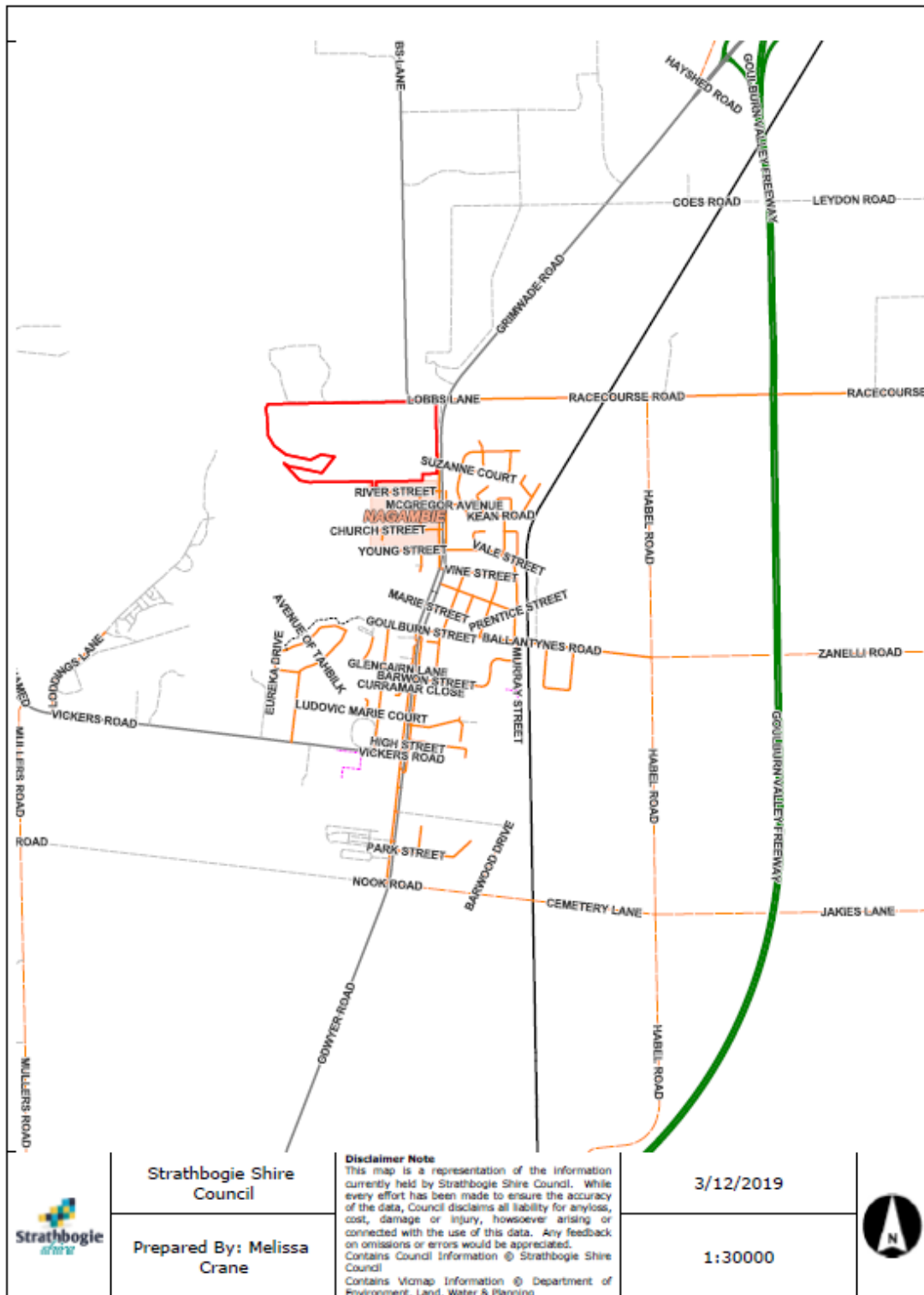
After due assessment of all the relevant factors, it is considered appropriate to issue a notice of decision to grant a planning permit, subject to conditions.



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**Attachments**

Site Plan/s



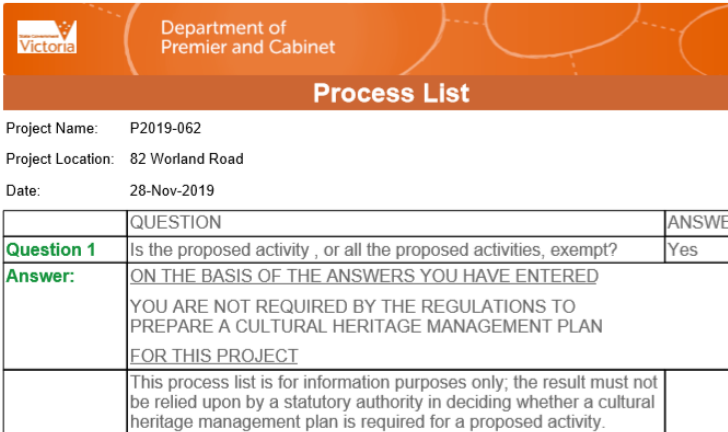


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| <p>Prepared By: Melissa Crane</p>   |                                  | <p>1:30000</p>  |                  |   |

**PLANNING COMMITTEE REPORT NO. 2 (ACTING MANAGER, PLANNING AND INVESTMENT – MELISSA CRANE)**

**6.2 Planning Permit Application No. P2019-062 - Two (2) Lot Subdivision (Boundary Realignment); Construction and Use of a Dwelling and Shed ~ 82 Worland Road, Euroa**

**Application Details:**

| Application is for:  | Two (2) lot subdivision (boundary realignment); Construction and use of a dwelling and shed.  |          |        |  |     |  |  |  |  |
|--|---|----------|--------|--|-----|--|--|--|--|
| Applicant's/Owner's Name:  | MERCER, Erica   |          |        |  |     |  |  |  |  |
| Date Received:   | 07 June 2019  |          |        |  |     |  |  |  |  |
| Statutory Days:  | 52  |          |        |  |     |  |  |  |  |
| Application Number:  | P2019-062   |          |        |  |     |  |  |  |  |
| Planner: Name, title & department  | Melissa Crane<br>Acting Manager Planning and Investment   |          |        |  |     |  |  |  |  |
| Land/Address:  | Lot 1 TP399267 and Crown Allotment 12, Section A, Parish of Branjee<br>82 Worland Road, Euroa VIC 3666  |          |        |  |     |  |  |  |  |
| Zoning:  | Farming Zone  |          |        |  |     |  |  |  |  |
| Overlays:  | Bushfire Management Overlay, Erosion Management Overlay; Land Subject to Inundation   |          |        |  |     |  |  |  |  |
| Is a CHMP required?  | <p>No</p>  <p>Project Name: P2019-062<br/>             Project Location: 82 Worland Road<br/>             Date: 28-Nov-2019</p> <table border="1"> <thead> <tr> <th>QUESTION</th> <th>ANSWER</th> </tr> </thead> <tbody> <tr> <td>Question 1<br/>Is the proposed activity , or all the proposed activities, exempt?</td> <td>Yes</td> </tr> <tr> <td>Answer:<br/>ON THE BASIS OF THE ANSWERS YOU HAVE ENTERED<br/>YOU ARE NOT REQUIRED BY THE REGULATIONS TO PREPARE A CULTURAL HERITAGE MANAGEMENT PLAN FOR THIS PROJECT</td> <td></td> </tr> <tr> <td colspan="2">This process list is for information purposes only; the result must not be relied upon by a statutory authority in deciding whether a cultural heritage management plan is required for a proposed activity.</td> </tr> </tbody> </table> | QUESTION | ANSWER | Question 1<br>Is the proposed activity , or all the proposed activities, exempt? | Yes | Answer:<br>ON THE BASIS OF THE ANSWERS YOU HAVE ENTERED<br>YOU ARE NOT REQUIRED BY THE REGULATIONS TO PREPARE A CULTURAL HERITAGE MANAGEMENT PLAN FOR THIS PROJECT |  | This process list is for information purposes only; the result must not be relied upon by a statutory authority in deciding whether a cultural heritage management plan is required for a proposed activity. |  |
| QUESTION   | ANSWER  |          |        |  |     |  |  |  |  |
| Question 1<br>Is the proposed activity , or all the proposed activities, exempt?   | Yes   |          |        |  |     |  |  |  |  |
| Answer:<br>ON THE BASIS OF THE ANSWERS YOU HAVE ENTERED<br>YOU ARE NOT REQUIRED BY THE REGULATIONS TO PREPARE A CULTURAL HERITAGE MANAGEMENT PLAN FOR THIS PROJECT   |   |          |        |  |     |  |  |  |  |
| This process list is for information purposes only; the result must not be relied upon by a statutory authority in deciding whether a cultural heritage management plan is required for a proposed activity. |   |          |        |  |     |  |  |  |  |
| Is it within an Open Potable Catchment Area?   | No, the site is not in an open potable catchment area.  |          |        |  |     |  |  |  |  |

6.2 Planning Permit Application No. P2019-062  
- Two (2) Lot Subdivision (Boundary Realignment); Construction and Use of a Dwelling and Shed ~ 82 Worland Road, Euroa (cont.)

|  |  |
|--|--|
| Under what clause(s) is a permit required? (include description) | Clause 35.07, Farming Zone – Planning permit required for the re-subdivision of the allotments; Planning permit required for the construction and use of a dwelling on a lot of less than 80 ha.<br>Clause 44.01 Erosion Management Overlay – Planning permit required for subdivision; planning permit required for buildings and works.<br>Clause 44.06 Bushfire Management Overlay – Planning permit required for the construction of a dwelling. |
| 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*.

**Summary**

- The application proposes a two-lot re-subdivision and the construction and use of a dwelling 82 Worland Road, Euroa.
- The proposal is to re-subdivide two lots to create a battle-axe type access for a 12.49ha allotment, with the construction and use of a dwelling on that allotment. The balance allotment will be 74.4ha in size.
- The application was advertised, and no objections were received.
- The application has been assessed within the 60-day statutory timeframe.
- The application is being heard before Planning Committee as the application is for a dwelling on a small lot in the Farming Zone, and the recommendation is for a refusal.
- The proposal does not meet the objectives of the Planning Policy Framework, Local Planning Policy Framework and the Farming Zone.
- It is recommended that Council resolve to issue a refusal to grant a permit in accordance with the Officer's recommendation.

6.2 Planning Permit Application No. P2019-062  
- Two (2) Lot Subdivision (Boundary Realignment); Construction and Use of a Dwelling and Shed ~ 82 Worland Road, Euroa (cont.)

## RECOMMENDATION

### That Council

- having caused notice of Planning Application No. P2016-168 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme

and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to refuse to grant a permit under the provisions of Clause 35.07 Farming Zone of the Strathbogie Planning Scheme in respect of the land known Lot 1 TP399267 and Crown Allotment 12, Section A, Parish of Branjee, 82 Worland Road, Euroa VIC 3666, for the two (2) lot re-subdivision (boundary realignment) and for the construction and use of a dwelling and shed, on the following grounds:

1. The proposal is not in accordance with Clause 13.07-1S, Land use compatibility, as primarily residential uses should be directed into residential areas.
2. The proposal is not in accordance with Clause 14.01-1S, Protection of Agricultural land as it:
  - a. Will permanently change the use of the land from farming to residential
  - b. Encourages development of a small isolated lot in the farming zone for a dwelling
  - c. Does not encourage consolidation of small lots in the farming zone
  - d. Has the potential to impact on the continuation of primary production on adjoining land
3. The proposal is not in accordance with Clause 14.01-2S, Sustainable Agricultural Land Use as it will not ensure the long-term sustainable use of the smaller allotment.
4. The proposal is not in accordance with Clause 21.02-4, Rural Zones as it will allow a dwelling on a small allotment that cannot support an agricultural use.
5. The proposal is not in accordance with Clause 21.02-5, Small Crown Allotment Consolidation as it does not assist in consolidation of a small lot in the farming zone.
6. The proposal is not in accordance with Clause 22.01, Housing and House Lot Excisions in the Farming Zone as it:
  - a. Creates an allotment and would allow a dwelling on a lot that is not required for a sustainable agricultural pursuit.
  - b. Is not of a density appropriate for the area
  - c. Will encourage the proliferation of dwellings in the area.

6.2 Planning Permit Application No. P2019-062  
- Two (2) Lot Subdivision (Boundary Realignment); Construction and Use of a Dwelling and Shed ~ 82 Worland Road, Euroa (cont.)

**7. The proposal is not in accordance with Clause 35.07, Farming Zone, as it:**

- a. **Does not provide for the use of the land for agriculture on the 12.49ha allotment.**
- b. **Will allow a non-agricultural use in land identified for agricultural uses.**
- c. **Will allow a dwelling on an allotment that does not relate to sustainable land management nor will it support or enhance agricultural production on the smaller allotment.**
- d. **Has the potential to limit the operation of adjoining agricultural uses.**
- e. **Will result in the fragmentation of productive agricultural land.**
- f. **Could be adversely affected by agricultural activities on nearby and adjoining land.**
- g. **Would lead to the proliferation of dwellings in the Farming Zone.**

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**Proposal**

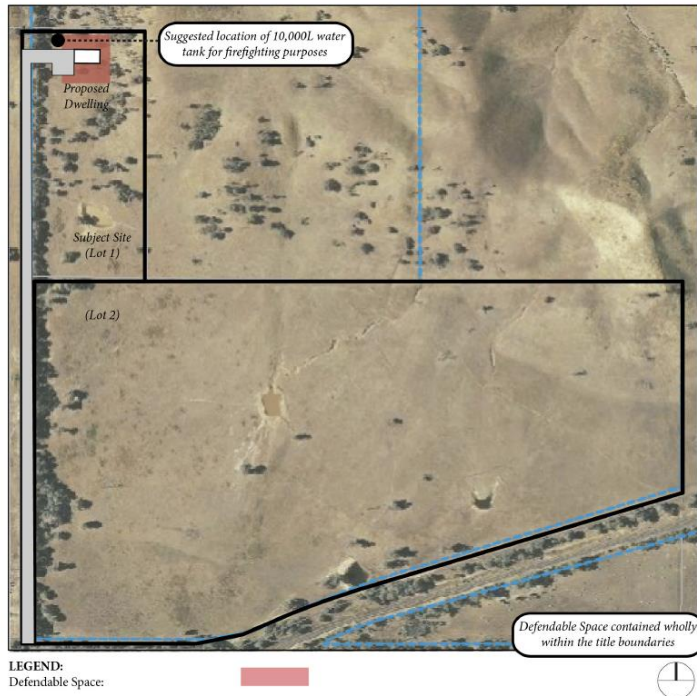
The application is for a re-subdivision of two allotments, being Lot 1 on Title Plan 399267Q (proposed lot 2) and Crown Allotment 12A (proposed Lot 1) Section 4, Parish of Branjee, and for the construction and use of a dwelling and a shed. The existing lot

The re-subdivision is to keep the allotments in the current shape but will provide Crown Allotment 12A with a 23-metre-wide section of land to gain access to Creightons Siding Road. The resultant size of the proposed allotments will be 12.49 and 74.4ha in size. This is a transfer of approximately 1.63 hectares from the larger allotment to the smaller allotment.

The application documents advise that the proposal is required to allow for the future progression of the family farm through allowing the remainder of the farm to be passed onto the next generation.



6.2 Planning Permit Application No. P2019-062  
- Two (2) Lot Subdivision (Boundary Realignment); Construction and Use of a Dwelling and Shed ~ 82 Worland Road, Euroa (cont.)



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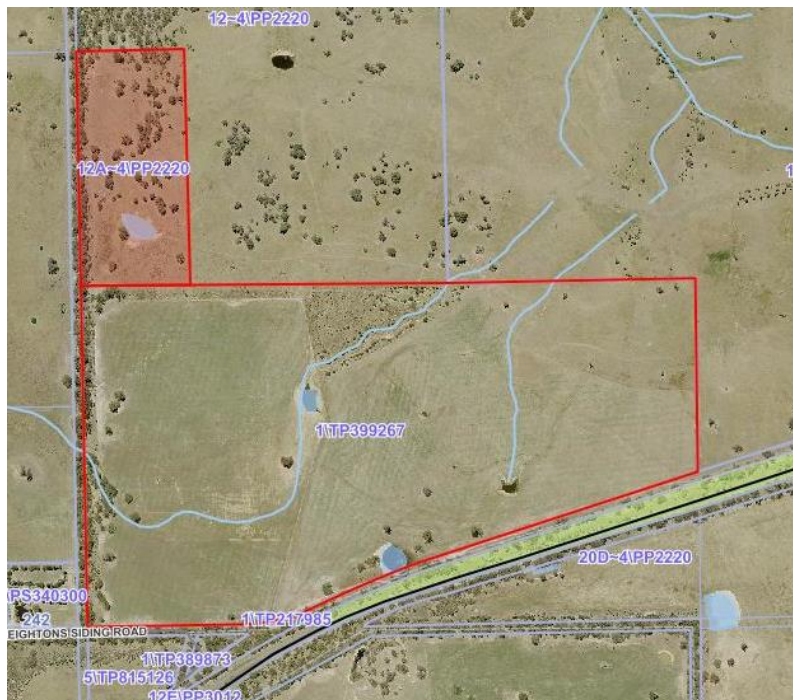
### Subject site & locality

The subject site consists of two allotments, with Lot 1 on Title Plan 399267 having direct access to Worland Road and Creightons Siding Road. Crown Allotment 12A has access only from an unmade road reserve on its western boundary. The parcels are part of a larger holding of approximately 1200 acres, which contains a dwelling further to the east.

The property is generally clear with some remnant native vegetation mainly on the higher elevations of the property, particularly Crown Allotment 12A.

There are two dwellings located near the subject site, but both are located to the west of the site, and close to Creightons Siding Road.

6.2 Planning Permit Application No. P2019-062  
- Two (2) Lot Subdivision (Boundary Realignment); Construction and Use of a Dwelling and Shed ~ 82 Worland Road, Euroa (cont.)



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**Permit/Site History**

No other planning permits have been issued for this property.

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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

The notification has been carried out correctly.

Council has received no objections to date.

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**Consultation**

No consultation has been required to be undertaken.

6.2 Planning Permit Application No. P2019-062  
- Two (2) Lot Subdivision (Boundary Realignment); Construction and Use of a Dwelling and Shed ~ 82 Worland Road, Euroa (cont.)

**Referrals**

External Referrals/Notices required by the Planning Scheme:

| Referrals/Notice     | Advice/Response/Conditions                                    |
|----------------------|---|
| Section 55 Referrals | Country Fire Authority – No objections subject to conditions. |

**Assessment**

**The zoning of the land and any relevant overlay provisions**

**Farming Zone**

Purpose:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

**Response:** A permit is required for for the re-subdivision of land, as it will allow the number of dwellings the land can be used for under the Scheme to be increased. A planning permit is also required for the construction and use of a dwelling on Crown Allotment 12A (proposed lot 1).

Clause 35.07-2, *Use of Land for a Dwelling*, requires a lot to be used for a dwelling to meet the following requirements:

- Access to the dwelling must be provided by an all-weather road with dimensions adequate to accommodate emergency vehicles.
- The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on site in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.
- The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for firefighting purposes.
- The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

6.2 Planning Permit Application No. P2019-062  
- Two (2) Lot Subdivision (Boundary Realignment); Construction and Use of a Dwelling and Shed ~ 82 Worland Road, Euroa (cont.)

In its existing format, Crown Allotment 12A does not comply with the first dot point as the road reserve on the western boundary is not a constructed road on Council's road register (also known as a paper road). While this is a legal access, it is not considered a practical access as it is not constructed. This means that this allotment would not be able to apply for a permit for a dwelling as it did not have both a legal and practical access. The re-subdivision will create a legal and a practical access for Crown Allotment 12A, which then allows the number of dwellings that the land can be used for to increase, with the approval of a planning permit. The application for the dwelling could not be considered without this re-subdivision being approved as well.

In relation to the dwelling, proposed lot 1 is 12.49 hectares in size. The Land Management Plan provided with the application applies to the whole of the property, being 1200 acres, and advises that the dwelling is required as a caretaker dwelling for the mother to support the son in operating the broader property. The property is in a farm zone that has a minimum lot size of 80 hectares, and the dwelling allotment is significantly less than the minimum. The application documents also acknowledge that the dwelling site is in an area that is not actively farmed, nor does that area have the capacity to be farmed.

While this is a reasonable consideration for the placement of the dwelling, it will create a situation where there is a stand alone dwelling on a small allotment that can be separately transferred. From a planning perspective, while officers recognise the need to support farm succession planning, decisions to issue permits for dwellings on small lots should only be supported where they will not have any capacity to cause a future conflict of use with nearby and adjoining farming land. As this dwelling will be located on a small lot surrounded by larger farming properties, there is potential for future occupants of that dwelling to have a land use conflict with adjoining farming practices. Should the adjoining land intensify its farming activities, either with a horticultural enterprise or with animal husbandry, there could be a conflict of use that would undermine the ability of the larger holding to be farmed, and as such, should not be supported.

It is noted that should the two allotments be consolidated, there would be an as-of-right for a dwelling, and the only permit triggers would be in relation to buildings and works in the Bushfire Management and Erosion Management Overlays.

**Land Subject to Inundation Overlay**

Purpose:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*

6.2 Planning Permit Application No. P2019-062  
- Two (2) Lot Subdivision (Boundary Realignment); Construction and Use of a Dwelling and Shed ~ 82 Worland Road, Euroa (cont.)

- *To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.*
- *To protect water quality in accordance with the provisions of relevant State Environment*
- *Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*

**Response:** The applicant has advised that the driveway that traverses the Land Subject to Inundation area on the allotment will be constructed to general natural surface elevations and does not need a permit. This was supported by the provision of a survey plan detailing how the driveway will be constructed.

Should any change to surface levels be required to construct the driveway, a planning permit would be required under this overlay.

**Bushfire Management Overlay**

**Purpose**

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*
- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*

Clause 44.06-1, *Building and works*, of the Strathbogie Planning Scheme states:

- *a permit is required to construct a building or construct or carry out works associated with accommodation.*

Clause 44.06-3, *Requirement of Clause 52.47*, states:

- *An application to subdivide land, construct a building or construct or carry out works must meet the requirements of Clause 52.47 unless a schedule to this overlay specifies otherwise.*

**Response:** A planning permit is required for the construction of a dwelling in the Bushfire Management Overlay. The application was supported by a Bushfire Management Plan which was assessed by the Country Fire Authority, who had no objections subject to conditions.

6.2 Planning Permit Application No. P2019-062  
- Two (2) Lot Subdivision (Boundary Realignment); Construction and Use of a Dwelling and Shed ~ 82 Worland Road, Euroa (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.*

**Response:** A permit is required for buildings and works in the Erosion Management Overlay. The application advised that the area for the dwelling does change in elevation, but that the Land Capability Assessment identified that the area is geo-physically stable, with negligible possibility of land slippage. The site has shown no evidence of slippage or degradation either. This could be addressed with conditions on a permit, should one issue.

**The Planning Policy Framework (PPF)**

Clause 13.02-1S, *Bushfire Planning*

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

Strategies:

Identify bushfire hazard and undertake appropriate risk assessment by:

- Considering and assessing the bushfire hazard on the basis of:
  - Landscape conditions – meaning conditions in the landscape within 20 kilometres (and potentially up to 75 kilometres) of a site;
  - Local conditions – meaning conditions in the area within approximately 1 kilometre of a site;
  - Neighbourhood condition – meaning in the area within 400 metres of the site, and
  - The site for the development

**Response:** The proposal was referred to the CFA who offered no objection, subject to conditions.

Clause 13.03-1S, *Floodplain management*

Objection: To assist the protection of:

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

6.2 Planning Permit Application No. P2019-062  
- Two (2) Lot Subdivision (Boundary Realignment); Construction and Use of a Dwelling and Shed ~ 82 Worland Road, Euroa (cont.)

Strategies:

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

**Response:** The applicant has advised that there will be no works undertaken that will impact the area subject to inundation.

Clause 13.04-2S, *Erosion and landslip*

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

Strategies: Prevent inappropriate development in unstable areas or areas prone to erosion.

**Response:** The proposed dwelling site is not considered unstable and any potential issues could be managed with permit conditions, should a permit be issued.

Clause 13.07-1S, *Land Use Compatibility*

Objective: To safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential offsite impacts

Strategies: Ensure the compatibility of a use or development as appropriate to the land use functions and character of the area by:

- Directing land uses to appropriate locations
- Using a range of building design, urban design, operational and land use separation measures.

**Response:** The use of the land for a dwelling on a small lot is primarily residential in nature and should be in a zone where residential uses are supported.

Clause 14.01-1S, *Protection of Agricultural Land*

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

Strategies:

- Identify areas of productive agricultural land, including land for primary production and intensive agriculture.
- Protect productive agricultural land from unplanned loss due to permanent changes in land use
- Limit new housing development in rural areas by:
  - Directing housing growth into existing settlements
  - Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.
  - Encouraging consolidation of existing small lots in rural zones.

6.2 Planning Permit Application No. P2019-062  
- Two (2) Lot Subdivision (Boundary Realignment); Construction and Use of a Dwelling and Shed ~ 82 Worland Road, Euroa (cont.)

- In considering a proposal to use, subdivide or develop agricultural land, consider the:
  - Desirability and impacts of removing the land from primary production, given its agricultural productivity.
  - Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.
  - Compatibility between the proposed or likely development and the existing use of the surrounding land.
- Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.

**Response:** The site is within a farming zone area with a minimum 80ha for the use of a dwelling. This application will create a dwelling on a lot that is significantly smaller than the minimum lot size and would be primarily used for residential purposes. Although the application documents advise that the broader property is used for farming purposes, should this application be supported, the site will be separately transferrable and could create a future conflict of use that would undermine the ability of the adjoining land to be farmed. There is capacity within the property to create an as-of-right use through consolidation.

Clause 14.01-2S, *Sustainable agricultural land use*

Objective: To encourage sustainable agricultural land use

Strategies:

- Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.
- Assist genuine farming enterprises to embrace opportunities and adjust flexibly to market changes.
- Facilitate ongoing productivity and investment in high value agriculture.

**Response:** The site for the dwelling does not have the capacity to sustain an agricultural use separately from the rest of the property.

Clause 15.01-6S, *Design for rural areas*

Objective: To ensure development respects valued areas of rural character

Strategies:

- Ensure that the siting, scale and appearance of development protects and enhances rural character.
- Site and design development to minimise visual impacts on surrounding natural scenery and landscape features.

**Response:** The proposed site will not have an impact on the rural landscape.



6.2 Planning Permit Application No. P2019-062  
- Two (2) Lot Subdivision (Boundary Realignment); Construction and Use of a Dwelling and Shed ~ 82 Worland Road, Euroa (cont.)

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

Clause 21.02-4, *Rural Zones*

Objective: To protect and maintain established farming areas

Strategies:

- Limit inappropriate uses within farming areas, including dwellings not required to support an agricultural use.

**Response:** While it is noted that the dwelling is to support a broader property owned by the family, the property is separately transferrable, and this permit could result with a dwelling on a small lot not required for agricultural use.

Clause 21.02-5, *Small Crown Allotment Consolidation*

Objective: To prevent the further proliferation of dwellings on small crown allotments in the Farming Zone.

Strategies:

- Discourage the use of small crown allotments in the Farming Zone for a dwelling except where it is possible to consolidate a number of lots before the construction of a dwelling.
- Encourage the consolidation of small rural lots.

**Response:** The proposal will allow a dwelling on a small crown allotment where there is the ability to consolidate lots to allow a dwelling.

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.

Strategy: Require the use of building materials and colours which are in context with the surrounding environment.

**Response:** A condition in relation to muted tones could be included on a permit should one be issued.

Clause 22.01 *Housing and House Lot Excisions in Farming Zones*

Policy Basis:

All new houses within the Farming Zone on a small lot require a planning permit.

Inappropriate development of dwellings within the Farming Zone can lead to:

- Residential dwellings in isolation
- Inappropriate rural-residential development and
- Potential conflicts with farming practices.

Rural enterprises are a very important component of the municipality's sustainability. Greater expectation of residential amenity from residents of dwellings on small lots can impact on the efficient operation of rural activities.

6.2 Planning Permit Application No. P2019-062  
- Two (2) Lot Subdivision (Boundary Realignment); Construction and Use of a Dwelling and Shed ~ 82 Worland Road, Euroa (cont.)

Policy:

As the application is for a subdivision as well as a dwelling, there are two policy areas to be addressed as follows:

1. It is policy that the construction of a new dwelling on an existing small lot will be discouraged unless it meets all of the following requirements:

| Policy  | Response   | Complies Yes/No |
|---|--|-----------------|
| The lot is accessed by an all-weather road and has appropriate service provisions.  | The site will only be able to have access to an all-weather road should the re-subdivision of the allotment be approved. Without this realignment, the property is effectively landlocked, and the whole of the land must be used as one entity.                           | <b>x</b>        |
| Emergency ingress and egress is at an appropriate standard  | This will only be achieved with either the boundary realignment or the full construction of the paper road to the west, which would necessitate the removal of significant amounts of vegetation.  | <b>x</b>        |
| The dwelling will not inhibit the operation of agricultural and rural industries  | The allotment, at 12.49ha, is not large enough to sustain an agricultural enterprise on its own and will be used for primarily residential purposes. This has the potential to cause a future conflict of use that will inhibit the operation of an agricultural industry. | <b>x</b>        |
| The site must be able to contain and treat onsite effluent and wastewater in accordance with the relevant Code of Practice and Australian Standards   | A Land Capability Assessment could be prepared for the site.   | <b>✓</b>        |
| The dwelling is associated with a sustainable rural pursuit that requires a dwelling on the land to manage that pursuit. The application should be supported by a Farm Management Plan that justifies the need for a dwelling to assist in the operation of the farm. | The application is supported by a Farm Management Plan, but that is for the remainder of the farm, not the 12.49ha allotment proposed to contain the dwelling.   | <b>x</b>        |

6.2 Planning Permit Application No. P2019-062  
- Two (2) Lot Subdivision (Boundary Realignment); Construction and Use of a Dwelling and Shed ~ 82 Worland Road, Euroa (cont.)

2. Subdivision will only be supported if the application meets all the following requirements:

| Policy  | Response   | Complies Yes/No |
|---|--|-----------------|
| Creates a density appropriate to the rural activities of the area.                                  | The property is in a Farm Zone area with a minimum lot size for subdivision of 80 hectares. With the realignment of boundaries, this will create a separately transferrable block of 12.49 hectares, which is significantly below the density considered appropriate in this area. | <b>x</b>        |
| The proposed lots have good access via an all-weather road and have appropriate services available. | The existing lot structure is such that the small allotment does not have an existing access, and this re-subdivision would allot access to be provided.   | <b>x</b>        |
| The subdivision does not encourage the proliferation of dwellings.                                  | The re-subdivision of the allotments would allow a dwelling to be considered on the smaller lot, which would encourage the proliferation of dwellings in the area.   | <b>x</b>        |

**Relevant Particular Provisions**

Clause 53.02, Bushfire Planning

A Bushfire Management Statement was submitted with the application and it is considered the proposal meets the relevant requirements.

**Response:** The proposal was referred to the CFA who offered no objection, subject to conditions.

**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.*

6.2 Planning Permit Application No. P2019-062  
- Two (2) Lot Subdivision (Boundary Realignment); Construction and Use of a Dwelling and Shed ~ 82 Worland Road, Euroa (cont.)

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

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

There are no relevant adopted State policies.

**Relevant incorporated, reference or adopted documents**

- *Infrastructure Design Manual*, Shire of Campaspe, City of Greater Bendigo, Greater Shepparton City Council, Version 4, March 2013
- *Planning Controls for Earthworks in the Goulburn Broken Catchment*, 1997
- *Shire of Strathbogie Rural Residential Strategy*, 2004
- *Sustainable Land Use Strategy*, Parsons Brinckerhoff, December 2010

**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.

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**Summary of Key Issues**

With regard to the Farming Zone: The proposal does not support the use of the land for agricultural purposes and will create a residential use in a rural environment. As this has the potential to create a future conflict of use that may undermine the ability of nearby land to be farmed, the application is not supported by Council officers.

With regard to the Erosion Management and Bushfire Management Overlays: Any works on the site can be managed with conditions, should a permit be issued.

In summary, the proposal does not meet the objectives of the Planning Policy Framework, Local Planning Policy Framework and the Farming Zone.

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**Conclusion**



After due assessment of all the relevant factors, it is considered appropriate to recommend a refusal to grant a permit.

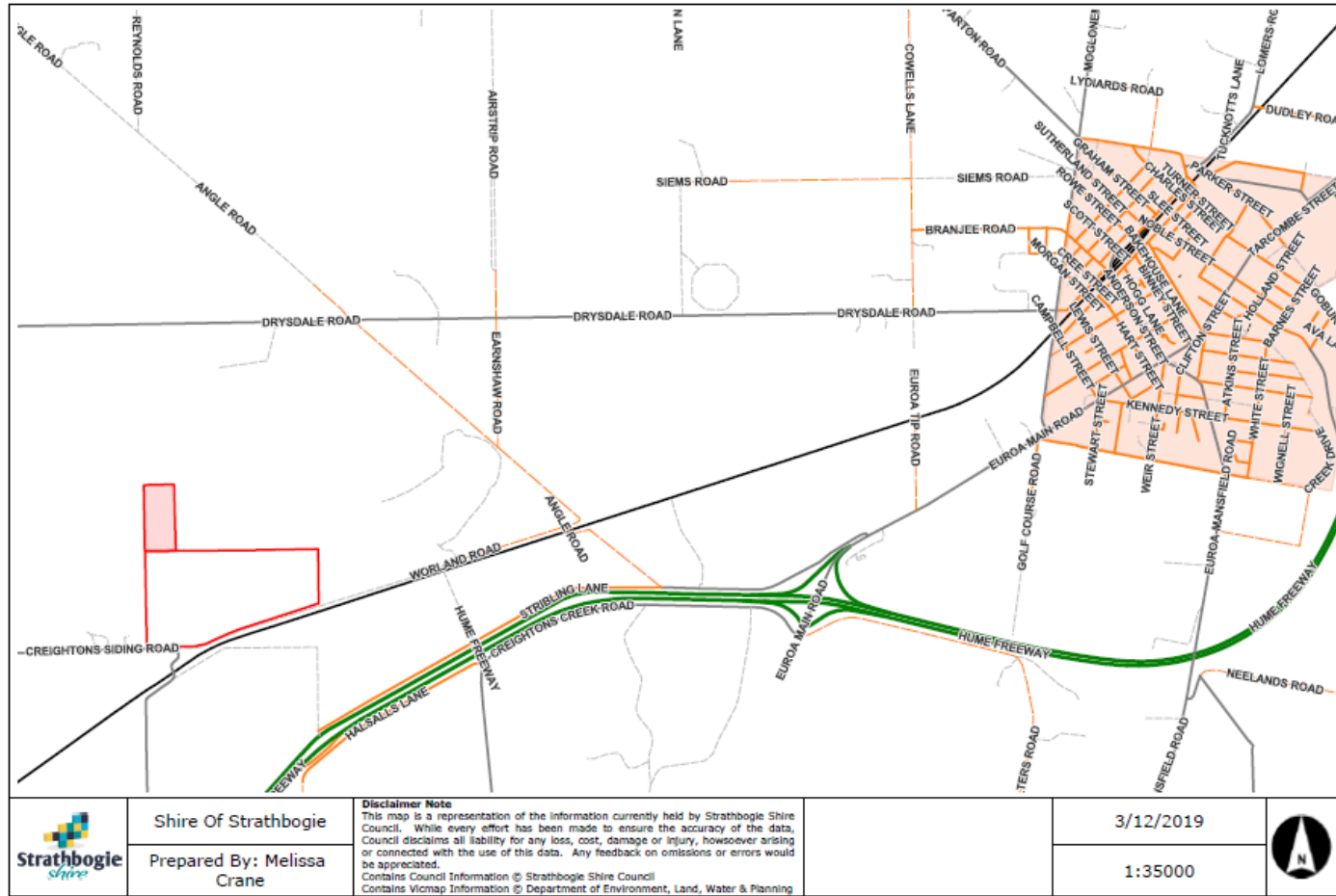
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**Attachments**

Site Plan/s



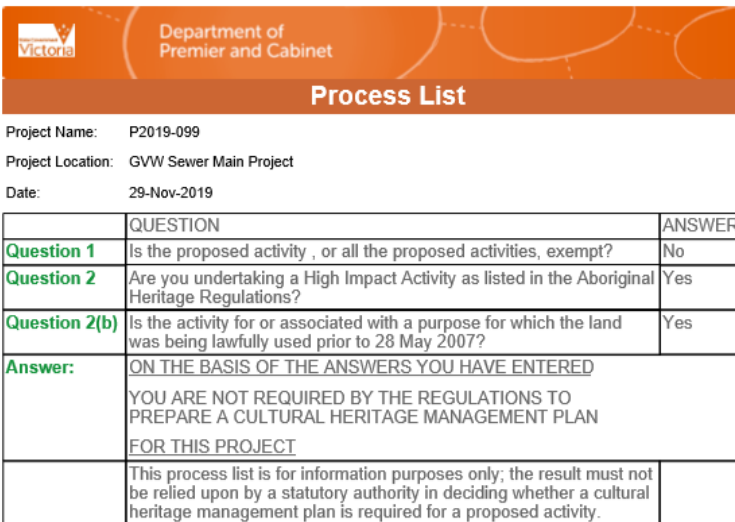
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|---|----------------------------|--|-----------|---|
|  | Shire Of Strathbogie       | <b>Disclaimer Note</b><br>This map is a representation of the information currently held by Strathbogie Shire Council. While every effort has been made to ensure the accuracy of the data, Council disclaims all liability for any loss, cost, damage or injury, howsoever arising or connected with the use of this data. Any feedback on omissions or errors would be appreciated.<br>Contains Council Information © Strathbogie Shire Council<br>Contains Vicmap Information © Department of Environment, Land, Water & Planning | 3/12/2019 |  |
|   | Prepared By: Melissa Crane |  | 1:20000   |   |



**PLANNING COMMITTEE REPORT NO. 3 (ACTING MANAGER, PLANNING AND INVESTMENT – MELISSA CRANE)**

**6.3 Planning Permit Application No. P2019-99  
- Native Vegetation Removal ~ Beaton Street Road Reserve, Challenger Street Road Reserve (between De Boos and Morgan Streets), Birkett Street Road Reserve, Euroa**

**Application Details:**

| Application is for:               | Native vegetation removal  |        |          |        |            |   |    |            |  |     |               |   |     |         |   |  |  |  |  |
|-----------------------------------|--|--------|----------|--------|------------|---|----|------------|--|-----|---------------|---|-----|---------|---|--|--|--|--|
| Applicant's/Owner's Name:         | Zeeshan Pirzada<br>On behalf Goulburn Valley Water   |        |          |        |            |   |    |            |  |     |               |   |     |         |   |  |  |  |  |
| Date Received:                    | 09 September 2019  |        |          |        |            |   |    |            |  |     |               |   |     |         |   |  |  |  |  |
| Statutory Days:                   | 69   |        |          |        |            |   |    |            |  |     |               |   |     |         |   |  |  |  |  |
| Application Number:               | P2019-099  |        |          |        |            |   |    |            |  |     |               |   |     |         |   |  |  |  |  |
| Planner: Name, title & department | Melissa Crane<br>Acting Manager Planning and Investment  |        |          |        |            |   |    |            |  |     |               |   |     |         |   |  |  |  |  |
| Land/Address:                     | Beaton Street road reserve, Challenger Street road reserve (between De Boos and Morgan Streets), Birkett Street road reserve; Crown Allotment 2C, Section 3; Crown Allotment 2001, Crown Allotment 2006, Crown Allotment 9 Section 3, Parish of Branjee; Lot 1 on Title Plan 530165 and Lot 2 on Plan of Subdivision 123191  |        |          |        |            |   |    |            |  |     |               |   |     |         |   |  |  |  |  |
| Zoning:                           | General Residential Zone, Urban Floodway Zone, Farming Zone, Public Use Zone   |        |          |        |            |   |    |            |  |     |               |   |     |         |   |  |  |  |  |
| Overlays:                         | Land Subject to Inundation Overlay   |        |          |        |            |   |    |            |  |     |               |   |     |         |   |  |  |  |  |
| Is a CHMP required?               | <p>No, as it is in the location of the existing sewer main (associated with a previous lawful use)</p>  <p>The screenshot shows a 'Process List' for project P2019-099, 'GVW Sewer Main Project', dated 29-Nov-2019. It contains a table with the following content:</p> <table border="1"> <thead> <tr> <th></th> <th>QUESTION</th> <th>ANSWER</th> </tr> </thead> <tbody> <tr> <td>Question 1</td> <td>Is the proposed activity, or all the proposed activities, exempt?</td> <td>No</td> </tr> <tr> <td>Question 2</td> <td>Are you undertaking a High Impact Activity as listed in the Aboriginal Heritage Regulations?</td> <td>Yes</td> </tr> <tr> <td>Question 2(b)</td> <td>Is the activity for or associated with a purpose for which the land was being lawfully used prior to 28 May 2007?</td> <td>Yes</td> </tr> <tr> <td>Answer:</td> <td colspan="2">ON THE BASIS OF THE ANSWERS YOU HAVE ENTERED<br/>YOU ARE NOT REQUIRED BY THE REGULATIONS TO PREPARE A CULTURAL HERITAGE MANAGEMENT PLAN FOR THIS PROJECT</td> </tr> <tr> <td></td> <td colspan="2">This process list is for information purposes only; the result must not be relied upon by a statutory authority in deciding whether a cultural heritage management plan is required for a proposed activity.</td> </tr> </tbody> </table> |        | QUESTION | ANSWER | Question 1 | Is the proposed activity, or all the proposed activities, exempt? | No | Question 2 | Are you undertaking a High Impact Activity as listed in the Aboriginal Heritage Regulations? | Yes | Question 2(b) | Is the activity for or associated with a purpose for which the land was being lawfully used prior to 28 May 2007? | Yes | Answer: | ON THE BASIS OF THE ANSWERS YOU HAVE ENTERED<br>YOU ARE NOT REQUIRED BY THE REGULATIONS TO PREPARE A CULTURAL HERITAGE MANAGEMENT PLAN FOR THIS PROJECT |  |  | This process list is for information purposes only; the result must not be relied upon by a statutory authority in deciding whether a cultural heritage management plan is required for a proposed activity. |  |
|                                   | QUESTION   | ANSWER |          |        |            |   |    |            |  |     |               |   |     |         |   |  |  |  |  |
| Question 1                        | Is the proposed activity, or all the proposed activities, exempt?  | No     |          |        |            |   |    |            |  |     |               |   |     |         |   |  |  |  |  |
| Question 2                        | Are you undertaking a High Impact Activity as listed in the Aboriginal Heritage Regulations?   | Yes    |          |        |            |   |    |            |  |     |               |   |     |         |   |  |  |  |  |
| Question 2(b)                     | Is the activity for or associated with a purpose for which the land was being lawfully used prior to 28 May 2007?  | Yes    |          |        |            |   |    |            |  |     |               |   |     |         |   |  |  |  |  |
| Answer:                           | ON THE BASIS OF THE ANSWERS YOU HAVE ENTERED<br>YOU ARE NOT REQUIRED BY THE REGULATIONS TO PREPARE A CULTURAL HERITAGE MANAGEMENT PLAN FOR THIS PROJECT  |        |          |        |            |   |    |            |  |     |               |   |     |         |   |  |  |  |  |
|                                   | This process list is for information purposes only; the result must not be relied upon by a statutory authority in deciding whether a cultural heritage management plan is required for a proposed activity.   |        |          |        |            |   |    |            |  |     |               |   |     |         |   |  |  |  |  |

6.3 Planning Permit Application No. P2019-099  
- Native Vegetation Removal ~ Beaton Street Road Reserve, Challenger Street Road Reserve (between De Boos and Morgan Streets), Birkett Street Road Reserve, Euroa (cont.)

|  |   |
|--|---|
| Is it within an Open Potable Catchment Area?                     | No, the site is not in an Open Potable Catchment Area   |
| Under what clause(s) is a permit required? (include description) | Clause 52.17, <i>Native Vegetation</i> – a planning permit is required to remove, destroy or lop native vegetation. |
| Restrictive covenants on the title?                              | No  |
| Current use and development:                                     | Mixed use   |

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

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

**Summary**

- The application proposes the removal of native vegetation on land in Beaton Street road reserve, Challenger Street road reserve (between De Boos and Morgan Streets), Birkett Street road reserve; Crown Allotment 2C, Section 3; Crown Allotment 2001, Crown Allotment 2006, Crown Allotment 9 Section 3, Parish of Branjee; Lot 1 on Title Plan 530165 and Lot 2 on Plan of Subdivision 123191 for the installation of a replacement sewer rising main for the township of Euroa.
- The application is for the removal of 1.092ha of native vegetation in total.
- The application was advertised, and 2 objections were received, with one withdrawn after consultation. For the remaining objection the issues included damage to trees on the nature strip (not native trees), what will be done to replace the trees that may be lost and timeframes for the works.
- The application has not been assessed within the 60-day statutory timeframe due to the outstanding objection.
- The application is being heard before Planning Committee due to the unresolved objection.
- The proposal meets the objectives of the Planning Policy Framework, Local Planning Policy Framework as well as the relevant particular provision.
- It is recommended that Council resolve to issue a Notice of Decision to grant a permit in accordance with the Officer's recommendation.



- 6.3 Planning Permit Application No. P2019-099  
- Native Vegetation Removal ~ Beaton Street Road Reserve, Challenger Street Road Reserve (between De Boos and Morgan Streets), Birkett Street Road Reserve, Euroa (cont.)

## **RECOMMENDATION**

### **That Council**

- **having caused notice of Planning Application No. P2016-168 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme**

and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a notice of decision to grant a permit under the provisions of Clause 52.17 of the Strathbogrie Planning Scheme in respect of the land known as Beaton Street road reserve, Challenger Street road reserve (between De Boos and Morgan Streets), Birkett Street road reserve; Crown Allotment 2C, Section 3; Crown Allotment 2001, Crown Allotment 2006, Crown Allotment 9 Section 3, Parish of Branjee; Lot 1 on Title Plan 530165 and Lot 2 on Plan of Subdivision 123191, Euroa, for native vegetation removal, in accordance with endorsed plans, subject to the following conditions:

1. The layout of the site and the size and type of the proposed vegetation removal, as shown on the endorsed plan shall not be altered or modified without the consent in writing of the Responsible Authority.

### **Construction Environmental Management Plan**

2. The following mitigation measures must be implemented during the construction and post construction phase:
  - a. Where possible the impact of construction activities will be further reduced within the assigned project area to enable the retention of native vegetation.
  - b. Where trees assumed as lost are identified prior to construction as avoidable, Tree Protection Zones will be implemented in accordance with Australian Standard 4970 (StandardsAustralia 2009).
  - c. Where areas do not need to be maintained as cleared post-construction for maintenance activities, areas will be reinstated with weed-free mulch and planted with locally indigenous species in areas that previously supported remnant vegetation. Areas that previously supported planted vegetation will be re-instated with suitable species in consultation with the responsible authority.
  - d. Measures will be undertaken to prevent the introduction, spread and establishment of declared and environmental weed and pathogen species. Ongoing weed and pathogen control and eradication procedures should be implemented following ground disturbance works.
  - e. Bore entry and exit pits must be located outside of the respective tree canopies.
  - f. Verification of the bore depth and offset readings must be undertaken outside the areas underneath the tree canopies.

6.3 Planning Permit Application No. P2019-099  
- Native Vegetation Removal ~ Beaton Street Road Reserve, Challenger Street  
Road Reserve (between De Boos and Morgan Streets), Birkett Street Road  
Reserve, Euroa (cont.)

- g. Where possible, align the bore to pass directly under the trunk of the tree.
- h. If the directional drill-head becomes stuck within the area underneath the canopy, the arborist responsible for the trees on the site should be contacted prior to the retrieval process.
- i. Any retrieval of a directional drill-head from within the area underneath the canopy must be undertaken with hand tools unless otherwise stated by the responsible arborist.

These mitigation measures must be included in the Construction Environmental Management Plan required under condition 3.

- 3. Prior to the commencement of works, in order to reduce the risk of consequential loss of some of the native vegetation, works must be undertaken as follows:
  - a. Trees to be pruned to reduce the less co-dominant stem.
    - i. Tree ID 3050 (council asset 8000021.00)
    - ii. Tree ID561 (Council asset 8000092.00)
  - b. Trenching to be undertaken directly through the stem
    - i. Tree ID560 (Council asset 8000064.00)
    - ii. Tree ID40
  - c. Trees to be managed for retention, with no specific works required:
    - i. Tree ID557 (Council asset 8000088.00)
    - ii. Tree ID556 (Council asset 8000086.00)
    - iii. Tree ID551 (Council asset 8000082.00)
    - iv. Tree ID537 (Council asset 8000072.00)
    - v. Tree ID536 (Council asset 8000069.00)
    - vi. Tree ID530 (Council asset 8000070.00)
    - vii. Tree ID529 (Council asset 8000071.00)
    - viii. Tree ID190
    - ix. Tree ID191
    - x. Tree ID192
    - xi. Tree ID195
    - xii. Tree ID198
    - xiii. Tree ID33
    - xiv. Tree ID143
    - xv. Tree ID153
    - xvi. Tree ID165
- 4. Prior to the commencement of any works on site, a Construction Environmental Management Plan must be submitted to and approved by the Responsible Authority. The plan must include, but not limited to, the following:
  - a. Implementation of any tree protection measures for any trees within or near the Project area identified to be retained in accordance with Australian Standard 4970 (StandardsAustralia 2009).

6.3 Planning Permit Application No. P2019-099  
- Native Vegetation Removal ~ Beaton Street Road Reserve, Challenger Street Road Reserve (between De Boos and Morgan Streets), Birkett Street Road Reserve, Euroa (cont.)

- b. Industry standard sediment and erosion controls are required to be implemented to manage potential issues associated with siltation and stability in proximity to any waterway.
- c. Details on how the boring and excavation will be undertaken.
- d. Measures to be undertaken to prevent the introduction, spread and establishment of declared and environmental weed and pathogen species. Ongoing weed and pathogen control and eradication procedures should be implemented following ground disturbance works. These procedures need to include:
  - i. Sand, soil or gravel imported to the site is certified weed and pathogen free.
  - ii. Appropriately dispose of known declared weed material to minimise potential for weed spread.
  - iii. Vehicles and equipment entering and exiting the site are to be weed free (eg vehicle washdown procedures as appropriate) and
  - iv. Vehicles on site must be suitably managed to remain weed free.

5. All works must be done in accordance with the Arboricultural Assessment and Report prepared by Tree Logic (Ref 008622, 16 October 2017)

Engineering Conditions:

6. Appropriate steps must be taken to retain all silt and sediment on site during the construction phase to the satisfaction of the Responsible Authority, in accordance with the sediment control principles outlined in Construction Techniques for Sediment Pollution Control (EPA, 1991) and to the satisfaction of the Responsible Authority.
7. Any damage to the Responsible Authority's assets (i.e. sealed roads, kerb & channel, trees, nature strip etc), and boundary fences, must be repaired or replaced at the cost of the permit holder.

Amenity

8. The amenity of the area must not be detrimentally affected by the use, through the:
  - (a) Appearance of any building, works or materials;
  - (b) Transport of materials, goods or commodities to or from the land;
  - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil;
  - (d) Presence of vermin, and;
  - (e) Others as appropriate.

6.3 Planning Permit Application No. P2019-099  
- Native Vegetation Removal ~ Beaton Street Road Reserve, Challenger Street Road Reserve (between De Boos and Morgan Streets), Birkett Street Road Reserve, Euroa (cont.)

**Department of Environment, Land, Water and Planning**

9. Before works start, the permit holder must advise all persons undertaking the vegetation removal works of all relevant permit conditions of this permit.
10. In order to offset the removal of 1.092 hectares of native vegetation and six (6) large trees approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements.
11. The offset must
  - a. Contribute gain of 0.516 general habitat units and six (6) large trees.
  - b. Be located within the Strathbogrie Shire Council or Goulburn Broken Catchment Management Authority boundary.
  - c. Have a strategic biodiversity score of at least 0.553
12. Before any vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the responsible authority. Offset evidence can be either:
  - a. A security agreement, to the required standard, for the offset site or sites, including a 10-year offset management plan.
  - b. A credit register extract from the Native Vegetation Credit Register.
13. Every year, for ten years, after the responsible authority has approved the offset management plan the applicant must provide notification to the responsible authority of the management actions undertaken towards the implementation of the offset management plan. An offset site condition statement, including photographs must be included in this notification.

Note: This condition does not apply to offsets on the native vegetation credit register as these include monitoring requirements.

**Development**

14. This permit will expire if one of the following circumstances applies:
  - (a) The native vegetation is not started within two (2) years of the date of this Permit,
  - (b) The native vegetation is not completed within four (4) years of the date of this Permit.

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

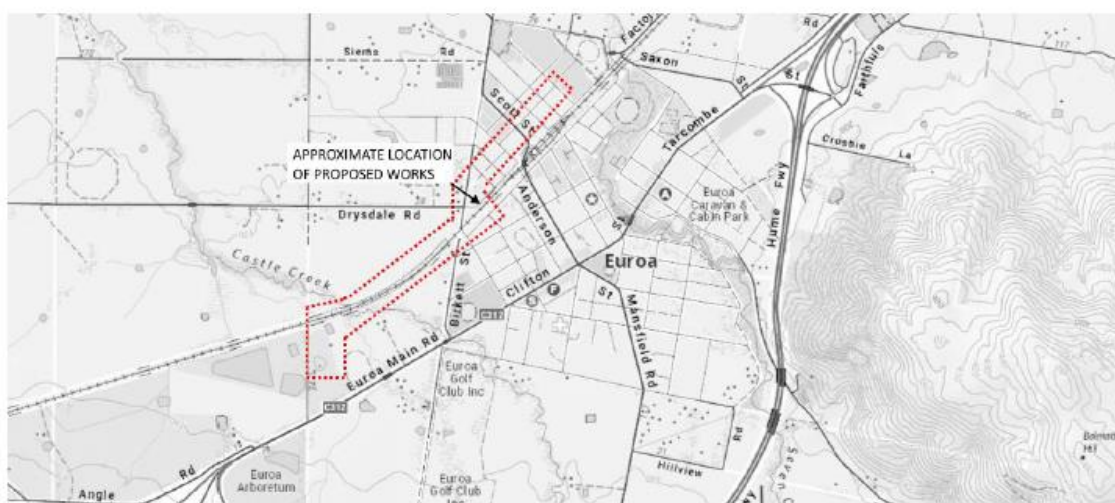
- before the permit expires; or
- within six months afterwards if the use or development has not yet started; or
- within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

6.3 Planning Permit Application No. P2019-099  
- Native Vegetation Removal ~ Beaton Street Road Reserve, Challenger Street Road Reserve (between De Boos and Morgan Streets), Birkett Street Road Reserve, Euroa (cont.)

### Proposal

The application is for native vegetation removal associated with the replacement of a sewer rising main in Euroa. The existing main is the sole rising main for the township and considered critical infrastructure to the servicing of Euroa's waste water.

The existing main runs from the Euroa pump station at the corner of Beaton Street and Hay Street to the inlet works at 34-36 Euroa Tip Road. The area of works in detail in the following map:



The proposed construction footprint will result in the removal of vegetation.

There is a total of 1.092ha of native vegetation to be removed, which includes:

- 0.722ha of native vegetation (including 0.675ha of EVC55-62 *Riverina Plains Grassy Woodland*, comprising 5 large canopy trees and 0.047ha of EVC68 *Creepline Grassy Woodland*).
- 16 scattered trees including one large tree assessed as 0.545ha of native vegetation.

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### Subject site & locality

The area of works is along the Beaton Street road reserve, the Challenger Street road reserve (between De Boos and Morgan Streets), the Birkett Street road reserve and through Crown Allotment 2C, Section 3, Crown Allotment 2001, Crown Allotment 2006, Crown Allotment 9 Section 3, Parish of Branjee; Lot 1 on Title Plan 530165 and Lot 2 on Plan of Subdivision 123191.

The land is predominantly public land, with the exception of Lot 2 on Lodged Plan 123191.

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### Permit/Site History

No other planning permits were relevant to this application.

6.3 Planning Permit Application No. P2019-099  
- Native Vegetation Removal ~ Beaton Street Road Reserve, Challenger Street  
Road Reserve (between De Boos and Morgan Streets), Birkett Street Road  
Reserve, Euroa (cont.)

### **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

The notification has been carried out correctly.

Council has received 2 objections and one question to date. One of the objections was withdrawn. For the remaining objection, the key issues that were raised in the objection are:

- Damage to trees on the nature strip (not native trees)
- Question about what will be done to replace the trees that may be lost
- Timeframes for the works.

---

### **Consultation**

Upon receipt of the objections, the applicant provided responses to address the concerns. This resulted in one objection being withdrawn.

The response to the remaining objection outlined the following:

- While proposed activities will include trench works, access requirements at this location will always be maintained during the completion of works within this area.
- The proposed activities will be contained within the construction footprint and will not have any major impacts to access requirements along any major or local roads.
- Regarding duration of construction impact in and around 20 Sutherland Street, it is anticipated at this stage construction activities will take around a week.
- Regarding damage to roots, we would anticipate that the permit would be conditioned appropriately that all impacts to trees be managed either via an endorsed Environmental Management Plan and/or arborist condition set.
- Regarding tree replacement, damage to roots resulting in significant tree impacts we would anticipate be subject to Strathbogie's standard management regarding replacement/compensation.

This was forwarded to the objector, who did not withdraw her submission.

Further consultation was undertaken between GVW and the objector, with some agreed outcomes, however, the objector advised that the objection would not be withdrawn until GVW had provided written confirmation of those outcomes. GVW have continued to negotiate with the objector, but the objection has remained outstanding.

6.3 Planning Permit Application No. P2019-099  
- Native Vegetation Removal ~ Beaton Street Road Reserve, Challenger Street Road Reserve (between De Boos and Morgan Streets), Birkett Street Road Reserve, Euroa (cont.)

**Referrals**

External Referrals/Notices required by the Planning Scheme:

| Referrals/Notice     | Advice/Response/Conditions   |
|----------------------|--|
| Section 55 Referrals | Department of Environment, Land, Water and Planning – no objections subject to conditions. |
| Section 52 Notices   | VicTrack – no objections, no conditions.   |

| Internal Council Referrals | Advice/Response/Conditions  |
|----------------------------|---|
| Asset Services             | No objections, comments provided on trees identified that should be retained where possible |

**Assessment**

Under Clause 62.01, *Uses not requiring a permit*, and Clause 62.02 *Buildings and Works*, the installation of a minor utility does not need a planning permit. The only trigger for the works is the removal of native vegetation under the particular provisions.

**The Planning Policy Framework (PPF)**

Clause 12.01-1S, *Protection of Biodiversity*

Objective: To assist the protection and conservation of Victoria’s biodiversity

Strategies:

- Ensure that decision making takes into account the impacts of land use and development on Victoria’s biodiversity, including consideration of:
  - Cumulative impacts
  - Fragmentation of habitat
  - The spread of pest plants, animals and pathogens into natural ecosystems

**Response:** The application proposes to offset the consequential loss of native vegetation that may occur as a result of the works for the sewer rising main. Conditions on any permit that may issue will include a requirement for a Construction Environmental Management Plan to address these points.

6.3 Planning Permit Application No. P2019-099  
- Native Vegetation Removal ~ Beaton Street Road Reserve, Challenger Street  
Road Reserve (between De Boos and Morgan Streets), Birkett Street Road  
Reserve, Euroa (cont.)

Clause 12.01-2S, *Native Vegetation Management*

Objective: To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

Strategies:

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

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

**Response:** The application was prepared in accordance with the Guidelines, assessed by DELWP, with no objections raised in relation to the proposal.

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

21.04-4, *Native vegetation and biodiversity*

Objective: To protect and enhance the natural environment

Strategies:

- Encourage the protection, restoration and management of biodiversity values
- Encourage environmental connectivity between vegetation corridors such as roadsides and waterways

**Response:** The application was assessed by Council's Assets team and comments provided that have been incorporated into the planning permit conditions recommended.

**Relevant Particular Provisions**

Clause 52.17, *Native Vegetation*

Purpose: To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

A planning permit is required for the removal, destruction or lopping of native vegetation, and the application must comply with the requirements specified in the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017).

**Response:** The alignment of the main has been relocated where possible to minimise the impact on native vegetation, with particular regard to large remnant trees and vegetation around Castle Creek.



6.3 Planning Permit Application No. P2019-099  
- Native Vegetation Removal ~ Beaton Street Road Reserve, Challenger Street  
Road Reserve (between De Boos and Morgan Streets), Birkett Street Road  
Reserve, Euroa (cont.)

When considering an application to remove native vegetation, the “Avoid, Minimise and Offset” principles must be applied. In this case, avoidance and minimisation was undertaken as follows:

- Where possible the construction areas were reduced, and areas were identified for trenchless construction techniques (particularly around Castle Creek) to avoid vegetation and minimise the extent of loss.
- The following mitigation measures will be implemented during the construction and post construction phase of the project, to limit the impact of the project on the loss of biodiversity as a result of the removal of native vegetation.
- Where trees assumed as lost are identified prior to construction as avoidable, Tree Protection Zones will be implemented in accordance with the Australian Standards (Standards Australia 2009).
- Where areas do not need to be maintained as cleared post construction for maintenance activities, areas will be re-instated with weed free mulch and planted with locally indigenous species in areas that previously supported remnant vegetation. Areas that previously supported planted vegetation will be reinstated with suitable species in consultation with the Strathbogie Shire.
- Measures will be taken to prevent the introduction, spread and establishment of declared and environmental weed and pathogen species. Ongoing weed and pathogen control and eradication procedures should be implemented following ground disturbance works.

This application, and its supporting report, was assessed by the Department of Environment, Land, Water and Planning, and no objections were raised subject to a range of conditions.

**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.*

6.3 Planning Permit Application No. P2019-099  
- Native Vegetation Removal ~ Beaton Street Road Reserve, Challenger Street Road Reserve (between De Boos and Morgan Streets), Birkett Street Road Reserve, Euroa (cont.)

- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*

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

There are no relevant adopted State policies.

**Relevant incorporated, reference or adopted documents**

- *Protecting Victoria's Environment – Biodiversity 2037* (Department of Environment, Land, Water and Planning, 2017)
- *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017)

**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.

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**Summary of Key Issues**

With regard to the Clause 52.17, Native Vegetation: The proposed works have been redesigned to try and minimise the removal of native vegetation, which has been assessed by the Department of Environment, Land, Water and Planning, and can be supported with relevant conditions.

In summary, the proposal meets the objectives of the Planning Policy Framework, Local Planning Policy Framework and Clause 52.17, Native Vegetation.

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**Conclusion**

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

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**Attachments**

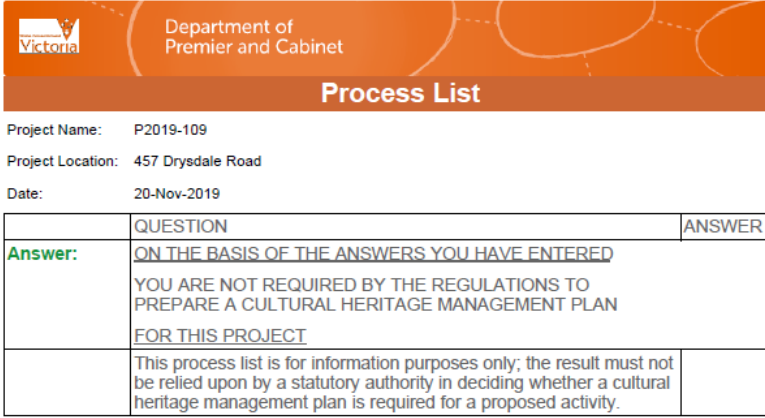
Plan of proposed works



**PLANNING COMMITTEE REPORT NO. 4 (ACTING MANAGER, PLANNING AND INVESTMENT – MELISSA CRANE)**

**6.4 Planning Permit Application No. P2019-109  
- Construction and Use of a Free-Range Poultry Farm (2 sheds, 180,000 birds); Removal of Native Vegetation ~ 457 Drysdale Road, Euroa**

**Application Details:**

| Application is for:  | Construction and use of a Free-Range Poultry Farm (2 sheds, 180,000 birds); Removal of native vegetation.   |          |        |  |  |   |  |  |  |
|--|---|----------|--------|--|--|---|--|--|--|
| Applicant's/Owner's Name:  | Sonny Hoang<br>For: Scolexia Pty Ltd  |          |        |  |  |   |  |  |  |
| Date Received:   | 03 October 2019   |          |        |  |  |   |  |  |  |
| Statutory Days:  | 34  |          |        |  |  |   |  |  |  |
| Application Number:  | P2019-109   |          |        |  |  |   |  |  |  |
| Planner: Name, title & department  | Melissa Crane<br>Acting Manager Planning and Investment   |          |        |  |  |   |  |  |  |
| Land/Address:  | Lots 1 and 2 on Lodged Plan 209543, Parish of Branjee<br>457 Drysdale Road, Euroa VIC 3666  |          |        |  |  |   |  |  |  |
| Zoning:  | Farming Zone  |          |        |  |  |   |  |  |  |
| Overlays:  | Bushfire Management Overlay, Erosion Management Overlay   |          |        |  |  |   |  |  |  |
| Is a CHMP required?  | <p>No, not in an area of cultural sensitivity.</p>  <p>Project Name: P2019-109<br/>             Project Location: 457 Drysdale Road<br/>             Date: 20-Nov-2019</p> <table border="1"> <thead> <tr> <th>QUESTION</th> <th>ANSWER</th> </tr> </thead> <tbody> <tr> <td>ON THE BASIS OF THE ANSWERS YOU HAVE ENTERED</td> <td></td> </tr> <tr> <td>YOU ARE NOT REQUIRED BY THE REGULATIONS TO PREPARE A CULTURAL HERITAGE MANAGEMENT PLAN FOR THIS PROJECT</td> <td></td> </tr> <tr> <td colspan="2">This process list is for information purposes only; the result must not be relied upon by a statutory authority in deciding whether a cultural heritage management plan is required for a proposed activity.</td> </tr> </tbody> </table> | QUESTION | ANSWER | ON THE BASIS OF THE ANSWERS YOU HAVE ENTERED |  | YOU ARE NOT REQUIRED BY THE REGULATIONS TO PREPARE A CULTURAL HERITAGE MANAGEMENT PLAN FOR THIS PROJECT |  | This process list is for information purposes only; the result must not be relied upon by a statutory authority in deciding whether a cultural heritage management plan is required for a proposed activity. |  |
| QUESTION   | ANSWER  |          |        |  |  |   |  |  |  |
| ON THE BASIS OF THE ANSWERS YOU HAVE ENTERED   |   |          |        |  |  |   |  |  |  |
| YOU ARE NOT REQUIRED BY THE REGULATIONS TO PREPARE A CULTURAL HERITAGE MANAGEMENT PLAN FOR THIS PROJECT  |   |          |        |  |  |   |  |  |  |
| This process list is for information purposes only; the result must not be relied upon by a statutory authority in deciding whether a cultural heritage management plan is required for a proposed activity. |   |          |        |  |  |   |  |  |  |
| Is it within an Open Potable Catchment Area?   | No, not in an open potable catchment area   |          |        |  |  |   |  |  |  |
| Under what clause(s) is a permit required? (include description)   | <p>Clause 35.07, Farming Zone – A planning permit is required for the construction and use of a poultry farm if there are more than 100 birds.</p> <p>Clause 44.01, Erosion Management Overlay – A planning permit is required for buildings and works.</p>   |          |        |  |  |   |  |  |  |

6.4 Planning Permit Application No. P2019-109  
- Construction and Use of a Free-Range Poultry Farm (2 sheds, 180,000 birds);  
Removal of Native Vegetation ~ 457 Drysdale Road, Euroa (cont.)

|                                     |             |
|-------------------------------------|-------------|
| 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*.

**Summary**

- The application proposes the construction and use of a free-range poultry egg farm, consisting of two sheds for up to 180,000 birds and the removal of native vegetation at 457 Drysdale Road, Euroa.
- The application was advertised, and 5 objections were received. The objections raised issues including environmental impacts, erosion concerns, amenity and landscape impacts, infrastructure provision and traffic.
- The application has been assessed within the 60-day statutory timeframe.
- The application is being heard before Planning Committee due to the 5 unresolved objections.
- The proposal meets the objectives of the Planning Policy Framework, Local Planning Policy Framework as well as the relevant particular provision, the Farming Zone, and the Erosion Management Overlay.
- It is recommended that Council resolve to issue a Notice of Decision to grant a permit in accordance with the Officer's recommendation.

**RECOMMENDATION**

**That Council**

- having caused notice of Planning Application No. P2016-168 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme

and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a notice of decision to grant a permit under the provisions of Clause 35.07 Farming Zone and Clause 44.01 Erosion Management Overlay of the Strathbogie Planning Scheme in respect of the land known as Lots 1 and 2 on LP209543, 457 Drysdale Road, Euroa VIC 3666, for the construction and use of a free range poultry Farm (2 sheds, 180,000 birds) and the removal of native vegetation, in accordance with endorsed plans, subject to the following conditions:

6.4 Planning Permit Application No. P2019-109  
- Construction and Use of a Free-Range Poultry Farm (2 sheds, 180,000 birds);  
Removal of Native Vegetation ~ 457 Drysdale Road, Euroa (cont.)

1. The use and development must be carried out in accordance with the endorsed plans unless otherwise approved with the written consent of the responsible authority.
2. Prior to the commencement of use, Lots 1 and 2 on LP 209543 must be consolidated to form one title.

**Erosion Management**

3. Before development hereby permitted starts sediment prevention/control measures such as silt barriers, other similar permeable silt barriers and/or material must be installed at the site to the satisfaction of the Responsible Authority.
4. Upon completion of development, erosion control/prevention measures such as silt barriers or geo-textile fabrics must be installed immediately to the satisfaction of the Responsible Authority.
5. Sediment and erosion prevention/control measures must be maintained until the area has sufficient vegetation cover to resist erosion, and there is no longer any threat of erosion and siltation caused by the proposed development to the satisfaction of Responsible Authority.
6. Upon completion of development, any areas that have been disturbed during the development process must be re-vegetated and/or re-grassed to prevent long-term erosion to the satisfaction of the Responsible Authority.

**Landscaping**

7. Prior to the commencement of any buildings or works a plan or plans shall be submitted and approved by the Responsible Authority. The landscape plan must be to the satisfaction of the Responsible Authority and must be in accordance with the requirements of the Infrastructure Design Manual. Such plans must show areas set aside for landscaping on all three boundaries and must be planted with trees and shrubs. When approved these plans will be endorsed and form part of the permit. The landscaping plan must show:
  - a. A survey of all existing vegetation and natural features showing plants (greater than 1200mm diameter).
  - b. A planting schedule of all proposed trees, shrubs and ground cover, which will include the location, number and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass or other surface materials as specified.
  - c. The method of preparing, draining, watering and maintaining the landscaped areas.

6.4 Planning Permit Application No. P2019-109  
- Construction and Use of a Free-Range Poultry Farm (2 sheds, 180,000 birds);  
Removal of Native Vegetation ~ 457 Drysdale Road, Euroa (cont.)

- d. A permanent screen of trees and shrubs with a minimum of two rows using a mixture of local trees and understory species along the boundaries of the site.
- e. Species and details of plans.

These areas must be designed to provide for a visual buffer of the shedding from the adjoining properties and the roads.

8. Before the start of the use allowed, the area set aside for landscaping, as shown on the endorsed plan, must be planted in accordance with the plan. This area must then be maintained to the satisfaction of the Responsible Authority and must not be used for any other purpose except with the prior written approval of the Responsible Authority.

Poultry Farm

9. No more than 180,000 birds are to be housed at any one time on the subject site.
10. Prior to the commencement of use, a nutrient management plan must be submitted to and approved by the responsible authority. This plan must detail how nutrient balance will be achieved on site, including:
  - a. Estimated nutrient inputs
  - b. Estimated nutrient outputs onto land
  - c. Estimated nutrient outputs off site.

When approved, this plan will be endorsed and form part of the permit. The site must be managed in accordance with this plan.

Engineering Conditions:

11. Prior to the commencement of use, new or otherwise, vehicular entrances to the subject land from the road shall be constructed and sealed at a location and of a size and standard satisfactory to the Responsible Authority.
12. The vehicular crossing shall have satisfactory clearance to any, power or Telecommunications pole, manhole cover or marker, or street tree and have a minimum of 50mm of gravel from the shoulder to the property boundary.
13. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense. The final location of the crossing is to be approved by the Responsible Authority via a Vehicle Crossing Permit. Reference should be made to Clause 12.9.2 "Rural Vehicle Crossings" of the Infrastructure Design Manual. Refer to standard drawing SD265.

- 6.4 Planning Permit Application No. P2019-109  
- Construction and Use of a Free-Range Poultry Farm (2 sheds, 180,000 birds);  
Removal of Native Vegetation ~ 457 Drysdale Road, Euroa (cont.)

**Internal Access Roads**

14. Prior to the commencement of the use all internal access roads must be constructed, formed and drained to avoid erosion and to minimise disturbance to natural topography of the land to the satisfaction of the Responsible Authority. Internal access, including the turn-around areas for emergency vehicles, must be all weather construction with a minimum trafficable width of 4m.

**Rural Drainage - Works**

15. Prior to the commencement of works, engineering construction plans must be submitted providing full details of the proposed stormwater drainage system of the poultry complex and driveway/car park area construction. The proposed drainage system must ensure the separation of stormwater from wash-down water and effluent disposal area, including the provision of cut off drains around the effluent disposal area and sediment and erosion measures throughout the site.
16. Prior to the commencement of any works, the design parameters for any watercourse crossing(s), both structural and hydraulic design, shall be approved by the Responsible Authority (GBCMA – Works on Waterways Permit).
17. Prior to the commencement of use, the drainage of the facility must be provided in accordance with standards approved to the satisfaction of the Responsible Authority.
18. All stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge drains to the satisfaction of the Responsible Authority/Goulburn Murray Water or dissipated within the site boundaries. No effluent or polluted water of any type may be allowed to enter the stormwater drainage system.
19. Any clearing or construction activity associated with development on the subject land must be carried out in accordance with the following EPA guidelines and policies: -
- (a) Environmental Guidelines for Major Construction Sites (EPA publication No. 480, December 19985); and
  - (b) Construction Techniques for Sedimentation Pollution Control (EPA publication No. 275, May 1991)

**Internal Parking**

20. An area must be set aside for the parking of vehicles, together with the aisle and internal access road must be paved with crushed rock or gravel of adequate thickness, as necessary, to prevent the formation of potholes and depressions according to the nature of the subgrade and the vehicles which will use the areas. The area must be adequately drained and maintained in a usable condition and the boundaries of all vehicle spaces and access lanes, in conformity with the endorsed plans, must be clearly indicated on the ground.



6.4 Planning Permit Application No. P2019-109  
- Construction and Use of a Free-Range Poultry Farm (2 sheds, 180,000 birds);  
Removal of Native Vegetation ~ 457 Drysdale Road, Euroa (cont.)

21. The area set aside for car parking must be used for the parking of vehicles and for no other purpose and provide adequate number of spaces for peak number of visitors plus full-time and part-time/casual employees.

Council's Assets

22. Any damage to the Responsible Authority's assets (i.e. roads, roadside drains, trees, nature strip etc.), and boundary fences, must be repaired at the cost of the applicant all to the satisfaction of Responsible Authority.
23. The external cladding of the proposed buildings, including the roof, must be constructed of new materials of muted colours to enhance the aesthetic amenity of the area. Material having a highly reflective surface must not be used.

Amenity

24. The use and development must be managed in accordance with the approved Environmental Management Plan so that the amenity of the area is not detrimentally affected through the:
- a. Processes carried out on the land
  - b. The transportation of livestock, materials, goods or commodities to or from the land
  - c. The emission of odour, dust, noise, artificial light, waste water or waste products.
  - d. The presence of vermin
  - e. The spread of disease
  - f. Others as appropriate.
25. If the responsible authority determines that the amenity of the nearby residents is adversely affected by the emission of an unreasonable level of odour, dust or noise from the site, the operator must immediately and to the satisfaction of the responsible authority take action to prevent those emissions, which may include adjusting stocking density, removing litter immediately, or any other actions reasonably required to rectify the unreasonable emissions.
26. There must be no emissions of noise and/or vibrations from the premises which are detrimental to either of the following:
- a. The environment in the area around the premises; and
  - b. The wellbeing of person and/or their property in the area around the premises

Lighting

27. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority such that no direct light is emitted outside the boundaries of the subject land.

- 6.4 Planning Permit Application No. P2019-109  
- Construction and Use of a Free-Range Poultry Farm (2 sheds, 180,000 birds);  
Removal of Native Vegetation ~ 457 Drysdale Road, Euroa (cont.)

**Environmental Health**

- 28. Prior to installation works commencing on the septic tank system, a Permit to install must be obtained from Council.**
- 29. The effluent must be managed in accordance with the Environmental Management Plan and other approved plans.**
- 30. The effluent produced from the use must:**
- a. Not discharge beyond the boundaries of the land or directly into waterways**
  - b. Be adequately treated, retained and disposed of within the boundaries of the lot.**
- To the satisfaction of the responsible authority.**
- 31. All effluent and polluted run-off water from any enclosures, yards or buildings used in conjunction with the use, or any water otherwise contaminated as a result of the use, must be disposed of to the satisfaction of the responsible authority.**
- 32. All wastewater from proposed dwelling/lots must be treated and contained within the property boundaries in accordance with the current EPA Code of Practice – Onsite Wastewater Management: Guidelines for Environmental Management, Australian Standards 1547 and Council requirements.**
- 33. A Medium Risk Template - Land Capability Assessment must be provided for this proposal to determine if wastewater can be contained on site before any further comment can be made by the Environmental Health Unit.**
- 34. All waste water and liquid are to be contained and treated on site by an approved septic tank system or equivalent, to the satisfaction of the responsible authority. The system must meet the following requirements:**
- a. Be at least 60 metres from any watercourse and/or dam (non-potable water supply) for primary sewage**
  - b. Be at least 100 metres from any watercourse and/or dam (potable water supply)**
  - c. Be at least 30 metres for secondary sewage, on the subject or neighbouring properties,**
  - d. Be at least 300 metres from potable water supply**
  - e. The Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management 891. 4 (2016).**

6.4 Planning Permit Application No. P2019-109  
- Construction and Use of a Free-Range Poultry Farm (2 sheds, 180,000 birds);  
Removal of Native Vegetation ~ 457 Drysdale Road, Euroa (cont.)

35. No buildings or works shall occur over any part of the approved waste disposal system including the septic tank in accordance with the requirements of the Environment Protection Act 1970, the Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management 891. 4 (2016).
36. Animal wastes on the property must be treated or dispersed in such a manner to ensure that:
  - a. Offensive odours must not be emitted from the premises; and
  - b. The wastes are not a nuisance as described in the *Public Health and Wellbeing Act 2008* and are contained within the boundaries of the site to the satisfaction of the Responsible Authority.
37. Any waste storage rooms must be constructed so to prevent the entrance of vermin and must be able to be easily cleaned. The floor must be graded to a sewerage connection located within the waste storage room.
38. Motors for equipment and air-conditioning/heating units to be located where no noise nuisance created to neighbours or insulated/sound proofed.
39. The proposed waste water system must hold a current Jas-ANZ certificate of conformance.

Department of Environment, Land, Water and Planning

40. Before works start, the permit holder must advise all persons undertaking the vegetation removal works of all relevant permit conditions of this permit.
41. In order to offset the removal of 0.141 hectares of native vegetation, including 2 large trees, approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements.
42. The offset must
  - a. Contribute gain of 0.084 general habitat units and 2 large trees.
  - b. Be located within the Strathbogrie Shire Council or Goulburn Broken Catchment Management Authority boundary.
  - c. Have a strategic biodiversity score of at least 0.384.
43. Before any vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the responsible authority. Offset evidence can be either:
  - a. A security agreement, to the required standard, for the offset site or sites, including a 10-year offset management plan.
  - b. A credit register extract from the Native Vegetation Credit Register.

6.4 Planning Permit Application No. P2019-109  
- Construction and Use of a Free-Range Poultry Farm (2 sheds, 180,000 birds);  
Removal of Native Vegetation ~ 457 Drysdale Road, Euroa (cont.)

44. Every year, for ten years, after the responsible authority has approved the offset management plan the applicant must provide notification to the responsible authority of the management actions undertaken towards the implementation of the offset management plan. An offset site condition statement, including photographs must be included in this notification.

Note: This condition does not apply to offsets on the native vegetation credit register as these include monitoring requirements.

Goulburn Valley Water

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

46. Provision of a Goulburn Valley Water approved SCADA system installed at the water meter, to the satisfaction of Goulburn Valley Region Water Corporation;

47. Provision of a flow control valve at the water meter set at 1 litres per second, to the satisfaction of the Goulburn Valley Region Water Corporation;

48. All water taken from Goulburn Valley Water mains is to be fed directly into an onsite storage tanks, size to be determined by the property owner, and re-pressurised from the tank for use to meet peak demand.

Goulburn Murray Water

49. All construction and ongoing activities must be in accordance with sediment control principles outlined in EPA Publication 275, Construction Techniques for Sediment Pollution Control (May 1991).

50. Wastewater from shed washdown must be diverted to a storage dam and managed to the satisfaction of Council's Environmental Health Department. No wastewater is to be discharged off-site.

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

52. The wastewater disposal area must be located at minimum setback distances of at least 60 metres from any dams and at least 40 metres from any drainage lines.

53. The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.

6.4 Planning Permit Application No. P2019-109  
- Construction and Use of a Free-Range Poultry Farm (2 sheds, 180,000 birds);  
Removal of Native Vegetation ~ 457 Drysdale Road, Euroa (cont.)

54. The wastewater management system must be appropriately designed to manage the potential expected volume of wastewater generated in accordance with Table 4 of the EPA Code of Practice – Onsite Wastewater Management, including an appropriately sized disposal area based on a full water balance specific to the proposal and subject land.
55. The development 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*.
56. No buildings or works may be erected or carried out on any drainage lines.
57. Stormwater run-off from buildings and car parks must be dissipated as normal unconcentrated overland flow or directed to a storage tank or dam.
58. All stockpiled waste material must be stored on an impervious surface within a bunded area, or similar.

Expiry

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

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

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

**Planning Notes:**

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

6.4 Planning Permit Application No. P2019-109  
- Construction and Use of a Free-Range Poultry Farm (2 sheds, 180,000 birds);  
Removal of Native Vegetation ~ 457 Drysdale Road, Euroa (cont.)

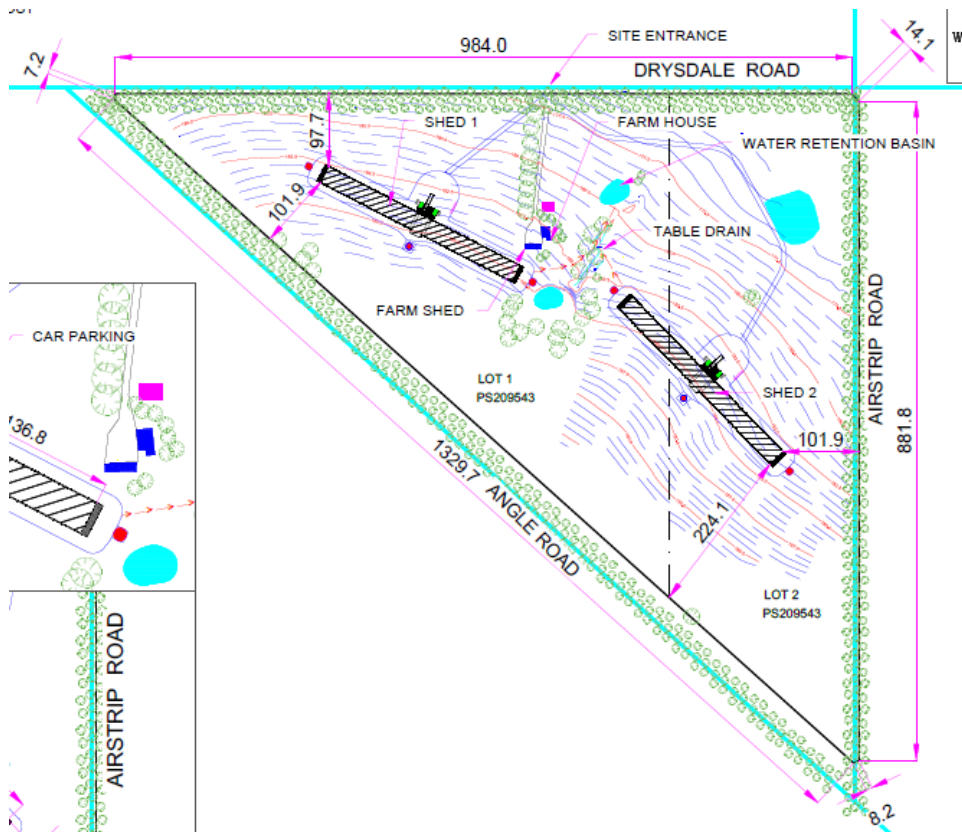
**Proposal**

The planning application is for the development of a free-range poultry egg farm, with two poultry sheds housing up to 90,000 birds in each shed. The site provides compliant buffers from the nearest sensitive receiver (dwelling) and is in close proximity to other farms operated by the applicant.

Works on the site will include an extension of the internal access road which will connect to the hardstand loading areas in front of each shed. Both sheds will contain staff amenities and car parking facilities.

Each shed will be approximately 47.4m x 325.2m, or 15,414sqm. Shed 1 is to be setback by 97.7m from the northern boundary, and 101.9m from the western property boundary. Shed 2 is to be setback back 101.9m from the eastern boundary, and 224.1m from the western boundary.

A water retention basin is proposed to be located in the northern section of the allotment, and all stormwater will be directed to this basin.



**Subject site & locality**

The subject site is in two parcels, known as lots 1 and 2 on LP209543, totalling 45.26 hectares in size. There is an existing dwelling with associated shedding on the block. The site is generally flat with a slight fall of approximately 3 degrees to the northern boundary. There are no areas subject to high or severe erosion. There is some remnant vegetation on the property, as well as areas of regrowth.

6.4 Planning Permit Application No. P2019-109  
- Construction and Use of a Free-Range Poultry Farm (2 sheds, 180,000 birds);  
Removal of Native Vegetation ~ 457 Drysdale Road, Euroa (cont.)

The areas of regrowth are less than 10 years old and exempt from planning permit requirements.



The property to the north is farming land, with a Skydiving facility further to the north of that, along Airstrip Road. To the north east is another poultry farm. East and south are farming properties with associated infrastructure, and to the west is a privately-owned property that is covered with significant areas of native vegetation.



**Permit/Site History**

A search of Council's electronic records results in the following permit issued:

- P2012/046 – Extension to dwelling – Issued 24/5/2012.

6.4 Planning Permit Application No. P2019-109  
- Construction and Use of a Free-Range Poultry Farm (2 sheds, 180,000 birds);  
Removal of Native Vegetation ~ 457 Drysdale Road, Euroa (cont.)

**Public Notification**

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

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

The notification has been carried out correctly.

Council has received 5 objections to date. The key issues that were raised in the objections are:

- Environmental:
  - Concern with impact on flora and fauna on subject site and adjoining property.
  - Increased nutrient runoff and erosion issues will impact adjoining property.
  - Pollution of Castle Creek and adjoining dams (due to run off and bare paddocks)
  - Site may contain protected flora and fauna
  - Not enough detail on vegetation to be removed
- Erosion:
  - Sheds could cause erosion which will impact on adjoining properties environmental values.
  - Increased erosion
- Amenity and landscape:
  - Smell from the poultry farm
  - Impact on amenity of nearby property (camping and the like) has not been accounted for in the sensitive receptor map.
  - Sheds will not be adequately screened
  - Will have a negative landscape impact
- Traffic:
  - Increased traffic issues
  - Increased difficulty moving sheep along Drysdale Road
- Infrastructure:
  - Inadequate water supply
- Other:
  - Cumulative impact of intensive animal industries in the area
  - Will impact on skydiving/parachuting business in line with the north/south runway and could create a conflict.

The applicant provided a response to the objections, which outlined the following points:

- Environmental
  - Application supported by a native vegetation removal report
  - Only two trees are being removed to create appropriate access.
  - Land has been used for agriculture in the past and has no significant vegetation on site.
  - The applicant intends to plant more native vegetation on site to provide shade for the birds.

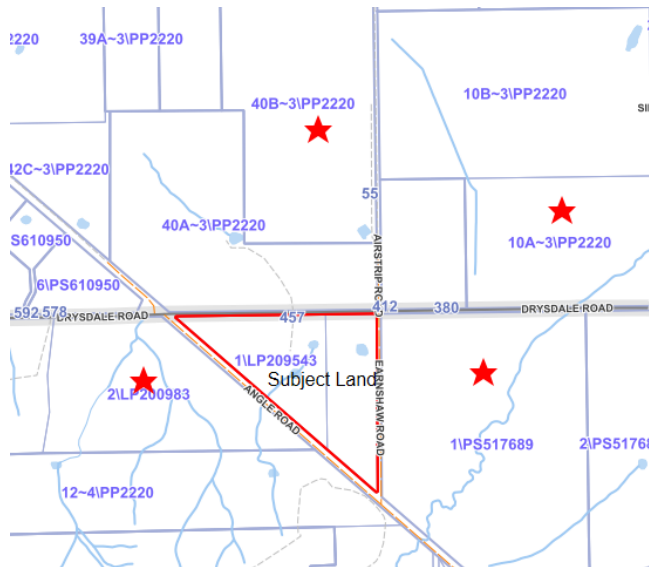


6.4 Planning Permit Application No. P2019-109  
- Construction and Use of a Free-Range Poultry Farm (2 sheds, 180,000 birds);  
Removal of Native Vegetation ~ 457 Drysdale Road, Euroa (cont.)

- Stormwater retention basin will be constructed to store run off and mitigate nutrient run off.
- Sheds are located at least 100m from the Creighton's Hill Property
- The property is at a lower elevation and it is not likely that run off will go up hill to the neighbouring property
- Castle Creek, nor its tributaries, run through the property, hence water is unlikely to impact the waterway
- Erosion
  - Appropriate mitigation measures will be used to reduce any impacts from erosion.
  - The site is not located on the slopes of Creighton Hill and unlikely to affect the neighbouring property.
  - Site is located on flat ground not subject to any flooding.
- Amenity and landscape
  - Novo operate best-practice standards on their farms, and the Environmental Management Plan will mitigate potential odour issues.
  - They do not intend to store any manure/litter on site for extended periods
  - Airfield buildings are 1500m away from the site, and the recommended buffer is 527m.
  - A campsite is not considered a sensitive receptor under the regulations.
  - Equipment is contained within the sheds and will minimise noise impacts.
  - The applicant has and will continue to landscape poultry sheds appropriately.
- Traffic
  - A Traffic Impact Assessment Report supported the application, and detailed that there would be an additional 22 vehicle movements per day from the development.
  - Drysdale Road is a sealed road that has a carrying capacity of 900 vehicles per day, and this will not have a negative impact on the road.
- Infrastructure
  - There have been no issues raised by GWV in relation to water supply
- Other
  - Poultry Farms are an allowable use in the Farming Zone
  - Buildings will be no higher than 60m so will not impact operation of the runway

6.4 Planning Permit Application No. P2019-109  
- Construction and Use of a Free-Range Poultry Farm (2 sheds, 180,000 birds);  
Removal of Native Vegetation ~ 457 Drysdale Road, Euroa (cont.)

The submitters are from the properties marked with a red star, in the map below (noting that two submissions are associated with the property to the west of the subject land):



**Consideration of objections:**

The objections raised a number of issues across a range of areas, as follows:

1. Environmental Concerns:

There are three main areas of objection in relation to the environment, as follows:

a. *Native vegetation removal:*

The application proposes to remove native vegetation in two areas – some for to achieve defensible space for the buildings under the Bushfire Management Overlay, and two trees in the road reserve to create access to the property.

The trees to be removed to create defensible space are regrowth vegetation that has occurred in the paddocks and is less than 10 years old. As such, this native vegetation does not need a planning permit to be removed and is not a planning consideration in relation to this application.

The two trees in the road reserve are being removed to facilitate truck turning access into the site. A site meeting was held with Council's Manager Assets to determine the extent of works that would be required to comply with Council's requirements for the development. The result of this meeting was a change to the access for the site that resulted in a reduction in the number of trees to be removed to do the work. These two trees have been assessed by the Department of Environment, Land, Water and Planning who have had no objections subject to conditions being placed on the permit.

6.4 Planning Permit Application No. P2019-109  
- Construction and Use of a Free-Range Poultry Farm (2 sheds, 180,000 birds);  
Removal of Native Vegetation ~ 457 Drysdale Road, Euroa (cont.)

*b. Impact on protected native flora and fauna*

The adjoining property to the west has a Trust for Nature covenant applied to the land and contains a remnant native vegetation. It is noted that this site is a significant site from a biodiversity perspective. The proposal at 457 Drysdale Road is on land previously grazed and has no significant trees or native animal habitats identified as part of the planning process. The proponent has also advised they will be planting additional native trees in the free-range area to provide shade for the birds.

When considering the potential impact, site inspection of the site noted the following points:

- The subject site is separated from the objector's land by Angle Road, which is a 40-metre-wide road reserve.
- The sheds are proposed to be another 101.9 metres from the Angle Road boundary, achieving a setback of 141.9 metres from the neighbour's property to the shed itself.
- The subject land is predominantly flat with an elevation between 180m, and 190m.
- The neighbouring property has elevations ranging between 180 and 200m and rises to the south from Drysdale Road.

Consideration of the broader area is also important, and it is noted that there is an existing four shed poultry farm and a pig farm directly north of the objector's land.

*c. Water quality and pollution*

There is a drainage line running through the property, currently feeding into the two dams on site. This drainage line comes down from Creightons Hill and does not feed into any waterways. The proposal includes a water retention basin to collect all stormwater and runoff from the site, where it will be treated appropriately, and this is not considered an issue that cannot be addressed through conditions in relation to drainage on site.

2. Erosion

The site has been assessed and does not contain any areas of erosion. While it has been identified in the Erosion Management Overlay, the topography of the land allows any potential erosion issues to be managed through conditions on a planning permit.

3. Amenity and Landscape

Intensive animal industries often raise objections in relation to potential impacts on amenity for nearby and adjoining property owners. In the Farming Zone, there is often an implied level of amenity expectation that is not reflective of the purpose of the zone. Farming is considered an industry, as is the proposal in this application, and the level of amenity protection afforded in this zone is actually quite low in comparison to a residential zone.

6.4 Planning Permit Application No. P2019-109  
- Construction and Use of a Free-Range Poultry Farm (2 sheds, 180,000 birds);  
Removal of Native Vegetation ~ 457 Drysdale Road, Euroa (cont.)

This issue has been discussed in detail at the Victorian Civil and Administrative Tribunal. For example, in *Tylden Equipment Sales Pty Ltd & Anor v Greater Dandenong CC* (2001, VCAT2239, 17 July 2001) the tribunal made the following statement:

“It seems to me that the consideration of the merits of this proposal gives rise to the following key questions, namely:

- 1) Is the proposed use and development supported by the planning scheme’s policies and the purpose of the zone?
- 2) Does the land have attributes which renders it a suitable candidate for the use and development proposed?
- 3) Will the proposal result in unreasonable adverse impacts on the amenity of the area?”

And the tribunal further stated in relation to amenity:

“In relation to the third question of the amenity impacts of the proposal, the first thing that needs to be said is that because the land is zoned for rural purposes, this does not necessarily mean that it will be an area which is free from large buildings and amenity impacts such as noise and odour, etc. It must be recognised that land zoned for rural purposes is not necessarily a “haven” providing for superior quality residential amenity. Rural uses, will because of the buildings they require, the equipment that needs to be used and other agricultural practices all have the potential to have an impact on amenity.”

This was further discussed in *Stout v Golden Plains SC* (2003, VCAT 1923, 18 December 2003), where the tribunal stated:

“In relation to the impact on amenity, what must be appreciated is that given the zoning of the land, any reasonable expectation as to the quality of amenity that will be enjoyed will be that of a rural area, not a residential area. Rural areas and residential areas are not the same. The purpose of the Rural Zone is not to provide for superior quality residential amenity. It has long been recognised by the Tribunal that there are likely to be many conflicts between impacts on rural activities on residential amenity”.

Supported by the fact that the nearest sensitive receptor not associated with the proponent is 1210 metres away, officers are of the opinion that there will not be an unreasonable impact on residential amenity from the proposal. The consideration of the impact on amenity for camping on the adjoining property is unable to be considered on planning grounds, as a residential dwelling has not been constructed on this site. In relation to the concerns raised by the Skydive Euroa/The Parachute School, the predominant supported use in the zone is for farming purposes. This proposal will not stop the adjoining site being able to continue its existing use.

In terms of landscape, the proposal includes the retention of regrowth vegetation around the boundaries, and for the additional planting of vegetation to further support the birds in terms of shade. A condition in relation to landscaping around the boundaries will further offset any potential landscape issues.

6.4 Planning Permit Application No. P2019-109  
- Construction and Use of a Free-Range Poultry Farm (2 sheds, 180,000 birds);  
Removal of Native Vegetation ~ 457 Drysdale Road, Euroa (cont.)

4. Traffic

The application was provided with a Traffic Impact Assessment Report which provided details on the additional 22 vehicle movements per day expected as part of this development. This has been assessed by Council's Manager Assets, who has raised no objections subject to conditions being placed on any permit that may issue.

Officers also recognise that one submission raised concern with the ability to move sheep along Drysdale Road due to the increased development of the area. The submission indicates that there is already difficulty moving the sheep due to the current level of traffic. The road is considered a Link Road, which provides a link function between major roads. It is reasonable to have increased traffic on these types of sealed roads.

5. Infrastructure

The application has been considered by the CFA in terms of firefighting water, and Goulburn Valley Water, in relation to access to reticulated water, and no objections have been raised in relation to the supply of water to the development.

6. Other

The Planning Policy Framework has policies that require council officers to facilitate intensive animal industries (14.01-2R) and to encourage clustering of like industries, as has happened along Drysdale Road. From a Local Policy perspective, Clause 22.02 further encourages intensive animal husbandry in areas that can be serviced adequately, as the proposal can be on this site.

In relation the impacts on the skydiving/parachuting business, the amenity considerations outlined above apply to this ground of objection. In relation to the potential conflict with the north/south runway, the applicant has advised that the site is not within 500m of the landing zone, with all buildings less than 6m high. This has demonstrated that there is unlikely to be any interference with the continued operation of this site.

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**Consultation**

All objections were sent to the applicant, who provided detailed responses to each submission. No objections were withdrawn.

6.4 Planning Permit Application No. P2019-109  
- Construction and Use of a Free-Range Poultry Farm (2 sheds, 180,000 birds);  
Removal of Native Vegetation ~ 457 Drysdale Road, Euroa (cont.)

**Referrals**

External Referrals/Notices required by the Planning Scheme:

| Referrals/Notice     | Advice/Response/Conditions   |
|----------------------|--|
| Section 55 Referrals | Department of Environment, Land, Water and Planning - no objections subject to conditions.   |
| Section 52 Notices   | Environment Protection Authority – no objections subject to conditions<br>Goulburn Valley Water – no objections subject to conditions<br>Goulburn Murray Water – no objections subject to conditions<br>Goulburn Broken Catchment Management Authority – no objections, no conditions<br>AusNet Electricity – no objections, no conditions<br>Country Fire Authority – no objections |

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

**Assessment**

**The zoning of the land and any relevant overlay provisions**

**Farming Zone**

Purpose:

- *To implement the Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

A permit is required to development and use the land for a poultry farm of more than 100 birds. The proposal is for 180,000 birds in a free-range layer facility. Two of the purposes of the zone is to encourage agricultural enterprises, and to encourage the retention of employment in rural communities. When considering the decision guidelines of the zone, the land is generally flat and well suited for the proposed poultry farm. The development can be contained within the boundaries of the property, and there are no sensitive uses within the required buffer distances that will be impacted by the proposal.

6.4 Planning Permit Application No. P2019-109  
- Construction and Use of a Free-Range Poultry Farm (2 sheds, 180,000 birds);  
Removal of Native Vegetation ~ 457 Drysdale Road, Euroa (cont.)

**Bushfire Management Overlay**

Purpose

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*
- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*
- 

Clause 44.06-1, *Building and works*, of the Strathbogrie Planning Scheme states:

- *a permit is required to construct a building or construct or carry out works associated with accommodation.*

Clause 44.06-3, *Requirement of Clause 52.47*, states:

- *An application to subdivide land, construct a building or construct or carry out works must meet the requirements of Clause 52.47 unless a schedule to this overlay specifies otherwise.*

Response: The application was referred to the Country Fire Authority, who had no objections subject to conditions.

**Erosion Management Overlay**

Purpose:

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

A permit is required for buildings and works in the overlay.

Response: As the buildings are to be constructed on relatively flat ground, with minimal cut and fill, the risk to erosion on the site is minimal. While it is not considered that there will be any issues for erosion as part of this application, conditions about management of any disturbed soils will be included on the permit to address any issues that may arise.

**The Planning Policy Framework (PPF)**

Clause 12.01-1S, *Protection of Biodiversity*

Objective: To assist the protection and conservation of Victoria's biodiversity.

Strategies:

- Ensure that decision making takes into account the impacts of land use and development on Victoria's biodiversity

6.4 Planning Permit Application No. P2019-109  
- Construction and Use of a Free-Range Poultry Farm (2 sheds, 180,000 birds);  
Removal of Native Vegetation ~ 457 Drysdale Road, Euroa (cont.)

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

Response: The proposal includes the removal of two trees to facilitate an upgrade to the access to the site. The rest of the site contains regrowth vegetation that is exempt from planning requirements. The Environmental Management Plan details that all waste, etc from the proposed use will be contained within the boundaries of the property and will not have any offsite environmental impacts.

Clause 13.02-1S, *Bushfire Planning*

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

Strategies:

- Apply the Bushfire Management Overlay to areas where the extent of vegetation can create an extreme bushfire hazard

Response: The Angle Road section of the property is in the BMO, predominantly due to the extent of vegetation on the neighbouring property. The application considered and approved by the Country Fire Authority.

Clause 13.04-2S, *Erosion and Landslip*

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

Strategies:

- 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.

Response: The site is generally flat and shows no significant erosion issues. The permit will be supported by conditions to manage any erosion issues that may occur through construction.

Clause 13.07-1S, *Land Use Compatibility*

Objective: To safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site impacts.

Strategies:

- Ensure the compatibility of a use or development as appropriate to the land use functions and character of the area by:
- Directing land uses to appropriate locations
- Using a range of building design, urban design, operational and land use separation measures.



6.4 Planning Permit Application No. P2019-109  
- Construction and Use of a Free-Range Poultry Farm (2 sheds, 180,000 birds);  
Removal of Native Vegetation ~ 457 Drysdale Road, Euroa (cont.)

Response: The proposed use is a supported and appropriate use in the Farming Zone, and the site provides for adequate separations from nearby sensitive land uses. The yellow dots detailed on the plan below indicate sensitive receptors, with 2 not affiliated with the proposed development, located 1210 and 1760 metres away from the shedding.



Clause 14.01-1S, *Protection of Agricultural Land*

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

Strategies:

- Identify areas of productive agricultural land, including land for primary production and intensive agriculture.
- In considering a proposal to use agricultural land, consider the:
- Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.
- Compatibility between the proposed or likely development and the existing use of the surrounding land.
- Land capability.
- Balance the potential off-site effects of a use or development proposal against the benefits of the proposal.

Response: The proposed use is in an area already being used for intensive animal husbandry and will not impact the ability of nearby and adjoining land to be used for farming purposes.

6.4 Planning Permit Application No. P2019-109  
- Construction and Use of a Free-Range Poultry Farm (2 sheds, 180,000 birds);  
Removal of Native Vegetation ~ 457 Drysdale Road, Euroa (cont.)

Clause 14.01-2S, *Sustainable agricultural land use*

Objective: To encourage sustainable agricultural land use

Strategies:

- Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.
- Support the development of innovative and sustainable approaches to agricultural and associated rural land use practices.
- Assist genuine farming enterprises to embrace opportunities and adjust flexibly to market changes.
- Facilitate ongoing productivity and investment in high value agriculture.
- Facilitate the establishment and expansion of cattle feedlots, pig farms, poultry farms and other intensive animal industries in a manner consistent with orderly and property land use and protection of the environment.

Response: The proposed use is a genuine farming enterprise, that is providing an innovative approach to egg production. The increases in market demand for free range eggs is a key driver behind the development of this site, and with a development value of \$5,200,000, is considered a high value agricultural development. Intensive animal husbandry operations such as this area also support by the State Government, with the facilitation of these types of proposals a key strategy in the Scheme.

Clause 14.01-2R, *Agricultural Productivity – Hume*

Strategies:

- Support clustering of intensive rural industries and agricultural production
- Take advantage of locational opportunities, including separation from sensitive land uses and access to transport, power, water and communications infrastructure.

Response: The site is within an area already being used for poultry farm and has created a clustering effect which is support by this policy. The site provides for appropriate separation from sensitive land uses and has access to an existing sealed road, power and reticulated water.

Clause 15.01-6S, *Design for rural areas*

Objective: To ensure development respects valued areas of rural character

Strategies:

- Ensure that the siting, scale and appearance of development protects and enhances rural character.
- Site and design development to minimise visual impacts on surrounding natural scenery and landscape features.

Response: The proposed sheds are located towards the back of the allotment, with remnant vegetation on the site that will provide additional existing screening.

- 6.4 Planning Permit Application No. P2019-109  
- Construction and Use of a Free-Range Poultry Farm (2 sheds, 180,000 birds);  
Removal of Native Vegetation ~ 457 Drysdale Road, Euroa (cont.)

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

21.04-4, *Native vegetation and biodiversity*

Objective: To protect and enhance the natural environment

Strategies:

- Encourage the protection, restoration and management of biodiversity values

Response: Two trees in the road reserve are proposed to be removed. They are considered under Clause 52.17, Native Vegetation.

Clause 21.06-2, *Adapting and diversifying agriculture*

Objective: To support and encourage the retention and diversification of agriculture

Strategies:

- Support sustainable intensive agriculture
- Provide new opportunities for existing and emerging agricultural practices and complementary industries.

Response: The local policy support intensive agricultural uses such as this one, and this one is located in an appropriate area within the Farming Zone.

Clause 22.02, *Sustainable Intensive Agriculture*

Objectives:

- To ensure that all development is appropriately located
- To ensure that all applications have addressed, considered and will implement sustainable use and development practices.
- To encourage businesses to implement the highest standards and be leaders in their industry.

It is policy that:

- Landscaping of the site must be undertaken to remove any adverse amenity impacts.
- The proposed activity and associated buildings do not detract from the landscape and character of the area.
- Protection of water quality.
- Site design should allow for separation distances and buffer zones to be wholly contained within the boundaries of the site or minimised effect on adjoining owners.

Response: Conditions will be placed on the permit to provide for landscaping on the site. The development will have no impacts on waterways, and appropriate buffers from sensitive uses can be achieved.

6.4 Planning Permit Application No. P2019-109  
- Construction and Use of a Free-Range Poultry Farm (2 sheds, 180,000 birds);  
Removal of Native Vegetation ~ 457 Drysdale Road, Euroa (cont.)

**Relevant Particular Provisions**

Clause 52.17, *Native Vegetation*

Purpose: To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

Response: The application proposed to remove two trees only to facilitate truck access to the property. This has been assessed by the Department of Environment, Land, Water and Planning who had no objections to the proposal, subject to conditions. The trees are located on the northern side of Drysdale Road, west of the existing accessway.



Clause 53.02, *Bushfire Planning*

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

Response: The application was assessed by the Country Fire Authority, who had no objections subject to conditions.

6.4 Planning Permit Application No. P2019-109  
- Construction and Use of a Free-Range Poultry Farm (2 sheds, 180,000 birds);  
Removal of Native Vegetation ~ 457 Drysdale Road, Euroa (cont.)

Clause 53.09, *Poultry Farm*

Purpose: To facilitate the establishment and expansion of poultry farms, including broiler farms, in a manner that is consistent with orderly and proper planning and the protection of the environment.

| Decision Guidelines   | Response/Assessment  | Yes/No |
|---|--|--------|
| The purpose of the relevant zone  | The property is in the Farming Zone, and a free-range poultry egg farm is an appropriate agricultural use supported by the purpose and decision guidelines of the zone.  | ✓      |
| The design, height, setback and appearance of the proposed buildings and works.   | The buildings are proposed to be a minimum of 97.7 m from any boundary. There is existing vegetation along all boundaries that, in conjunction with a landscape plan, will provide adequate screening for the sheds to be constructed.   | ✓      |
| The proposed landscaping  | Landscaping will not need to be extensive but support the existing remnant and regrowth vegetation on the boundaries of the property.  | ✓      |
| The need to protect amenity of existing uses on adjoining land.   | The nearest sensitive use not in the ownership of the proponent is 1210m away. The separation distance required under the Egg Industry Environmental Guidelines (Edition II 2018) is 527 metres, which is more than sufficient to address potential amenity impacts.   | ✓      |
| The impact of the use of the land on the surrounding area, including from the emission of noise, light, vibration, odour, dust or waste products. | Noise generated on site will be mostly contained within the shedding itself, with the predominant considerations being traffic and odour. The application is supported by a Traffic Impact Assessment Report that demonstrates Drysdale Road is of a standard to accommodate the increase in traffic that will be created as part of this development. Odour impacts have been assessed in relation to nearby sensitive receptors and comply with the relevant recommended buffer distances. | ✓      |

6.4 Planning Permit Application No. P2019-109  
- Construction and Use of a Free-Range Poultry Farm (2 sheds, 180,000 birds);  
Removal of Native Vegetation ~ 457 Drysdale Road, Euroa (cont.)

|  |  |   |
|--|--|---|
| The impact of the proposal on any wetlands, waterways or water bodies.   | There are no waterways on site, and the property will be managed in a manner that will ensure that nearby waterbodies are not impacted.  | ✓ |
| The likely environmental impact on the natural physical features and biodiversity of the land, including consideration of any Nutrient Management Plan submitted with the application. | An Environmental Management Plan was submitted with the application, which addresses most of the environmental implications of the development. A condition requiring a nutrient management plan to be submitted to and approved by the responsible authority will be included as a condition on the permit. | ✓ |
| Whether the development will support and enhance agricultural production   | The proposal is an appropriate agricultural use in the farming zone and will increase the agricultural production from the site.   | ✓ |
| The requirements of the Victorian Low Density Mobile Outdoor Poultry Farm Planning Permit Guidelines (June 2018)   | This is not applicable as the application is not for a Low-Density farm.   | ✓ |

**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 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.

6.4 Planning Permit Application No. P2019-109  
- Construction and Use of a Free-Range Poultry Farm (2 sheds, 180,000 birds);  
Removal of Native Vegetation ~ 457 Drysdale Road, Euroa (cont.)

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

Response: The application is for a farming use in a Farming Zone and can be constructed in accordance with the Overlay. Due to access to services in the area, there has been a cluster of intensive animal husbandry (poultry and pigs) naturally occur in the area. The property can provide adequate buffer distances from sensitive land uses and will not cause land degradation or reduce water quality. Any native vegetation to be removed will be offset in accordance with the guidelines.

**Other relevant adopted State policies/strategies – (e.g. Melbourne 2030.)**  
*Hume Regional Growth Plan* (Victorian Government 2014)

**Relevant incorporated, reference or adopted documents**

*Building in Bushfire Prone Areas* (CSIRO & Standards Australia, SAA HB36-1993, May 1993)

*Construction Techniques for Sediment Pollution Control* (Environment Protection Authority, 1991)

*Infrastructure Design Manual* (Shire of Campaspe, City of Greater Bendigo, Greater Shepparton City Council, Version 4, March 2013)

*Planning controls for earthworks in the Goulburn Broken Catchment* (1997)

*Sustainable Land Use Strategy* (Parsons Brinckerhoff, December 2010)

**Relevant Planning Scheme amendments**

There are no relevant planning scheme amendments.

**Risk Management**

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

**Strategic Links – policy implications and relevance to Council Plan**

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

**Summary of Key Issues**

With regard to the Farming Zone: The proposal is for a free-range poultry egg farm in the farming zone. The proposal supports the purpose of the zone and can achieve reasonable setbacks from any separately owned sensitive uses to ensure that amenity impacts are not unreasonable. Intensive Animal industries are supported within state, regional and local planning policies and should be allowed to occur in locations such as the subject site.

6.4 Planning Permit Application No. P2019-109  
- Construction and Use of a Free-Range Poultry Farm (2 sheds, 180,000 birds);  
Removal of Native Vegetation ~ 457 Drysdale Road, Euroa (cont.)

With regard to the Erosion Management Overlay: The subject site does not have any significant erosion issues, and conditions on any permit that may issue will ensure that there are no erosion problems created as part of this development.

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

**Conclusion**



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

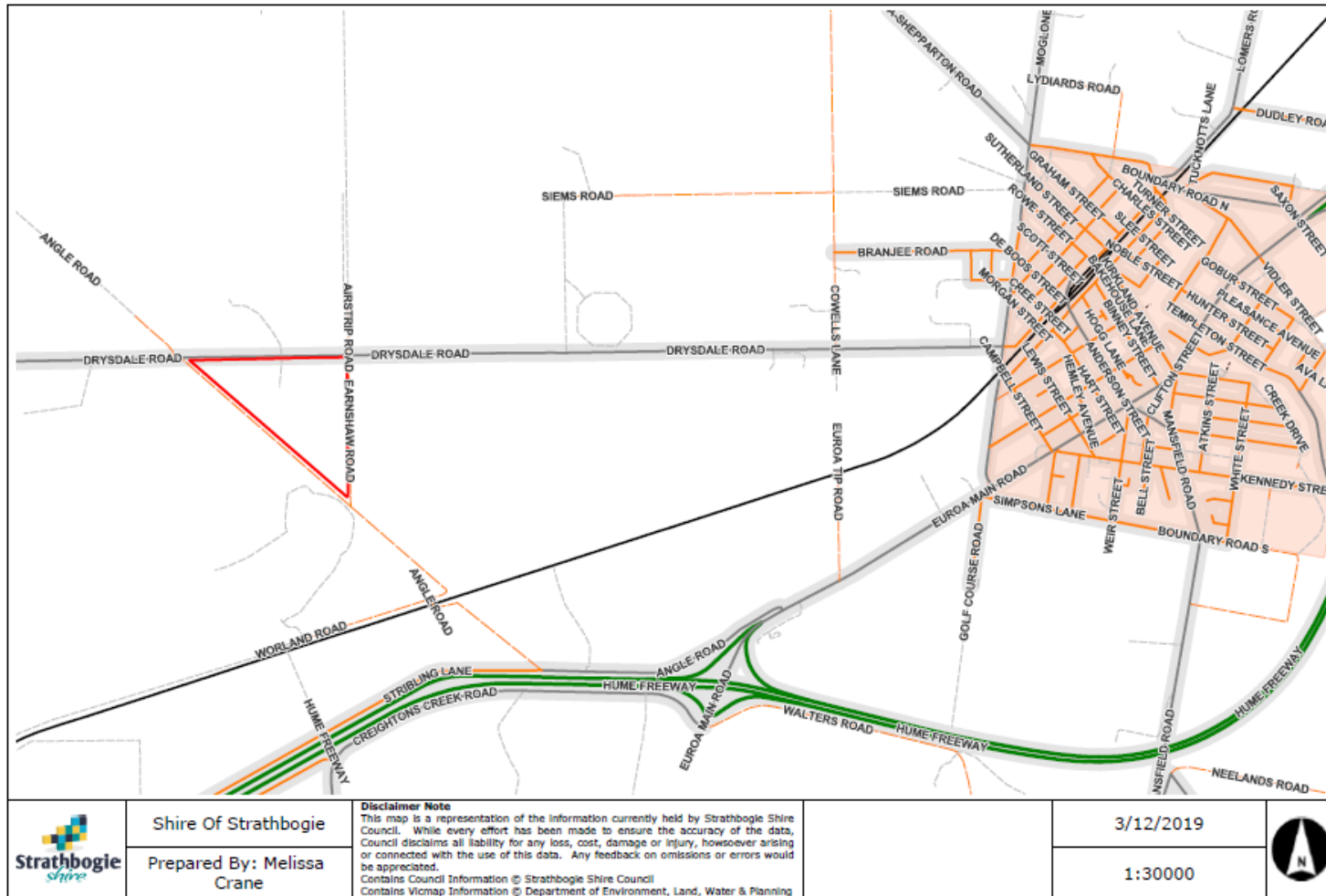
**Attachments**

Site Plan/s





|   |                            |  |           |   |
|---|----------------------------|--|-----------|---|
|  | Shire Of Strathbogie       | <b>Disclaimer Note</b><br>This map is a representation of the information currently held by Strathbogie Shire Council. While every effort has been made to ensure the accuracy of the data, Council disclaims all liability for any loss, cost, damage or injury, howsoever arising or connected with the use of this data. Any feedback on omissions or errors would be appreciated.<br>Contains Council Information © Strathbogie Shire Council<br>Contains Vicmap Information © Department of Environment, Land, Water & Planning | 3/12/2019 |  |
|   | Prepared By: Melissa Crane |  | 1:15000   |   |



**PLANNING COMMITTEE REPORT NO. 5 (ACTING GROUP MANAGER,  
INNOVATION AND PERFORMANCE - EMMA KUBEIL)**

**7. OTHER BUSINESS**

**7.1 Planning Applications Received  
- 2 October to 3 December 2019**

Following are listings of Planning Applications Received for the period 2 October to 3 December 2019.

**RECOMMENDATION**

**That the report be noted.**

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

## PLANNING APPLICATIONS RECEIVED

Wednesday, 2 October 2019

| Site Address                    | Application Number Display | Application Description   | Applicant Name  | Cost Of Works  |
|---------------------------------|----------------------------|---|-----------------|----------------|
| 40 Brock Street, Euroa VIC 3666 | P2019-106                  | Use and development of land for a residential village (thirty-seven dwellings) including three display homes/site offices, creation of easements and reserves, and the removal of native vegetation | Mr Troy Spencer | \$4,000,000.00 |

Thursday, 3 October 2019

| Site Address                      | Application Number Display | Application Description   | Applicant Name            | Cost Of Works  |
|-----------------------------------|----------------------------|---|---------------------------|----------------|
| 144 Walls Road, Earlston VIC 3669 | P2019-113                  | Use and development of land for a dwelling  | Dean and Deanna Carracher | \$300,000.00   |
| 457 Drysdale Road, Euroa VIC 3666 | P2019-109                  | Construction and use of a Free Range Poultry Farm (2 sheds, 180,000 birds); Removal of native vegetation. | Sonny Hoang               | \$5,200,000.00 |

Monday, 7 October 2019

| Site Address                     | Application Number Display | Application Description  | Applicant Name | Cost Of Works |
|----------------------------------|----------------------------|--|----------------|---------------|
| 99 Binney Street, Euroa VIC 3666 | P2019-112                  | Development of land for an extension to a court house; Two lot Boundary Re-alignment | James Perry    | \$250,000.00  |

Wednesday, 9 October 2019

| Site Address                      | Application Number Display | Application Description                    | Applicant Name | Cost Of Works |
|-----------------------------------|----------------------------|--|----------------|---------------|
| 27 Hughes Street, Avenel VIC 3664 | P2019-114                  | Use and development of land for a dwelling | Kate Schneider | \$309,989.00  |

Thursday, 10 October 2019

| Site Address                                      | Application Number Display | Application Description                | Applicant Name  | Cost Of Works |
|---|----------------------------|--|-----------------|---------------|
| 1195 Euroa-Strathbogie Road, Kelvin View VIC 3666 | P2019-111                  | Development of land for an outbuilding | Andrew Bespalov | \$49,500.00   |

Tuesday, 15 October 2019

| Site Address                        | Application Number Display | Application Description                             | Applicant Name | Cost Of Works |
|-------------------------------------|----------------------------|---|----------------|---------------|
| 1789 Tarcombe Road, Avenel VIC 3664 | P2019-115                  | Use and development of land for group accommodation | KENT, Sue      | \$220,000.00  |

Wednesday, 16 October 2019

| Site Address                            | Application Number Display | Application Description                             | Applicant Name | Cost Of Works |
|---|----------------------------|---|----------------|---------------|
| 77 Cowslip Street, Violet Town VIC 3669 | P2019-116                  | Use and development of land for a dwelling and shed | Keith Smith    | \$95,000.00   |

Friday, 18 October 2019

| Site Address                               | Application Number Display | Application Description  | Applicant Name      | Cost Of Works |
|--|----------------------------|--|---------------------|---------------|
| 1371 Euroa-Mansfield Road, Gooram VIC 3666 | P2019-118                  | Use and development of land for a staff accommodation building | Cameron Ross        | \$350,000.00  |
| 63 Panorama Drive, Longwood East VIC 3666  | P2019-117                  | Development of land for an extension to a shed                 | JENKIN, Mark Talbot | \$16,000.00   |

Monday, 21 October 2019

| Site Address                            | Application Number Display | Application Description                    | Applicant Name | Cost Of Works |
|---|----------------------------|--|----------------|---------------|
| 134 Killeens Hill Road, Gooram VIC 3666 | P2019-119                  | Use and development of land for a dwelling | Tim Bickerton  | \$400,000.00  |

Thursday, 24 October 2019

| Site Address                    | Application Number Display | Application Description                    | Applicant Name | Cost Of Works |
|---------------------------------|----------------------------|--|----------------|---------------|
| 1 Parker Street, Euroa VIC 3666 | P2019-122                  | Use and development of land for a dwelling | Sharon Saville | \$450,000.00  |

Monday, 28 October 2019

| Site Address                              | Application Number Display | Application Description                    | Applicant Name           | Cost Of Works |
|---|----------------------------|--|--------------------------|---------------|
| 375 Bonnie Doon Road, Boho South VIC 3669 | P2018-147 - 1              | Use and development of land for a dwelling | Ellen Hogan & Associates | \$0.00        |

Tuesday, 29 October 2019

| Site Address                             | Application Number Display | Application Description                           | Applicant Name      | Cost Of Works |
|--|----------------------------|---|---------------------|---------------|
| 38 Carpenters Lane, Strathbogie VIC 3666 | P2019-120                  | Development of land to an extension to a dwelling | Kathi Clark-Orsanic | \$250,000.00  |

Thursday, 31 October 2019

| Site Address                     | Application Number Display | Application Description  | Applicant Name                | Cost Of Works |
|----------------------------------|----------------------------|--|-------------------------------|---------------|
| 28 Sevens Avenue, Euroa VIC 3666 | P2019-123                  | Use and development of land for a dwelling, shed and swimming pool | Fiona Lewis and Dale McIntosh | \$400,000.00  |

Monday, 4 November 2019

| Site Address                                       | Application Number Display | Application Description        | Applicant Name | Cost Of Works |
|--|----------------------------|--------------------------------|----------------|---------------|
| 664 Longwood-Gobur Road, Creightons Creek VIC 3666 | P2019-124                  | Development of land for a pool | Peter Wilks    | \$48,000.00   |

Wednesday, 6 November 2019

| Site Address                                   | Application Number Display | Application Description   | Applicant Name | Cost Of Works |
|--|----------------------------|---|----------------|---------------|
| 207 Goulburn Weir Road, Goulburn Weir VIC 3608 | P2019-126                  | Development of land for a shed  | John Yeomans   | \$27,000.00   |
| 796 Killeens Hill Road, Gooram VIC 3666        | P2019-056 - 2              | Development of land for an agricultural shed and one (1) rainwater tank | Simone Spence  | \$0.00        |

Thursday, 7 November 2019

| Site Address                                       | Application Number Display | Application Description                    | Applicant Name          | Cost Of Works |
|--|----------------------------|--|-------------------------|---------------|
| 1669 Merton-Strathbogie Road, Strathbogie VIC 3666 | P2019-121                  | Use and development of land for a dwelling | Troy Spencer            | \$224,000.00  |
| 67 Tames Road, Strathbogie VIC 3666                | P2019-127                  | Development of land for a hay shed         | ANDERSON, Campbell John | \$12,000.00   |

Friday, 8 November 2019

| Site Address  | Application Number Display | Application Description  | Applicant Name       | Cost Of Works |
|---|----------------------------|--|----------------------|---------------|
| 1369 Murchison-Violet Town Road, Arcadia South VIC 3631 | P2019-128                  | Use and development of land for a second dwelling, bungalow and horse arena          | Cameron Ross         | \$250,000.00  |
| 58 Fernhills Road, Sheans Creek VIC 3666                | P2019-129                  | Use and development of land for a dwelling and two (2) sheds                         | WERNER, Stephan John | \$320,000.00  |
| Dookie-Violet Town Road, Violet Town VIC 3669           | P2019-037 - 1              | Use and development of land for a dwelling, garage, motor cycle shed and water tanks | Bruce Hunt-Hughes    | \$0.00        |

Monday, 11 November 2019

| Site Address                           | Application Number Display | Application Description   | Applicant Name      | Cost Of Works  |
|--|----------------------------|---|---------------------|----------------|
| 37 Butter Factory Lane, Euroa VIC 3666 | P2019-130                  | Use and development of land for a dwelling, shed and a two (2) lot subdivision              | KUBEIL, Tony Warren | \$363,000.00   |
| 686 Drysdale Road, Euroa VIC 3666      | P2019-125                  | Demolition of fire damaged poultry shed and construction of replacement shed (45,000 birds) | Sonny Hoang         | \$1,700,000.00 |

Thursday, 14 November 2019

| Site Address                                       | Application Number Display | Application Description                                | Applicant Name   | Cost Of Works |
|--|----------------------------|--|------------------|---------------|
| 162 Arcadia Two Chain Road, Arcadia South VIC 3631 | P2019-134                  | Use and development of land for a replacement dwelling | Michael Sullivan | \$159,500.00  |

Monday, 18 November 2019

| Site Address                    | Application Number Display | Application Description   | Applicant Name | Cost Of Works |
|---------------------------------|----------------------------|---------------------------|----------------|---------------|
| 43 White Street, Euroa VIC 3666 | P2019-140                  | Native vegetation removal | Grant Flynn    | \$7,000.00    |

Tuesday, 19 November 2019

| Site Address                            | Application Number Display | Application Description   | Applicant Name | Cost Of Works |
|---|----------------------------|---|----------------|---------------|
| 115 Boundary Road North, Euroa VIC 3666 | P2019-139                  | 12 Lot Re-subdivision; Construction and use of land for seven (7) dwellings | Shannon Neil   | \$100,000.00  |

Wednesday, 20 November 2019

| Site Address                          | Application Number Display | Application Description                  | Applicant Name           | Cost Of Works |
|---------------------------------------|----------------------------|--|--------------------------|---------------|
| 96 McCrackens Road, Locksley VIC 3665 | P2019-135                  | Use of land for winery cellar door sales | Owen Bobeldyk            | \$0.00        |
| Murray Street, Nagambie VIC 3608      | P2015-078 - 1              | Staged 24 lot subdivision                | Salter Surveying Pty Ltd | \$0.00        |

Monday, 25 November 2019

| Site Address                           | Application Number Display | Application Description   | Applicant Name | Cost Of Works |
|--|----------------------------|---|----------------|---------------|
| 137 Racecourse Road, Nagambie VIC 3608 | P2019-137                  | Use and development of land for a dwelling, shed and water tank | Wayne Perry    | \$450,000.00  |

Tuesday, 26 November 2019

| Site Address                         | Application Number Display | Application Description  | Applicant Name | Cost Of Works |
|--------------------------------------|----------------------------|--|----------------|---------------|
| 176 Lomers Road, Euroa Victoria 3666 | P2013/059-1                | Two (2) lot subdivision & use and development of land for a dwelling | Lisa Mooney    | \$0.00        |
| 21 Tames Road, Strathbogie VIC 3666  | P2019-138                  | Two Lot Re-Subdivision   | Troy Spencer   | \$0.00        |

Wednesday, 27 November 2019

| Site Address                            | Application Number Display | Application Description   | Applicant Name       | Cost Of Works |
|---|----------------------------|---|----------------------|---------------|
| 796 Killeens Hill Road, Gooram VIC 3666 | P2019-056 - 3              | Development of land for an agricultural shed, composting toilet and two (2) rainwater tanks | Neil & Simone Spence | \$0.00        |

Monday, 2 December 2019

| Site Address                     | Application Number Display | Application Description   | Applicant Name | Cost Of Works |
|----------------------------------|----------------------------|---------------------------|----------------|---------------|
| 6 Watson Street, Avenel VIC 3664 | P2019-143                  | Native vegetation removal | Mr Jeff Saker  | \$2,400.00    |

\*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 |