



STRATHBOGRIE SHIRE COUNCIL

Strathbogrie
shire

PLANNING COMMITTEE

AGENDA

MEETING TO BE HELD ON TUESDAY 23 JUNE 2020

AT THE NAGAMBIE LAKES REGATTA CENTRE

COMMENCING AT 4.00 P.M.

Chair:	Malcolm Little	<i>(Hughes Creek Ward)</i>
Councillors:	Robert Gardner	<i>(Lake Nagambie Ward)</i>
	John Mason	<i>(Seven Creeks Ward)</i>
	Amanda McClaren	<i>(Lake Nagambie Ward)</i>
	Chris Raeburn	<i>(Honeysuckle Creek Ward)</i>
	Alistair Thomson	<i>(Mount Wombat Ward)</i>
	Graeme Williams OAM	<i>(Seven Creeks Ward)</i>
Officers:	Julie Salomon	Chief Executive Officer <i>(CEO)</i>
	Phil Howard	Director, Community and Planning <i>(DCP)</i>
	David Roff	Director, Corporate Operations <i>(DCO)</i>
	Emma Kubeil	Manager, Planning and Investment <i>(MPI)</i>
	Melissa Crane	Principal Planner <i>(PP)</i>
	Trish Hall	Town Planner <i>(TP)</i>
	Dawn Bray	Executive Manager, Governance and Customer Service <i>(EMGCS)</i>

Until further notice, all meetings conducted by Strathbogrie Shire Council will be virtually, using Zoom and live streamed on our website at www.strathbogrie.vic.gov.au. This ensures we are meeting the Victorian Government's social distancing requirements to slow the spread of coronavirus (COVID-19) and help keep our communities safe

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

People wishing to make submissions for items on the Planning Committee Agenda may do so by:

- submitting a further written statement, which will be read by the Chair
- requesting to make their submission via telephone
- making their presentation via a pre-recorded video that is sent to Council prior to the meeting.

The Planning Department will be in touch with relevant parties prior to the meeting so that appropriate arrangements can be made.

Business:

1. Welcome
2. Acknowledgement of Traditional Land Owners
'I acknowledge the Traditional Owners of the land on which we are meeting. I pay my respects to their Elders, past and present'
3. Apologies
4. Confirmation of Minutes of the Planning Committee meeting held on Tuesday 19 May 2020
5. Disclosure of Interests
6. Planning Reports
7. Other Business

Julie Salomon
CHIEF EXECUTIVE OFFICER

12 June 2020

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 (Director, Corporate Operations) should they seek to obtain permission to do so.

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PLANNING COMMITTEE REPORT NO. 1 (PRINCIPAL PLANNER – MELISSA CRANE)

6. PLANNING REPORTS

**6.1 Planning Permit Application No. 2019-152
- Five (5) Lot Subdivision (4 lots into 5); Removal of Native Vegetation ~ 27
River Street, Nagambie**

Application Details:

Application is for:	Five (5) Lot Subdivision (4 lots into 5); Removal of Native vegetation
Applicant's/Owner's Name:	T & C Development Services Pty Ltd
Date Received:	11 December 2019
Statutory Days:	46
Application Number:	P2019-152
Planner: Name, title & department	Melissa Crane Principal Planner Planning and Investment Department
Land/Address:	Lots 1, 2, 3 and 4 on Title Plan 329069Q, Volume 08122, Folio 360, Parish of Tabilk 27 River Street, Nagambie VIC 3608
Zoning:	General Residential Zone
Overlays:	Land Subject to Inundation Overlay
Is a CHMP required?	No, not in an area of cultural sensitivity.
Is it within an Open Potable Catchment Area?	No, not in an open potable catchment area.
Under what clause(s) is a permit required? (include description)	Clause 32.08, General Residential – Planning permit required for subdivision Clause 44.04, Land Subject to Inundation – Planning permit required for subdivision Clause 52.17 Native Vegetation
Restrictive covenants on the title?	None on title
Current use and development:	Residence/Accommodation

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

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

6.1 Planning Permit Application No. 2019-152
- Five (5) Lot Subdivision (4 lots into 5); Removal of Native Vegetation ~ 27 River Street, Nagambie (cont.)

Summary

- The application proposes the development of land at 27 River Street, Nagambie for a five lot subdivision (4 lots into 5) and removal of native vegetation.
- Note the removal of Native Vegetation requirement is as a result of lot size and is deemed consequential loss of vegetation and not the physical removal. This is addressed further within the report.
- The application is to re-subdivide four existing allotments into 5 new allotments, all with access to River Street.
- The application was advertised and 1 objection was received. The objection raised a number of issues including that it is not consistent with the character of the area, will create visual bulk and increase traffic.
- The application has been assessed within the 60 day statutory timeframe.
- The application is being heard before Planning Committee due to the 1 unresolved objection.
- The proposal meets the objectives of the Planning Policy Framework, Local Planning Policy Framework as well as the relevant particular provision and Zone and 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 32.08, General Residential Zone and Clause 44.04, Land Subject to Inundation Overlay of the Strathbogrie Planning Scheme in respect of the land known Lots 1, 2, 3 and 4 on Title Plan 329069Q, Volume 08122, Folio 360, Parish of Tabilk, 27 River Street, Nagambie VIC 3608, for the Five (5) Lot Subdivision (4 lots into 5) and the removal of native vegetation in accordance with endorsed plans, subject to the following conditions:

Endorsed Plan

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

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Section 173 Agreement

2. Prior to the issue of a Statement of Compliance a Section 173 Agreement must be entered into at no cost to Council, which ensures the following:

- (a) A building exclusion zone, as shown on the endorsed plan and in accordance with Goulburn Murray Water Condition (16), within 20 metres of the Full Supply Level.
- (b) Tree protection of native vegetation within the building exclusion zone identified in the *Vegetation Quality Assessment and Biodiversity Assessment* report, prepared by Bill Richdale, Consulting Ecologist, January 2020. Specifically, the restrictions for this vegetation is as follows:
 - i. No buildings or works (including paving) are to be constructed or development occur within the boundaries of the tree protection zones
 - ii. None of the vegetation shown for retention shall be removed, lopped or destroyed without approval of the responsible authority.
 - iii. Prior to the removal of any large, old tree from the subject site, all trees to be removed must be inspected by a zoologist or a suitably qualified person to the satisfaction of the Responsible Authority to determine the presence of animals living or nesting in the trees. Should any animal be detected, reasonable steps must be taken to capture and relocate such animals as recommended by the zoologist.
- (c) The on-site detention for stormwater for the future dwellings will each be designed by a qualified drainage engineer and must be approved by the Council prior to construction. A copy of each of the approved plans will be held by Council for future reference.
- (d) The stormwater system must incorporate principles of Water Sensitive Urban design and be designed so that the rate of storm water runoff from the development must not be more than the rate of runoff from the site prior to the development, all to the satisfaction of the Responsible Authority. The drainage system must be designed in accordance with the requirements of Clause 19 of the IDM "On-site Detention Systems". The on-site storage size for the development must be in accordance with Table 13. The allowable discharge rate to Council drains shall be the lesser of; a) that which is outlined in Table 13 and b) the remaining capacity of the existing pipe (clause 19.3.1 of the IDM).
- (e) A default allowable discharge rate of 25 l/s/ha may be used in lieu of calculations to determine the remaining capacity of the existing drainage network. www.designmanual.com.au

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

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

Engineering

3. Prior to the issue of statement of compliance for the subdivision the Applicant/ Owner must obtain a vehicle crossing permit from the responsible authority for each lot and construct the vehicle crossing in accordance with the requirements. Standard vehicular crossings shall be constructed at right angles to the road to suit the proposed driveways, and any existing redundant crossing shall be removed. The vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree.
4. Prior to the issue of statement of compliance for the subdivision, the permit holder must design and construct a footpath in accordance with standards outlined within the Infrastructure Design Manual, to the satisfaction of the Responsible Authority. The footpath must be designed and constructed for the entire frontage of the subject site to the top of the court bowl.
5. Any new, relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense. Final location of vehicle crossing must be approved by Responsible Authority via vehicle crossing permit. Refer to Clause 12.9.1 "Urban Vehicle Crossings" of the Infrastructure Design Manual. Where there is no existing kerb and channel in the street refer to standard drawing SD255.
6. All stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge drains to the satisfaction of the Responsible Authority/ Goulburn Murray Water. No effluent or polluted water of any type may be allowed to enter the stormwater drainage system or Lake Nagambie.

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- Five (5) Lot Subdivision (4 lots into 5); Removal of Native Vegetation ~ 27 River Street, Naqambie (cont.)

7. **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.**
8. **Before the development starts or subdivision works commences, the owner or developer must submit to the Responsible Authority a written report and photos of any prior damage to public infrastructure. Listed in the report must be the condition of kerb & channel, footpath, seal, streetlights, signs and other public infrastructure fronting the property and abutting at least two properties either side of the development. Unless identified with the written report, any damage to infrastructure post construction will be attributed to the development. The owner or developer of the subject land must pay for any damage caused to the Councils assets/Public infrastructure caused as a result of the development or use permitted by this permit.**

Demolition

9. **Prior to the issue of a statement of compliance, all buildings on the existing allotments must be removed to the satisfaction of the responsible authority.**

Public Open Space

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

Native Vegetation

11. **In order to offset the removal of 0.266 hectares of native vegetation, including 5 large trees, approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements and is in accordance with the General offset *Permitted clearing of native vegetation – Biodiversity assessment guidelines* and the *Native vegetation gain scoring manual*:**
 - (a) **The offset must:**
 - i. **Contribute gain of 0.119 general biodiversity points equivalence units**
 - ii. **Be located within the Goulburn Broken Catchment Management Authority boundary or Strathbogie Shire Council municipal district**
 - iii. **Have a strategic biodiversity score of at least 0.696**
 - iv. **Must include at least 5 large trees**

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12. Offset Evidence

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

- (a) 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

Subdivision

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

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

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

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

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General

15. The amenity of the area must not be detrimentally affected by the use, through the:

- (a) Appearance of any building, works or materials;
- (b) Transport of materials, goods or commodities to or from the land;
- (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil;
- (d) Presence of vermin, and;
- (e) Others as appropriate.

Goulburn Valley Water

16. the permit holder must arrange:

- (a) Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;
- (b) Any existing water service that crosses any of the proposed allotment boundaries within the proposed development must be disconnected and re-located at the developer's expense, to be wholly within one allotment only, including notification of the proposed lot to be serviced by the existing water meter, to the satisfaction of the Goulburn Valley Region Water Corporation;
- (c) Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;
- (d) Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation; (The works may include, but not be limited to the construction of a sewerage pumping station, rising mains and gravity mains);
- (e) Relocation of any existing house connection drain, and each allotment to be independently and directly connected to a sewer main of the Goulburn Valley Region Water Corporation;
- (f) Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property;
- (g) The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Corporation relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided on request;
- (h) The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8 (1) of the *Subdivision Act, 1988*.

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Ausnet Electricity Pty Ltd

17. The applicant must:

- (a) Enter in an agreement with AusNet Electricity Services Pty Ltd for supply of electricity to each lot on the endorsed plan.
- (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 boundary created by the subdivision, or by such means as may be agreed by AusNet Electricity Services Pty Ltd.

Goulburn Murray Water

18. Any Plan of Subdivision lodged for certification must be referred to Goulburn-Murray Rural Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.
19. All works within the subdivision must be done in accordance with EPA Publication 960 "*Doing It Right on Subdivisions, Temporary Environmental Protection Measures for Subdivision Construction Sites*", September 2004.
20. Each lot must be provided with connection to the reticulated sewerage system in accordance with the requirements of Goulburn Valley Water.
21. The Plan of Subdivision submitted for Certification must show building exclusion zones on each lot to prevent future buildings from being located within 20 metres of the Full Supply Level of Lake Nagambie and the inlet (measured from 124.24m AHD level).

Subdivision

22. This permit will expire if one of the following circumstances applies:
 - (a) the subdivision is not started (Certification) within two (2) years of the date of this permit;
 - (b) the subdivision is not completed (Statement of Compliance) within five (5) years of the date of Certification under the Subdivision Act 1988.

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

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

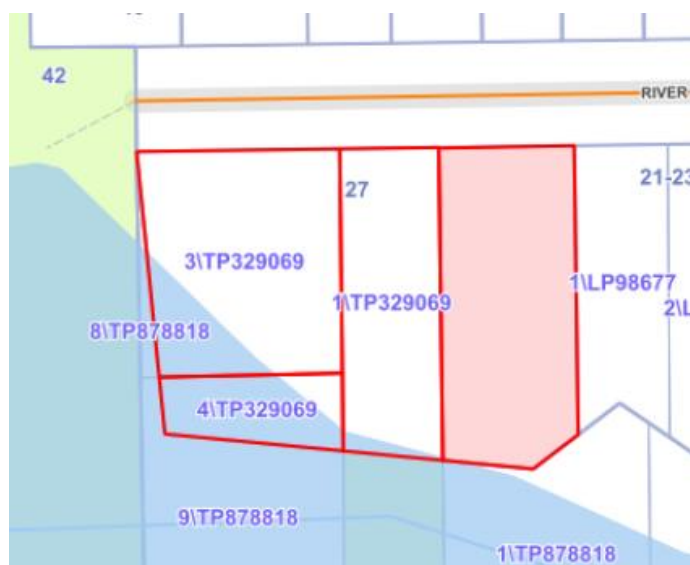
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Planning Notes:

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

Proposal

The application is to re-subdivide four existing allotments, totalling 5134 square metres, into five new allotments, with an average lot size of 1026sqm. The proposed lot sizes range from 838 sqm to 1268sqm in size. The application also includes the removal of native vegetation as the change in lot size may result in the consequential loss of vegetation as these lots are developed. The existing lot structure is as follows:

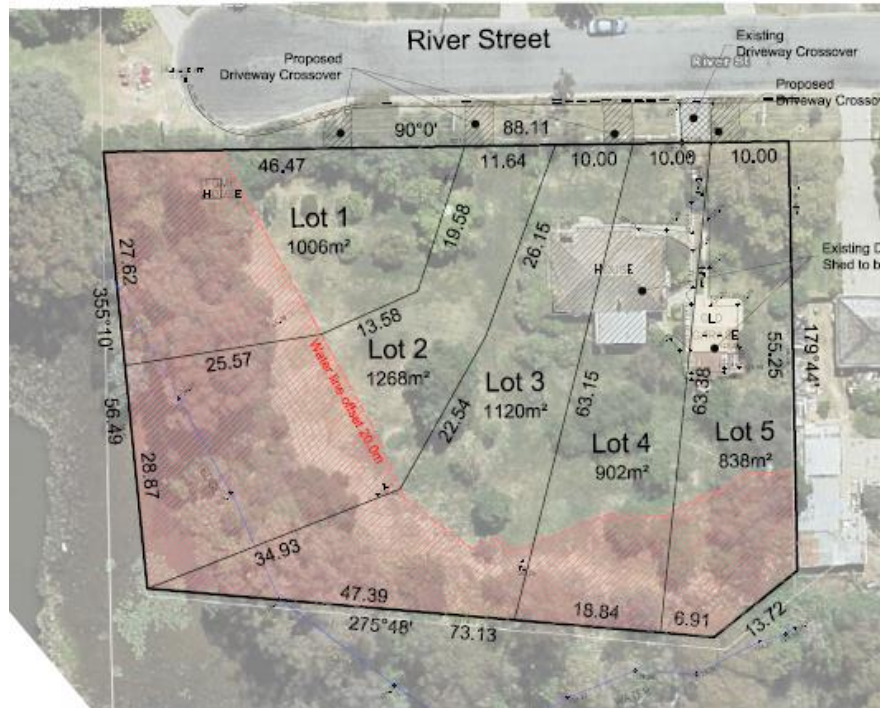


The proposal will change the lot sizes as follows:

Lot Number	Existing size (approx.) – sqm	Proposed size – sqm
1	1661	1006
2	1191	1268
3	1698	1120
4	474	902
5		838
Average	1256	1026

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All lots are to have access from River Street, with the following proposed lot layout:



Subject site & locality

The subject land currently contains a dwelling and associated shedding, with vehicle access from River Street. The property is bounded by the Nagambie Lake frontage on the western boundary, Lobbs Cove on the southern boundary, and private property to the east. On the opposite side of River Street there are residential properties with single dwellings and shedding.

The site is within the general residential area, with a sealed road and kerb and channel for the length of River Street. The River Street Reserve is just north of the subject land. There are 36 properties on River Street, with 31 dwellings constructed. There are 5 vacant allotments with the capacity for another dwelling to be constructed. Two of these are part of this property.

Of the dwellings on these allotments, they are predominantly single storey dwellings with associated shedding. The lot sizes range from 395 sqm to 1698 sqm in size.

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Permit/Site History

No planning permits have been issued for this property.

Public Notification

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

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

The notification has been carried out correctly.

Council has received 1 objection to date. The key issues that were raised in the objection are:

- Not consistent with current block sizes in River Street and would not respect neighbourhood character
- Possibility of visual bulk if 2 storey dwellings are built on each allotment
- Increase in traffic and congestion for their driveway

Consultation

Having advertised the proposal, Council received one objection and a copy was provided to the applicant. A response was provided by the applicant to assist in addressing the concerns raised.

The following was advised:

- The proposal only creates one additional lot.
- Lot sizes are generally larger and are considered infill development
- Similar lot sizes to those in River Street
- While no buildings proposed, any new dwellings will need to meet the building regulations

6.1 Planning Permit Application No. 2019-152
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- Will only marginally increase traffic, but the road is fully constructed and able to accommodate the traffic.

This response was forwarded to the objector, who wanted to maintain their objection as it stood.

Officer comments on grounds of objection:

In order to fully consider the issues raised in the objection, an assessment of the grounds has been undertaken, as follows:

1. *Lot sizes*

An analysis has been undertaken of the lot structure in River Street to determine how this proposal fits in with the existing area. There are 4 allotments in the current property, with one of these allotments technically landlocked. Should the dwelling be demolished and the three lots fronting River Street be sold separately, this could result in 3 dwellings in this area without the need for a subdivision.

The current average lot size for this area is 1019 square metres. The subdivision proposal will have an average lot size of 1026 square metres. Based on this assessment, it is considered that the proposed lots are consistent with the existing lot structure in River Street.

2. *Neighbourhood character and Visual Bulk*

The objector has concerns that there will be double storey dwellings constructed on the allotments, leading to a visual bulk on the proposed allotments. As the property is in the General Residential Zone, and there are no neighbourhood character overlays on the area, any dwelling that is to be constructed on these allotments will only need to obtain a building permit and comply with the relevant regulations. This does mean that double storey dwellings could be constructed on these allotments. However, the properties are identified for residential use, and dwellings are an appropriate development on these allotments.

3. *Traffic impacts*

River Street is sealed with kerb and channel for the length of the road. Each proposed lot will have separate driveway access. There are currently three lots that could be separately sold for development, with the proposal increasing this to five lots. This increase is not considered significant, and the road is of a construction standard that can accommodate this increase.

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Referrals

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	Goulburn Murray Water – No objections subject to conditions Goulburn Broken Catchment Management Authority – No objections, no conditions Goulburn Valley Water - No objections subject to conditions Ausnet Electricity Pty Ltd - No objections subject to conditions
Section 52 Notices	Notice of application to 16 nearby and adjoining owners

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

Assessment

The zoning of the land and any relevant overlay provisions

General Residential Zone

Purpose:

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

Officer Comment:

A permit is required for subdivision, and the application must address the objectives and standards of Clause 56, except clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6. This assessment is undertaken below in the particular provisions.

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In relation to the decision guidelines for the zone, the following assessment has been made against the relevant decision guidelines:

General		
The Municipal Planning Strategy and the Planning Policy Framework	Refer below for assessment against relevant sections of the MPS and PPF	✓ Complies
The purpose of this zone	The purpose of the zone is for residential use and this allows the creation of 5 lots for residential use.	✓ Complies
The objectives set out in a schedule to this zone	There are no specific objectives set out in the schedule to this zone.	✓ Complies
Any other decision guidelines specified in a schedule to this zone.	No other decision guidelines are specified in the schedule	✓ Complies
The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.	There are no dwellings proposed as part of this subdivision. Future dwellings will need to account for potential overshadowing as part of the building regulations.	✓ Complies
Subdivision		
The pattern of subdivision and its effect on the spacing of buildings	The area is generally used for dwellings on blocks of similar sizes to those proposed, and the subdivision will fit with the existing character of the area.	✓ Complies
For subdivision of land for residential development, the objectives and standards of Clause 56	Refer below for assessment against relevant objectives and standards of Clause 56	✓ Complies

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.*

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- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- *To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.*
- *To protect water quality in accordance with the provisions of relevant State Environment*
- *Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*

Officer Comment:

A planning permit is required to subdivide land in the Land Subject to Inundation Overlay. Only a small section of the allotment is affected by this overlay, and the GBCMA have not objected to the proposal. The Nagambie Flood Study has identified the following areas as prone to inundation and flooding:



These areas will be contained within the proposed building exclusion zone and will not be impacted by the development.

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

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- Five (5) Lot Subdivision (4 lots into 5); Removal of Native Vegetation ~ 27 River Street, Naqambie (cont.)

Officer comments:

The application includes the removal of vegetation as the proposal will create exemptions to remove vegetation that need to be accounted for at the time of development. Most of the vegetation on site is adjoining the lake and will be included in a building exclusion and vegetation protection zone. The permit will require the vegetation to be offset as part of the proposal, but a condition is included on the permit to protect this vegetation from a landscape perspective.

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

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

Strategies:

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

Officer Comment:

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

Clause 13.03-1S, *Floodplain Management*

Objective:

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

Strategies:

- Identify land affected by flooding, including land inundated by the 1 in 100 year flood event or as determined by the floodplain management authority in planning schemes.
- Avoid intensifying the impact of flooding through inappropriately located use and development.

Officer Comment:

The application has been assessed by the Goulburn Broken Catchment Management Authority, who had no objections and no conditions. The use of a building exclusion zone will ensure ongoing protection of the floodplain.

6.1 Planning Permit Application No. 2019-152
- Five (5) Lot Subdivision (4 lots into 5); Removal of Native Vegetation ~ 27 River Street, Nagambie (cont.)

Clause 15.01-3S, *Subdivision Design*

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

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

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

Officer Comment:

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

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

Clause 21.03-4, *Nagambie*

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

Strategies:

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

Officer Comment:

The proposed re-subdivision provides for an additional allotment within an existing serviced area that have access to the lake. The environmental values of the site are protected with a Section 173 Agreement recommended as part of this permit.

Clause 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.

6.1 Planning Permit Application No. 2019-152
- Five (5) Lot Subdivision (4 lots into 5); Removal of Native Vegetation ~ 27 River Street, Naqambie (cont.)

Officer comments:

The application includes the removal of vegetation as the proposal will create exemptions to remove vegetation that need to be accounted for at the time of development. Most of the vegetation on site is adjoining the lake and will be included in a building exclusion and vegetation protection zone. The permit will require the vegetation to be offset as part of the proposal, but a condition is included on the permit to protect this vegetation from a landscape perspective.

Clause 21.04-6, *Flooding*

Objective: To protect and manage floodplains.

Strategies

- Discourage development and subdivision of land subject to significant flooding.
- Ensure all new development maintains the free passage and temporary storage of floodwater, minimises flood damage, is compatible with flood hazard and local drainage conditions, and minimises soil erosion, sedimentation and silting.
- Ensure the Local Floodplain Development Plans are current and development proposals are consistent with these plans.

Officer Comment:

The application has been assessed by the Goulburn Broken Catchment Management Authority, who had no objections and no conditions. The use of a building exclusion zone will ensure ongoing protection of the floodplain.

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. This is achieved by applying the following three step approach in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):
 - 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 if a permit is granted to remove, destroy or lop native vegetation.
- To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.

6.1 Planning Permit Application No. 2019-152
- Five (5) Lot Subdivision (4 lots into 5); Removal of Native Vegetation ~ 27 River Street, Naqambie (cont.)

Officer Comments:

As this application is for a subdivision, the approval of the plan could result in the subsequent loss of native vegetation, and this must be addressed with the subdivision application. As such, the proposal includes the removal of native vegetation although no actual removal is proposed.

An application to remove, destroy or lop native vegetation must comply with the requirements specified in the *Guidelines*. These requirements were provided with the provision of *Vegetation Quality Assessment and Biodiversity Assessment* report, prepared by Bill Richdale, Consulting Ecologist, January 2020. The extent of vegetation removal determined that the application fell into the Intermediate Assessment Pathway and is assessed by Council as the Responsible Authority. The decision guidelines to be considered are as follows:

<p>Efforts to avoid the removal of, and minimise the impacts on, native vegetation should be commensurate with the biodiversity and other values of the native vegetation and should focus on areas of native vegetation that have the most value. Taking this into account consider whether:</p> <ul style="list-style-type: none"> the site has been subject to a regional or landscape scale strategic planning process that appropriately avoided and minimised impacts on native vegetation the proposed use or development has been appropriately sited or designed to avoid and minimise impacts on native vegetation feasible opportunities exist to further avoid and minimise impacts on native vegetation without undermining the key objectives of the proposal. 	<p>The zone and the proposed lot size make avoidance of the removal complicated, as there is an exemption created when lots are less than 4000 sqm in size.</p> <p>The guidelines require the offsetting of any vegetation that may be lost as a consequence of the development, even if it is not proposed to remove the vegetation.</p> <p>The applicant is not proposing to remove it, and the use of the building exclusion and vegetation protection zone will allow for the maintenance of the vegetation on site from a landscape perspective until such time as the trees are deemed dangerous. This would need to be demonstrated to the satisfaction of Council officers, usually with the provision of an arborist report prepared by a suitably qualified person. The offsetting is undertaken as part of this permit in preparation for any consequential loss into the future.</p>	<p style="text-align: center;">✓ Complies</p>
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6.1 Planning Permit Application No. 2019-152
- Five (5) Lot Subdivision (4 lots into 5); Removal of Native Vegetation ~ 27 River Street, Naqambie (cont.)

<p>The role of native vegetation to be removed in:</p> <ul style="list-style-type: none"> • Protecting water quality and waterway and riparian ecosystems, particularly within 30 metres of a wetland or waterway in a special water supply catchment area listed in the Catchment and Land Protection Act 1994. • Preventing land degradation, including soil erosion, salination, acidity, instability and water logging particularly: <ul style="list-style-type: none"> ○ where ground slopes are more than 20 per cent ○ on land which is subject to soil erosion or slippage ○ in harsh environments, such as coastal or alpine areas. • Preventing adverse effects on groundwater quality, particularly on land: <ul style="list-style-type: none"> ○ where groundwater recharge to saline water tables occurs ○ that is in proximity to a discharge area ○ that is a known recharge area. 	<p>While the vegetation is not proposed to be removed, the use of the building exclusion zone will assist in protecting the quality of the water in the lake by retaining the vegetation along the banks. There is no recharge or discharge sites on the allotment that will be impacted by the removal of vegetation.</p>	<p style="text-align: center;">✓ Complies</p>
<p>The need to manage native vegetation to preserve identified landscape values.</p>	<p>The use of a vegetation protection area as part of the permit will provide landscape protection for the vegetation along the edge of the water.</p>	<p style="text-align: center;">✓ Complies</p>
<p>Whether any part of the native vegetation to be removed, destroyed or lopped is protected under the Aboriginal Heritage Act 2006.</p>	<p>No part of the vegetation has been identified as being protected under the Aboriginal Heritage Act 2006. A note on the permit provides advice to the permit holder of their obligations in relation to this legislation</p>	<p style="text-align: center;">✓ Complies</p>

6.1 Planning Permit Application No. 2019-152
- Five (5) Lot Subdivision (4 lots into 5); Removal of Native Vegetation ~ 27 River Street, Naqambie (cont.)

<p>The need to remove, destroy or lop native vegetation to create defensible space to reduce the risk of bushfire to life and property, having regard to other available bushfire risk mitigation measures.</p>	<p>The removal is a consequential impact of the subdivision, and is not being undertaken to create defensible space.</p>	<p>Not applicable</p>																
<p>Whether the native vegetation to be removed is in accordance with any Property Vegetation Plan that applies to the site</p>	<p>No property vegetation plan applies to the site.</p>	<p>Not applicable</p>																
<p>Whether an offset that meets the offset requirements for the native vegetation to be removed has been identified and can be secured in accordance with the Guidelines.</p>	<p>The applicant has provided advice that the proposal can obtain an offset in accordance with the guidelines.</p>	<p>✓ Complies</p>																
<p>Consider the impacts on biodiversity based on the following values of the native vegetation to be removed:</p> <ul style="list-style-type: none"> • The extent. • The condition score • The strategic biodiversity value score. • The number and circumference of any large trees. • Whether it includes an endangered Ecological Vegetation Class. • Whether it includes sensitive wetlands or coastal areas. 	<p>This information has been provided in the report that accompanied the application, as follows:</p> <p>Description of the native vegetation proposed to be removed</p> <table border="1" data-bbox="794 1227 1326 1503"> <tr> <td>Extent of all mapped native vegetation</td> <td>0.268 hectares</td> </tr> <tr> <td>Condition score of all mapped native vegetation</td> <td>0.314</td> </tr> <tr> <td>Strategic biodiversity value score of all mapped native vegetation</td> <td>0.870</td> </tr> <tr> <td>Extent of patches native vegetation</td> <td>0.000 hectares</td> </tr> <tr> <td>Extent of scattered trees</td> <td>0.268 hectares</td> </tr> <tr> <td>No. large trees within patches</td> <td>0 large tree(s)</td> </tr> <tr> <td>No. large scattered trees</td> <td>5 large tree(s)</td> </tr> <tr> <td>No. small scattered trees</td> <td>2 small tree(s)</td> </tr> </table>	Extent of all mapped native vegetation	0.268 hectares	Condition score of all mapped native vegetation	0.314	Strategic biodiversity value score of all mapped native vegetation	0.870	Extent of patches native vegetation	0.000 hectares	Extent of scattered trees	0.268 hectares	No. large trees within patches	0 large tree(s)	No. large scattered trees	5 large tree(s)	No. small scattered trees	2 small tree(s)	<p>✓ Complies</p>
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6.1 Planning Permit Application No. 2019-152
- Five (5) Lot Subdivision (4 lots into 5); Removal of Native Vegetation ~ 27 River Street, Naqambie (cont.)

<p>Consider the impacts on habitat for rare or threatened species. Where native vegetation to be removed is habitat for rare or threatened species according to the Habitat importance maps, consider the following:</p> <ul style="list-style-type: none"> • The total number of species' habitats. • The species habitat(s) that require a species offset(s). • The proportional impact of the native vegetation removal on the total habitat for each species, as calculated in section 5.3.1. • The conservation status of the species (per the Advisory Lists maintained by DELWP). • Whether the habitats are highly localised habitats, dispersed habitats, or important areas of habitat within a dispersed species habitat. 	<p>A condition will be placed on the Section 173 that requires a Zoologist to check any vegetation prior to it being removed, should it happen into the future.</p>	<p style="text-align: center;">✓ Complies</p>
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Clause 56, *Residential Subdivision*

Purpose:

- To create liveable and sustainable neighbourhoods and urban places with character and identity.
- To ensure residential subdivision design appropriately provides for:
 - Policy implementation.
 - Liveable and sustainable communities.
 - Residential lot design.
 - Urban landscape.
 - Access and mobility management.
 - Integrated water management.
 - Site management.
 - Utilities.

6.1 Planning Permit Application No. 2019-152
- Five (5) Lot Subdivision (4 lots into 5); Removal of Native Vegetation ~ 27 River Street, Naqambie (cont.)

An application for a subdivision of between 3 and 15 lots must address all the objectives and standards of Clause 56 except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6. This assessment is as follows:

<p>56.03-05, Neighbourhood character objective</p> <ul style="list-style-type: none"> To design subdivisions that respond to neighbourhood character. <p>Standard C6</p>	<p>The proposed subdivisional layout is in character with the rest of the area, with all allotments having frontage to the road, and able to accommodate a single dwelling and shedding. The average lot size is in context with the existing development pattern in the area.</p>	<p>✓ Complies</p>
<p>56.04-1, Lot diversity and distribution objectives</p> <ul style="list-style-type: none"> To achieve housing densities that support compact and walkable neighbourhoods and the efficient provision of public transport services. To provide higher housing densities within walking distance of activity centres. To achieve increased housing densities in designated growth areas. To provide a range of lot sizes to suit a variety of dwelling and household types. <p>Standard C7</p>	<p>The lot density allows for 5 residential allotments in an existing built up area. The lots are limited by setbacks from the full supply level of the lake, but are able to accommodate dwelling in close proximity to the commercial centre of town.</p>	<p>✓ Complies</p>
<p>56.04-2, Lot area and building envelopes objective</p> <ul style="list-style-type: none"> To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features. <p>Standard C8</p>	<p>Each lot is capable of accommodating a building envelope that will allow a dwelling to be constructed that will comply with the relevant design and siting requirements of ResCode under the Building Regulations.</p>	<p>✓ Complies</p>

6.1 Planning Permit Application No. 2019-152
- Five (5) Lot Subdivision (4 lots into 5); Removal of Native Vegetation ~ 27 River Street, Naqambie (cont.)

<p>56.04-3, Solar orientation of lots objective</p> <ul style="list-style-type: none"> To provide good solar orientation of lots and solar access for future dwellings. <p>Standard C9</p>	<p>Each lot will be able to construct a dwelling and achieve access to the north light into the living areas.</p>	<p>✓ Complies</p>
<p>56.04-4, Street orientation objective</p> <ul style="list-style-type: none"> To provide a lot layout that contributes to community social interaction, personal safety and property security. <p>Standard C10</p>	<p>No streets are proposed to be constructed as part of this development</p>	<p>Not applicable</p>
<p>56.04-5, Common areas objectives</p> <ul style="list-style-type: none"> To identify common areas and the purpose for which the area is commonly held. To ensure the provision of common area is appropriate and that necessary management arrangements are in place. To maintain direct public access throughout the neighbourhood street network. <p>Standard C11</p>	<p>No common areas are to be created as part of this development.</p>	<p>Not applicable</p>
<p>56.05-1, Integrated urban landscape objectives</p> <ul style="list-style-type: none"> To provide attractive and continuous landscaping in streets and public open spaces that contribute to the character and identity of new neighbourhoods and urban places or to existing or preferred neighbourhood character in existing urban areas. To incorporate natural and cultural features in the design of streets and public open space where appropriate. 	<p>No infrastructure is being created as part of this development, but the vegetation along the lake will be protected from a landscape perspective with a vegetation protection zone.</p>	<p>✓ Complies</p>

<ul style="list-style-type: none"> To protect and enhance native habitat and discourage the planting and spread of noxious weeds. To provide for integrated water management systems and contribute to drinking water conservation. <p>Standard C12</p>		
<p>56.06-2, Walking and cycling network objectives</p> <ul style="list-style-type: none"> To contribute to community health and well being by encouraging walking and cycling as part of the daily lives of residents, employees and visitors. To provide safe and direct movement through and between neighbourhoods by pedestrians and cyclists. To reduce car use, greenhouse gas emissions and air pollution. <p>Standard C15</p>	<p>The site is within walking and cycling distance of the centre of Nagambie, including all commercial and community facilities.</p>	<p style="text-align: center;">✓ Complies</p>
<p>56.06-4, Neighbourhood street network objective</p> <ul style="list-style-type: none"> To provide for direct, safe and easy movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood street network. <p>Standard C17</p>	<p>The new allotments will all directly access an existing sealed road within the local network.</p>	<p style="text-align: center;">✓ Complies</p>
<p>56.06-5, Walking and cycling network detail objectives</p> <ul style="list-style-type: none"> To design and construct footpaths, shared path and cycle path networks that are safe, comfortable, well constructed and accessible for people with disabilities. To design footpaths to accommodate wheelchairs, prams, scooters and other footpath bound vehicles. <p>Standard C18</p>	<p>No new walking or cycling networks are being constructed as part of this subdivision. However, a condition has been recommended should a permit issue for the construction of a footpath for the full frontage of the lot to the top of the court bowl.</p>	<p style="text-align: center;">Not applicable</p>

6.1 Planning Permit Application No. 2019-152
- Five (5) Lot Subdivision (4 lots into 5); Removal of Native Vegetation ~ 27 River Street, Naqambie (cont.)

<p>56.06-7, Neighbourhood street network detail objective</p> <ul style="list-style-type: none"> To design and construct street carriageways and verges so that the street geometry and traffic speed provide an accessible and safe neighbourhood street system for all users. <p>Standard C20</p>	<p>No new streets are being constructed as part of this subdivision</p>	<p>Not applicable</p>
<p>56.06-8, Lot access objective</p> <ul style="list-style-type: none"> To provide for safe vehicle access between roads and lots. <p>Standard C21</p>	<p>All lots will be required to construct access to the standards of Council in accordance with the Infrastructure Design Manual</p>	<p>✓ Complies</p>
<p>56.07-1, Drinking water supply objectives</p> <ul style="list-style-type: none"> To reduce the use of drinking water. To provide an adequate, cost-effective supply of drinking water. <p>Standard C22</p>	<p>All lots will be able to connect to the reticulated water system for drinking water.</p>	<p>✓ Complies</p>
<p>56.07-2, Reused and recycled water objective</p> <ul style="list-style-type: none"> To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water. <p>Standard C23</p>	<p>Any dwelling on these allotments will be able to develop a water re-use system with the construction of their individual dwellings.</p>	<p>✓ Complies</p>
<p>56.07-3, Wastewater management objective</p> <ul style="list-style-type: none"> To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner. <p>Standard C24</p>	<p>All lots will be connected to the reticulated sewerage system for wastewater management.</p>	<p>✓ Complies</p>

6.1 Planning Permit Application No. 2019-152
- Five (5) Lot Subdivision (4 lots into 5); Removal of Native Vegetation ~ 27 River Street, Naqambie (cont.)

<p>56.07-4, Urban run-off management objectives</p> <ul style="list-style-type: none"> • To minimize damage to properties and inconvenience to residents from urban run-off. • To ensure that the street operates adequate during major storm events and provides for public safety. • To minimize increases in stormwater run-off and protect the environmental values and physical characteristics of receiving waters from degradation by urban run-off. <p>Standard C25</p>	<p>The permit conditions require a Section 173 Agreement with specific requirements for future dwellings to manage stormwater to pre development levels.</p>	<p style="text-align: center;">✓ Complies</p>
<p>56.08-1, Site management objectives</p> <ul style="list-style-type: none"> • To protect drainage infrastructure and receiving waters from sedimentation and contamination. • To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works. • To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable. <p>Standard C26</p>	<p>The permit conditions require a Section 173 Agreement with specific requirements for future dwellings to manage stormwater to pre development levels.</p>	<p style="text-align: center;">✓ Complies</p>
<p>56.09-1, Shared trenching objectives</p> <ul style="list-style-type: none"> • To maximize the opportunities for shared trenching. • To minimize constraints on landscaping within street reserves. <p>Standard C27</p>	<p>Shared trenching will be utilised where possible.</p>	<p style="text-align: center;">✓ Complies</p>

6.1 Planning Permit Application No. 2019-152
- Five (5) Lot Subdivision (4 lots into 5); Removal of Native Vegetation ~ 27 River Street, Naqambie (cont.)

<p>56.09-2, Electricity, telecommunications and gas objectives</p> <ul style="list-style-type: none"> To provide public utilities to each lot in a timely, efficient and cost effective manner. To reduce greenhouse gas emissions by support generation and use of electricity from renewable sources. <p>Standard C28</p>	<p>All lots will be connected to water, sewer, power and telecommunications as per the conditions on the permit.</p>	<p>✓ Complies</p>
<p>56.09-3, Fire hydrants objective</p> <ul style="list-style-type: none"> To provide fire hydrants and fire plugs in positions that enable fire fighters to access water safely, effectively and efficiently. <p>Standard C29</p>	<p>The site accesses an existing street network with existing fire hydrants, but should any need to be installed as part of the detailed design, they will be done as necessary</p>	<p>✓ Complies</p>
<p>56.09-04, Public Lighting objective</p> <ul style="list-style-type: none"> To provide public lighting to ensure the safety of pedestrians, cyclists and vehicles. To provide pedestrians with a sense of personal safety at night. To contribute to reducing greenhouse gas emissions and to saving energy. <p>Standard C30</p>	<p>No new streets are proposed to be constructed as part of this subdivision.</p>	<p>Not applicable</p>

The decision guidelines of Clause 65

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

- The matters set out in Section 60 of the Act.*
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- The purpose of the zone, overlay or other provision.*
- Any matter required to be considered in the zone, overlay or other provision.*

6.1 Planning Permit Application No. 2019-152
- Five (5) Lot Subdivision (4 lots into 5); Removal of Native Vegetation ~ 27 River Street, Nagambie (cont.)

- *The orderly planning of the area.*
- *The effect on the amenity of the area.*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*

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

There are no relevant adopted State policies.

Relevant incorporated, reference or adopted documents

- *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*

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 General Residential Zone: The re-subdivision of the allotments is in accordance with the purpose of the zone and allows for infill development within the existing residential area of Nagambie.

With regard to the Land Subject to Inundation Overlay: A building exclusion zone from the Full Supply Level of the lake will ensure that no buildings and works can be undertaken on the flood prone land.

With regard to Clause 52.17, Native Vegetation: The application provides for offsets for any future loss of vegetation as part of this development but will also provide for protection of that vegetation from a landscape perspective.

6.1 Planning Permit Application No. 2019-152
- Five (5) Lot Subdivision (4 lots into 5); Removal of Native Vegetation ~ 27 River Street, Naqambie (cont.)

In summary, the proposal meets the objectives of the Planning Policy Framework, Local Planning Policy Framework, General Residential Zone, Land Subject to Inundation Overlay and Clause 52.17.

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

Locality maps






	Strathbogie Shire Council	Disclaimer Note 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, however arising or connected with the use of this data. Any feedback on omissions or errors would be appreciated. Contains Council Information © Strathbogie Shire Council Contains Vicmap Information © Department of Environment, Land, Water & Planning	4/06/2020	
	Prepared By: Melissa Crane		1:4000	

PLANNING COMMITTEE REPORT NO. 2 (PRINCIPAL PLANNER – MELISSA CRANE)

**6.2 Planning Permit Application No. P2019-157
- Removal of Native Vegetation ~ 50 Elloura Drive, Nagambie**

Application Details:

Application is for:	Removal of Native Vegetation
Applicant's/Owner's Name:	Hallmarc Constructions Pty Ltd
Date Received:	18 December 2019 – amended to current proposal on 22 April 2020
Statutory Days:	54
Application Number:	P2019-157
Planner: Name, title & department	Melissa Crane Principal Planner Department of Planning and Investment
Land/Address:	Lot S11 on Plan of Subdivision 543359X, Volume 11522 Folio 087; Lot S6 on Plan of Subdivision 543359X, Volume 11516 Folio 535; Road R9 on Plan of Subdivision 543359X, Volume 11643 Folio 725 and Lot S14 on Plan of Subdivision 543359X, Volume 11643 Folio 726 50 Elloura Drive, Nagambie VIC 3608
Zoning:	Comprehensive Development Zone
Overlays:	No Overlay
Is a CHMP required?	<p>Yes. A Cultural Heritage Management Plan was required to be prepared and was approved by the Taungurung Land and Waters Council in October 2019.</p> <div style="border: 1px solid black; padding: 5px;"> <p style="text-align: center;"><small>Aboriginal Heritage Act 2006 Section 64</small></p> <p style="text-align: center;">Cultural Heritage Management Plan Notice of Approval by Registered Aboriginal Party Taungurung Clans Aboriginal Corporation</p> <p>I, Matthew Burns, Chief Executive Officer Taungurung Clans Aboriginal Corporation, hereby approve the cultural heritage management plan referred to below:</p> <p style="text-align: center;"><small>Cultural Heritage Management Plan for the proposed: Elloura Estate Lifestyle Village – Area A, Elloura Drive Nagambie</small></p> <p style="text-align: center;"><small>Cultural Heritage Management Plan number: 16707</small></p> <p style="text-align: center;"><small>Sponsor: Elloura Nagambie Pty Ltd</small></p> <p style="text-align: center;"><small>Cultural Heritage Advisor: Heritage Insight – Kathleen Hsiolop</small></p> <p style="text-align: center;"><small>Author: Heritage Insight – Kathleen Hsiolop</small></p> <p style="text-align: center;"><small>Cover Date: October 11, 2019</small></p> <p style="text-align: center;"><small>Pages: 107</small></p> <p style="text-align: center;"><small>Date received for approval: 25/10/2019</small></p> <p><small>Pursuant to s.64 of the Act this cultural heritage management plan takes effect upon its lodgement with the Secretary of the Department of Planning and Community Development with this notice of approval inserted. *</small></p> <p>Signed: </p> <p>Dated: 30 October 2019</p> <p><small>* This notice of approval must be inserted after the title page and bound with the body of the management plan.</small></p> </div>

6.2 Planning Permit Application No. P2019-157
- Removal of Native Vegetation ~ 50 Elloura Drive, Nagambie (cont.)

Is it within an Open Potable Catchment Area?	No, not within an Open Potable Catchment Area
Under what clause(s) is a permit required? (include description)	Clause 52.17, Native Vegetation – Planning permit required for the removal of native vegetation.
Restrictive covenants on the title?	Section 173 Agreement, Reference AG126142D – Agreement with Goulburn Murray Water and Council in relation to the construction of shared path around the lakes edge. Section 173 Agreement, Reference AJ191141L – Agreement with Goulburn Valley Water and Council in relation to reticulated water supply. Neither agreement is affected by the granting of this permit.
Current use and development:	Vacant

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

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

Executive Summary

The application proposes the removal of native vegetation on land at 50 Elloura Drive, Nagambie. The application has been through a range of amendments to the current proposal, as follows:

Date	Total Vegetation to be removed	No of large trees to be removed (as part of total)	Total area of vegetation removal
23 June 2010 (Permit P2010-024)	100 trees (includes 8 very large, 48 large, 27 medium and 17 small)	56 trees	Not assessed at that time
19 December 2019	14 patches totalling 1.328 hectares (including 43 large trees in patches) 32 scattered trees (30 large and 2 small)	73 trees	3.026 hectares

6.2 Planning Permit Application No. P2019-157
- Removal of Native Vegetation ~ 50 Elloura Drive, Nagambie (cont.)

18 February 2020	11 patches 26 scattered trees	53 trees	2.197 hectares
22 April 2020 (Current proposal)	11 patches, totalling 0.767 hectares (including 27 large trees in patches) 25 scattered trees (24 large and 1 small)	51 trees	2.103 hectares

- The application is for the removal of native vegetation to allow the development of the land for a residential village, which is approved under planning permit P2005-182.
- The application was advertised, and 17 objections (1 has been withdrawn) and 3 supporting submissions were received at the time of writing this report. The remaining objections raise several issues relating mainly to the impacts on biodiversity for the area. The supporting submissions were in relation to economic growth and supporting the growth of Nagambie.
- The application has been dealt with within the 60-day statutory timeframe.
- A planning consultation meeting was held on 9 June 2020 to provide an opportunity for an additional opportunity to be heard.
- The application is being heard before Planning Committee due to the unresolved objections.
- The proposal meets the objectives of the Planning Policy Framework, Local Planning Policy Framework as well as the relevant particular provision, Clause 52.17.
- 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. P2019-157 to be given under Section 52 of the Planning and Environment Act 1987 and or the planning scheme; and**

6.2 Planning Permit Application No. P2019-157
- Removal of Native Vegetation ~ 50 Elloura Drive, Nagambie (cont.)

having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides issue a notice of decision to grant a permit under the provisions of Clause 52 of the Strathbogrie Planning Scheme in respect of the land known as Lot S11 on Plan of Subdivision 543359X, Volume 11522 Folio 087; Lot S6 on Plan of Subdivision 543359X, Volume 11516 Folio 535; Road R9 on Plan of Subdivision 543359X, Volume 11643 Folio 725 and Lot S14 on Plan of Subdivision 543359X, Volume 11643 Folio 726, 50 Elloura Drive, Nagambie VIC 3608, for the removal of native vegetation 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.
2. Prior to the removal of any native vegetation on site, the Environmental Plan required under Schedule 1 of the Comprehensive Development Zone must be submitted to and approved by the responsible authority. This plan must be consistent with the vegetation removal hereby permitted.
3. The amenity of the area must not be detrimentally affected by the use, through the:
 - (f) Appearance of any building, works or materials;
 - (g) Transport of materials, goods or commodities to or from the land;
 - (h) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil;
 - (i) Presence of vermin, and;
 - (j) Others as appropriate.

Department of Environment, Land, Water and Planning

Notification of permit conditions

4. Before any native vegetation is removed, the permit holder must advise all persons undertaking works on site, including native vegetation removal, of all relevant permit conditions and associated statutory requirements or approvals.

Fauna identification, salvage and relocation

5. Before any native vegetation is removed, all hollows must be inspected by a suitably qualified wildlife handler or zoologist. The wildlife handler or zoologist is to be present when felling trees to ensure all affected wildlife is not harmed and is removed from the subject land to an appropriate relocation site or relocated on site to an appropriate location in accordance with all relevant legislation. A report on the findings and mitigation methods adopted must be submitted to the responsible authority and the Department of Environment, Land, Water and Planning within 3 months of the completion of the native vegetation removal.

6.2 Planning Permit Application No. P2019-157
- Removal of Native Vegetation ~ 50 Elloura Drive, Nagambie (cont.)

Protection of retained vegetation

6. Before any native vegetation is removed, tree protection fences must be erected around all the native vegetation to be retained to define Tree Protection Zones. Tree Protection Zone fences must be erected at a radius of 12 times the diameter at breast height (DBH) to a maximum of 15 metres but no less than 2 metres from the base of the trunk. The fence must be of sturdy construction to the satisfaction of the responsible authority. The tree protection fences must remain in place until the completion of the development works unless otherwise agreed in writing by the responsible authority.
7. No vehicular or pedestrian access, trenching, storage of materials or equipment or soil excavation is to occur within the Tree Protection Zone unless otherwise agreed in writing by the responsible authority.

Native vegetation permitted to be removed, destroyed or lopped

8. Only the marked trees are to be removed.
9. The native vegetation permitted to be removed, destroyed or lopped under this permit is: 2.103 hectares of native vegetation with a strategic biodiversity value of 0.788, including 51 large trees.

Native vegetation offsets

10. To offset the removal of 2.103 hectares of native vegetation, the permit holder must secure the following native vegetation offset in accordance with [Guidelines for the removal, destruction or lopping of native vegetation \(DELWP 2017\)](#):
 - A general offset of 0.621 general habitat units located within the Goulburn Broken Catchment Management boundary or Strathbogie municipal area.
 - The offset must have a minimum strategic biodiversity value of at least 0.630.
11. Before any native vegetation is removed, evidence that the offset required by this permit has been secured, must be provided to the satisfaction of Strathbogie Shire Council. This evidence must be one or both of the following:
 - An established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site; and/or

Credit extract(s) allocated to the permit from the Native Vegetation Credit Register.

6.2 Planning Permit Application No. P2019-157
- Removal of Native Vegetation ~ 50 Elloura Drive, Nagambie (cont.)

12. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning and Approvals at the Department of Environment, Land, Water and Planning Benalla regional office via humeregion.planning@delwp.vic.gov.au.
13. Where the offset includes a first party offset(s), the permit holder must provide an annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

Audit of Native Vegetation Removal Report

14. Within six (6) months of the completion of the native vegetation removal approved by this permit, a follow up assessment of the impacts on native vegetation, including retained trees and associated tree protection zones, must be conducted by a suitably qualified and experienced environmental assessor and/or arborist, to identify any discrepancies from the current native vegetation removal associated with this permit. This assessment report must be submitted to and be to the satisfaction of the responsible authority and the Department of Environment, Land, Water and Planning – Hume Region.

Development

15. This permit will expire if one of the following circumstances applies:
- (c) The vegetation removal is not started within two (2) years of the date of this Permit,
 - (d) The vegetation removal 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.

6.2 Planning Permit Application No. P2019-157
- Removal of Native Vegetation ~ 50 Elloura Drive, Nagambie (cont.)

Proposal

The application is for the removal of native vegetation and includes the removal of 2.103 hectares of vegetation, including 51 large trees. The vegetation removal is to allow for the development of the Avington Lifestyle Village that has been approved on planning permit P2005-182. The required offsets for this level of vegetation removal are based on the calculations from the Department of Environment, Land, Water and Planning *EnSym* tool. The required offset for this proposal is a General Offset of 0.621 general habitat units, with a minimum strategic biodiversity score of 0.630, and would need to include 51 large trees.

The application has gone through several amendments to derive at the current proposal as follows:

Date	Total Vegetation to be removed	No of large trees to be removed (as part of total)	Total area of vegetation removal
23 June 2010 (Permit P2010-024)	100 trees (includes 8 very large, 48 large, 27 medium and 17 small)	56 trees	Not assessed at that time
19 December 2019	14 patches totalling 1.328 hectares (including 43 large trees in patches) 32 scattered trees (30 large and 2 small)	73 trees	3.026 hectares
18 February 2020	11 patches 26 scattered trees	53 trees	2.197 hectares
22 April 2020 (Current proposal)	11 patches, totalling 0.767 hectares (including 27 large trees in patches) 25 scattered trees (24 large and 1 small)	51 trees	2.103 hectares

6.2 Planning Permit Application No. P2019-157
- Removal of Native Vegetation ~ 50 Elloura Drive, Nagambie (cont.)

It is important to note that the total area of vegetation to be removed is calculated by adding the patches of vegetation to be removed (in this case, 0.767 hectares), and then adding an area of vegetation to be removed based on a calculation for the scattered trees. Patches are defined as such depending on the extent of perennial understorey plant cover as native and whether there are 3 or more trees with driplines touching. Scattered trees are separated into small and large, with small trees allocated the area of a circle with a 10-metre radius, and large trees allocated the area of a circle with a 15-metre radius. This area is calculated in hectares. The circles are clipped where they overlap.

Based on these calculations, the proposed total area of vegetation removal is for 0.767 hectares in patches, and 1.336 hectares of vegetation made up of the scattered trees.

Subject site & locality

The subject land is approximately 10 hectares of private land south-west of the Nagambie Town Centre, and is part of the broader Elloura development site. The site of the vegetation removal is in the north eastern section of the broader property, and contains Grey Box Trees, Yellow Box Trees and River Red Gums. The understorey is assessed as highly altered.

In terms of native vegetation on the site, the report submitted with the application detailed that the following was recorded in the assessment area:

- 15 patches of native vegetation, totalling 2.85 hectares (including 92 large trees within the patches)
- 38 scattered trees (35 large and 3 small trees)

The subject land is bordered by Lake Nagambie to the north, existing residential allotments to the east, a mix of residential and farming properties to the south and farming land with scattered dwellings to the west, on the other side of the existing residential area of Elloura.



6.2 Planning Permit Application No. P2019-157
- Removal of Native Vegetation ~ 50 Elloura Drive, Nagambie (cont.)

Permit/Site History

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

- P2005-083 – Use and development of the land for caravan and camping (still current, not yet acted on)
- P2006-023 – Boundary realignment
- P2009-007 – Permit issued for a 34-lot subdivision (stage 2) on 11 June 2009
- P2009-112 – Removal of native vegetation
- P2009-114 – Creation of temporary access
- P2010-024 – Removal of Native vegetation (expired, not acted on)
- P2010-055 – Permit issued for a 47-lot subdivision (stage 5) on 25 August 2010.
- P2014-031 – Subdivision of land into two lots, and amendment to staging
- P2014-095 – Permit issued for a 19-lot subdivision (stage 9) on 14 November 2014.
- P2017-046 – Permit issued for 194 Lot Subdivision on 4 February 2020 (still current, not yet acted on)

Public Notification

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

- Sending letters to adjoining landowners

The notification has been carried out correctly.

Council has received 17 objections and 3 supporting submissions at the time of writing this report. One of these objections was received in January and was withdrawn after the amendments to the application were made in consultation with the Department of Environment, Land, Water and Planning satisfied the concerns raised by that objector. The remaining submissions have been received since 29 April 2020.

The key issues that were raised in the remaining objections are (grouped into categories for clarity):

- State Government Policy Documents
 - The removal is not in accordance with the Victorian State Government's *Protecting Victoria's Biodiversity 2037*
 - The removal is not in accordance with the Victorian State Government's *Ribbons of Blue, Slashes of Green Project*
- Fauna impacts
 - Will have negative impact on birdlife
 - The area is remnant habitat for wildlife
 - Loss of habitat not acceptable
- Avoiding and offsetting
 - Purchasing an offset is not an acceptable compromise
 - Has not demonstrated the avoid principal

6.2 Planning Permit Application No. P2019-157
- Removal of Native Vegetation ~ 50 Elloura Drive, Nagambie (cont.)

- Waterway impacts
 - Concerned with impacts on hydrology and Lake Nagambie
- Other
 - Loss of natural heritage
 - Community loves the woodland area

The officer consideration of these grounds of objection are discussed in the consultation section, below.

Consultation

All objections were forwarded to the applicant, who provided a response to the objections raised. The response provided details to objectors on the process undertaken to date, and provided a letter from the applicant that outlined the following points:

- Not all trees on site are proposed to be removed.
- The property is in the Comprehensive Development Zone with a range of allowed uses, including the residential village.
- Several stages of the subdivision have already been completed.
- Amended masterplan was approved on 5 February 2014.
- Lifestyle village moved to an area previously identified for residential subdivision.
- Over 160 trees to be retained, (over the whole of the site).
- Village designed to include the native vegetation as part of the features.
- They have worked with the Department of Environment, Land, Water and Planning to reduce the impacts.
- Supports the requirement that all tree hollows are inspected to make sure any native animals are not harmed.
- Working with the Goulburn Broken Catchment Management Authority to donate the felled trees to the “Strathbogie Streams Program”.
- Working with the Taungurung Clans Aboriginal Corporation in relation to cultural heritage and educational opportunities.
- The Avington Lifestyle Village will see an investment of close to \$100 million over the next 5-7 years.
- Will provide an economic benefit to the community.
- Will increase population by approximately 400 people.

This response was sent to all objections, and no objections have been withdrawn at the time of writing this report.

Council officers also undertook site meetings with interested objectors to provide an opportunity to understand the extent of vegetation to be removed.

6.2 Planning Permit Application No. P2019-157
- Removal of Native Vegetation ~ 50 Elloura Drive, Nagambie (cont.)

Officer Comments in relation to the grounds of objection:

In order to ensure that due consideration is given to all objections, the following is noted in relation to the grounds of objection:

- State Government Policy Documents
 - *Protecting Victoria's Biodiversity 2037* is a reference document in the Strathbogie Planning Scheme, and is assessed against the provisions of Clause 52.17, later in this report.
 - *Ribbons of Blue, Slashes of Green Project* is a Goulburn Broken Catchment Management Authority voluntary program that landowners can access incentives to undertake environmental works on their properties. While the project is an important initiative, it is not a planning consideration in the application to remove native vegetation.
 - The applicant is working with the Goulburn Broken Catchment Management Authority to provide removed vegetation in order to support the *Strathbogie Streams* project.
- Fauna impacts
 - The application was referred to the Department of Environment, Land, Water and Planning, who have included a condition requiring a suitable qualified person to be on site during the removal to ensure any native fauna are protected and relocated appropriately (refer recommended condition 4)
- Avoiding and offsetting
 - Offsetting is an approved outcome to compensate for the biodiversity impact from the removal of the vegetation. The applicant has demonstrated the avoid and minimise principles through the application process with amendments to the layout and design resulting in a reduction to the amount of vegetation proposed to be removed. They have established that an offset is available to support the proposal.
 - The application has been required to address the requirements of the *Guidelines for the removal, destruction and lopping of Native Vegetation*. A detailed assessment of the application was undertaken by the Department of Environment, Land, Water and Planning. Condition consent was given, with conditions recommended for any permit that may issue for appropriate offsetting to be undertaken (refer recommended conditions 9 to 12).
- Waterway impacts
 - The vegetation to be removed is not located along the waterway on or adjacent to the subject site.
 - The Comprehensive Development Zone requires the provision of an Environmental Management Plan prior to works commencing on the lifestyle village. This has specific requirements for the consideration of impacts on any waterways. This is discussed in further detail in the zone section of the report.

6.2 Planning Permit Application No. P2019-157
- Removal of Native Vegetation ~ 50 Elloura Drive, Nagambie (cont.)

- Other
 - The site is not proposed to be cleared completely of vegetation, with 2.083 hectares of vegetation in patches to remain (this includes 65 large trees), and the retention of 11 large and 2 small scattered trees.
 - The assessment area currently contains 130 large trees (both in patches and scattered), with the removal of 51 in total proposed. This will retain 79 of these large trees within the assessment area.

Assessment of Changes to Application:

In order to understand how the applicant has worked to avoid and minimise removal of native vegetation, an assessment of the site level planning that has been undertaken (per the requirements of Clause 52.17, *Native Vegetation*) and micro-siting to minimise impacts (per the requirements of Clause 37.02, *Comprehensive Development Zone*) has been undertaken. The layout can be broken down into 23 separate areas for the cabin sites. Nine (9) areas had cabin sites removed, and four (4) areas had cabins sites increased, with an overall decrease of cabin sites by 11 units. Changes were also made to construction methods of pathways and roadways to reduce impact on root zones that would have resulted in tree loss. The following summarises the changes made to the sites and structures:

Item	Original Application	Current Application	Comments
Number of sites	247	236	Reduction of 11 sites
Communal facilities to be provided	Community Centre Lawn Bowls Court Tennis Court Communal Shelter Multi Sports Half Court Man/Work Shed Caravan and Boat Storage Area	Community Centre Lawn Bowls Court Tennis Court Man/Work Shed Caravan and Boat Storage Area	Removal of Communal Shelter and Multisport Half Court
Community facilities moved within the site		Tennis Court Man/Work Shed Caravan and Boat Storage Area	Allowed some micro siting changes to the lawn bowls court

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	Notice of application sent to 31 adjoining owners.

6.2 Planning Permit Application No. P2019-157
- Removal of Native Vegetation ~ 50 Elloura Drive, Nagambie (cont.)

History

A planning permit was issued for a Residential Village on permit P2005-182, 2 May 2006. This permit was issued with 42 conditions. This original proposal included a total of 208 dwellings with a community hub and parkland. This application did not include native vegetation removal so a condition was placed on the issued permit. Condition 1 of the permit states:

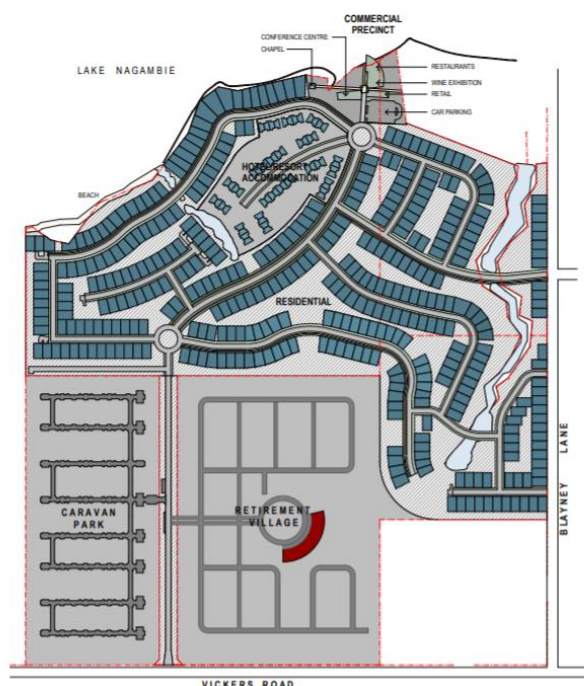
Before the development starts, a permit for the removal/clearing of native vegetation must be granted by the responsible authority.

The original location proposal for this development was on the south eastern portion of the allotment, with frontage to Vickers Road, as shown below:



In 2007, Planning Scheme Amendment C036 was placed on exhibition to allow the consideration of changing the zoning on the whole of the land from Farming and Residential 1 to Comprehensive Development Zone. The rezoning amendment was undertaken to support a range of uses over the whole of the site, including the village. The following plan was included in the exhibited documents:

6.2 Planning Permit Application No. P2019-157
- Removal of Native Vegetation ~ 50 Elloura Drive, Nagambie (cont.)



After an extensive consultation process, the amendment received 20 submissions, and an independent panel was appointed by the Minister for Planning to consider the proposed amendment. The report noted the expected impacts on native vegetation, with approximately 70% of trees to be retained particularly on the eastern portion of the land along the existing waterway. This panel recommended that the amendment be adopted, with some changes. The amendment was adopted and implemented into the Strathbogie Planning Scheme on 6 November 2008. The panel report also considered anticipated impacts on native vegetation as a result of the development. The original application, and the panel documents, provided some detail on the expected amount of vegetation to be removed to facilitate the development, being 80 trees with 46 being large. It was noted at this point, however, that the assessment had not been done at the best time and needed to be redone to be truly accurate. The Panel went on to make the statement as follows:

“The Panel considers that all indigenous native vegetation and most of the exotic and other native trees located within the 20 metre easement should be retained and that the development should be altered to achieve this objective. The Panel notes that the latest version of the Master Plan does indicate that most of the vegetation within the 20 metre easement will be retained except for two trees situated where the commercial restaurant complex is to be proposed to be located”.

6.2 Planning Permit Application No. P2019-157
- Removal of Native Vegetation ~ 50 Elloura Drive, Nagambie (cont.)

The Panel went on to recommend the relocation of this restaurant and the proposed chapel would further improve the outcome. The resulting recommendation was the following:

- The Lake Nagambie Resort Master Plan should be amended to include the following:
 - A reduced beach area to minimise the loss of reedbed vegetation and backed by re-vegetation to minimise potential erosion hazard; and
 - Retention of all indigenous vegetation and most of the native trees within the 20-metre waterway management easement along the Lake Nagambie foreshore and including two River Red Gum trees impacted by the commercial restaurant complex and the Sugar Gum and Peppercorn trees impacted by the chapel.

As a result of the amendment process, the master plan was changed, and the adopted version was as follows:



6.2 Planning Permit Application No. P2019-157
- Removal of Native Vegetation ~ 50 Elloura Drive, Nagambie (cont.)

A planning permit was issued in 2010, being permit P2010-024 which allowed the removal of 100 trees. This permit was applied for to support the development of what was known as Stage 5 of the subdivision. The permit was issued with the consent from the Department of Sustainability and Environment, and had the following condition:

The removal of vegetation must only be to the minimum extent necessary and must not exceed the removal of the 100 trees, being eight (8) very large old trees, forty-eight (48) large old trees, twenty-seven (27) medium old trees and seventeen (17) small trees as specified in the permit application.

The following plan was included in the report (with trees to be retained in green) supporting the application:



In 2014 the developer of the property applied to amend the approved plan, which was approved on 5 February 2015. At that point the developer had undertaken works on the lake frontage to create a beach area with BBQ facilities, constructed a walking track between the development and Buckley Park and into the Nagambie township, constructed the main road into the development, completed 2 stages of the residential subdivision (82 lots) and installed irrigation for landscaped areas.

6.2 Planning Permit Application No. P2019-157
- Removal of Native Vegetation ~ 50 Elloura Drive, Nagambie (cont.)

The amended plan was applied for as the developer had noted that their experiences so far identified aspects of the original design that could be improved upon. The changes were as follows:

- Commercial Centre:

Removed the commercial centre from the plan, and direct commercial activity to the existing town centre.

- Townhouse Precinct:

Replaced the commercial area with a townhouse precinct, to better reflect the residential nature of the development. The intent was to create a different type of housing within the estate from the traditional house and land offering already on the site.

- Lifestyle Village/Tourist Park

Repositioning the village to its current location to provide for a more affordable housing product, in a safe and secure environment. It is noted in the request that the relocation was also an attempt to “retain as much of the natural vegetation as possible and to integrate this area with the existing natural landscape”.

- Glencairn Lane/Walking and Bike Paths

The repositioning of the village created the opportunity to improve access into the town centre and provide alternative access.

- Community Facility

The relocation allows for the construction of a larger community facility for the whole of the development than originally envisaged.

- Retirement Village

Was retained in the same location, but on a smaller parcel.

- Net Gain Assessment

An updated report was submitted to demonstrate that the changes would result in a reduced impact on native vegetation on the site.

The report provided with the application to amend the master plan detailed that there were 66 large and very large trees within patches of remnant vegetation and 87 scattered trees (11 very large, 41 large). At the time the development footprint resulted in the removal of 0.594 hectares in patches, which included 26 large trees, and 55 scattered trees (31 large and very large and 24 small and medium). The total amount to be removed was 81 (57 large and 24 small and medium). This was represented by the following plan:

6.2 Planning Permit Application No. P2019-157
- Removal of Native Vegetation ~ 50 Elloura Drive, Nagambie (cont.)



It is noted that the relocation of the residential village with the proposed removal of 81 trees was less than the 100 trees approved on permit P2010-024, which was issued to facilitate the residential subdivision of this area on the original masterplan. The following plan was approved as the master plan for the site in February 2015:



6.2 Planning Permit Application No. P2019-157
- Removal of Native Vegetation ~ 50 Elloura Drive, Nagambie (cont.)

Current situation:

In December 2019, this application was lodged for the removal of native vegetation to support the development of the residential village detailed in the above approved master plan. The permit application has gone through several amendments, with the current proposal for the removal of 51 large and 1 small tree.

Assessment

The zoning of the land and any relevant overlay provisions

Comprehensive Development Zone

Purpose:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for a range of uses and the development of land in accordance with a comprehensive development plan incorporated into this scheme.
- To provide for the development of an integrated residential development comprising residential, commercial, tourism related and recreational facilities (currently known as Lake Nagambie Resort) in a manner which achieves the principles of environmental and sustainability including:
 - Provision of resort style commercial, tourist related and recreational infrastructure;
 - Housing at a range of densities
 - Ensuring protection of existing environmental water resources.generally in accordance with the Lake Nagambie Resort Master Plan.
- To designate land suitable for an integrated development consisting of retirement village, camping and caravan facility, a retail village, not more than 476 accommodation lots including hotel resort accommodation, dwellings and associated roads, utility services and recreation facilities.
- To provide for staging of the development of the land in an orderly manner, having regard to the delivery of vital infrastructure elements of the project.
- To achieve a high standard of urban-design, community amenity and safety.
- To ensure that development of the land does not detrimentally impact upon the amenity of the surrounding area including adjoining land and the shores/waters of Lake Nagambie.

Officer comments:

In the Comprehensive Development Zone, the use and development of the land for a residential village does not need a planning permit. The zone itself does not exempt vegetation removal from permit requirements. A planning permit was also issued in 2005, being permit P2005-182, for the village, and is still current. This was issued prior to the land being rezoned thus taking away the planning permit requirement for this element of the development.

6.2 Planning Permit Application No. P2019-157
- Removal of Native Vegetation ~ 50 Elloura Drive, Nagambie (cont.)

Under the schedule to the zone, the following plans are required to be submitted to and approved by Council prior to works commencing on this stage of the development:

- Environmental Plan
- Emergency Management Plan
- Traffic Management Plan
- Infrastructure Management Plan
- Commercial Facilities Plan
- Lake Nagambie Development Plan
- Staging Plan
- Landscape Plan
- Urban Design Guidelines

Each of these plans and the guidelines must comply with the Lake Nagambie Resort Master Plan. The schedule also states that:

Any application for buildings and works which is in accordance with the above plans is exempt from the notice requirements of Section 52(1)(a), (b), and (d), the decision requirements of Section 64 (1), (2) and (3) and the review rights of Section 82 (1) of the Act.

As it is relevant to this matter, due consideration for the requirements of the Environmental Plan has been done, and while this plan has not yet been submitted to or approved by Council, the following will be required to be addressed in the report:

- A Flora and Fauna assessment of the land that is to be undertaken at an appropriate time of year.
- An assessment of any impact on Lake Nagambie and its foreshore
- Details of the layout of the land including proposed tree plantations, drainage systems, irrigation systems, works related to the roads, car parking, pedestrian links; and proposed buildings.
- Details of how the development will manage and enhance native vegetation on the site, including an assessment of how the plan addresses:
 - “Victoria’s Native Vegetation Management – A Framework for Action” and the achievement of net gain outcomes as defined in the framework, including any offset.
 - the native vegetation strategy in any relevant regional catchment management strategy.
- Details of the micro-siting of buildings and infrastructure to ensure that trees identified in the Lake Nagambie Resort Master Plan and/or Flora and Fauna assessment for retention and permanent protection can be retained in the long-term.
- Details of how the development will address surface water management, the stream system on site and upstream and downstream of the development, including the protection of flows and enhancement of water quality including treatments required to accommodate staged construction.
- Details of how the development of the land will address sediment control, salinity, nutrient control, and pollution control.

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- Management of stormwater from the development based on Best Practice Environmental Management Guidelines (CSIRO, 1999).
- Details of on-going maintenance.
- Any other information required by the responsible authority

When this plan is submitted to Council for approval, and prior to the commencement of any works, the views of Goulburn Valley Water, the Environment Protection Authority, the Department of Environment, Land, Water and Planning, Goulburn Broken Catchment Management Authority and Goulburn Murray Water will be sought and taken into due consideration.

In relation to the decision guidelines specific to the zone and schedule itself, the following has been considered:

Decision Guidelines	Officer Comments	Complies?
The purpose of the schedule	The purpose of the schedule is to allow for the development of the area for a range of uses including a village. This application is for the removal of native vegetation to allow the construction of this village and it considered to be in accordance with the purpose of the zone which is to allow the development of the site in accordance with the approved plan.	✓Complies
The Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies	The application has duly considered and is in accordance with the relevant policies and is detailed more specifically in the next section.	✓Complies
That the proposal is generally in accordance with the plan titled Lake Nagambie Resort Master Plan.	The location of the vegetation removal is in accordance with the area identified for development within the approved plan.	✓Complies
Whether the granting of a permit would prejudice the proper implementation of the Lake Nagambie Resort Master Plan.	The permit will support the implementation of the Plan and will not have any negative impact on its implementation.	✓Complies
The comments of any authority required to be consulted	The application was referred to the Department of Environment, Land, Water and Planning who had no objections subject to a range of conditions.	✓Complies
Any issues specifically required to be taken into account in the case of a particular plan.	No specific issues raised however further consideration of the environmental impacts will be undertaken with consideration of the Environmental Management Plan for the development.	✓Complies

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- Removal of Native Vegetation ~ 50 Elloura Drive, Nagambie (cont.)

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

Officer Comments:

The policy requires the consideration of two policy documents - *Protecting Victoria's Environment – Biodiversity 2037* (Department of Environment, Land, Water and Planning, 2017) and *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017). These documents are addressed in detail under the assessment of the particular provision Clause 52.17, *Native Vegetation*, later in this report.

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 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.

Officer Comments:

The policy requires the consideration of two policy documents - *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017) and *Assessor's handbook – applications to remove, destroy or lop native vegetation* (Department of Environment, Land, Water and Planning, 2017). These documents are addressed in detail under the assessment of the particular provision Clause 52.17, *Native Vegetation*, later in this report.

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- Removal of Native Vegetation ~ 50 Elloura Drive, Nagambie (cont.)

Clause 15.03-2S, Aboriginal Cultural Heritage

Objective: To ensure the protection and conservation of places of Aboriginal Cultural Heritage significance.

Strategies:

- Identify, assess and document places of Aboriginal cultural heritage significance, in consultation with relevant Registered Aboriginal Parties, as a basis for their inclusion in the planning scheme.
- Provide for the protection and conservation of pre-contact and post-contact Aboriginal cultural heritage places.
- Ensure that permit approvals align with the recommendations of any relevant Cultural Heritage Management Plan approved under the Aboriginal Heritage Act 2006.

Officer Comments:

The developer has completed and had approved a Cultural Heritage Management Plan for the site and has addressed this requirement.

Clause 16.01-1S, Integrated Housing

Objective: To promote a housing market that meets community needs.

Strategies:

- Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.
- Ensure that an appropriate quantity, quality and type of housing is provided, including aged care facilities and other housing suitable for older people, supported accommodation for people with disability, rooming houses, student accommodation and social housing.
- Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns

Officer Comments:

The application for vegetation removal is to facilitate the development of the Avington Village, which will provide affordable housing for the township of Nagambie, particularly aimed at the older residents. The development of the site for the village will support the increase of supply within an existing urban area.

Clause 16.01-2S, Location of residential development

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

Strategies:

- Increase the proportion of new housing in designated locations within established urban areas and reduce the share of new dwellings in greenfield and dispersed development areas.

Officer comments:

The location has been identified for residential development and is zoned accordingly. The vegetation removal will support the increase of new housing within a designated area. The site has good access to the town centre through both the road network and walking/cycling paths.

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- Removal of Native Vegetation ~ 50 Elloura Drive, Nagambie (cont.)

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

Clause 21.02-1, Sustainable Settlement – 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; including but not limited to:
 - passive solar design
 - water sensitive urban design
 - water tanks
 - accessibility of pedestrian and bicycle traffic to and from public transport
 - public open space and local retail and neighbourhood services
 - solar street lighting
 - grey water systems
- Ensure residential development can be appropriately serviced and is developed considering good design principles
- Protect views and vistas of the Shire's natural features.

Officer Comments:

There is always a conflict between residential growth and the natural environment. This land was previously identified for residential subdivision and now for a residential village. The development can be designed to achieve sustainable outcomes for the new buildings. The change in location of the village was supported as this type of development resulted in a reduced impact on the native vegetation in this area, and will also allow a development for a particular age demographic to have better access to walking and cycling paths than in the southern area of the development site. The development itself has been designed following the good design principles and has been developed to capitalise on the natural features of the site, being the native vegetation that is to be retained.

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 lake and other natural features.
- Encourage the clustering of higher density dwellings around the town centre.
- Encourage more walking and cycling routes.

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Officer Comments:

The policy requires the consideration of the *Nagambie Growth Management Plan*, and part of this is the implementation of the *Nagambie Structure Plan* which has identified the way residential development should be undertaken. In the structure plan, this site is identified as an existing urban area to be developed. This is assessed in more detail in the Relevant Reference Documents section of this report.

Clause 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.

Officer Comments:

While the application is to remove vegetation, the development has been designed to maintain a vegetation link across the property and along the waterway adjacent the property. Further work along the waterway will encourage the connectivity along this corridor. The developer of the land will also need to provide an Environmental Management Plan to comply with the requirements of the zone, which will provide additional opportunities for the protection and restoration of the waterway in this area. These impacts are assessed in further detail under Clause 52.17, *Native Vegetation*, below.

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. This is achieved by applying the following three step approach in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):
 - 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 if a permit is granted to remove, destroy or lop native vegetation.
- To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.

6.2 Planning Permit Application No. P2019-157
- Removal of Native Vegetation ~ 50 Elloura Drive, Nagambie (cont.)

Officer Comments:

An application to remove, destroy or lop native vegetation must comply with the requirements specified in the *Guidelines*. These requirements were provided with the provision of the *Biodiversity Impact Assessment Report*, prepared by Nature Advisory, April 2020 (Version 8.2). The extent of vegetation removal determined that the application fell into the Detailed Assessment Pathway, and the application was referred to the Department of Environment, Land, Water and Planning. As part of this referral, several meetings were held to discuss the application and led to a reduction in the extent of vegetation removal proposed. The following summarised the work undertaken as part of this process:

Date	Process
18/12/19	Planning application was received for the removal of native vegetation (3.026 hectares, including 73 large trees).
19/12/19	Application was referred to the Department of Environment, Land, Water and Planning (DELWP) for their consideration.
28/1/2020	Further information requested from DELWP, so site meeting arranged to discuss proposal. To assist this site meeting, the applicant was requested to mark out the proposed tree removal.
11/2/2020	Site meeting held with representatives of DELWP, council and the applicant. Some changes were discussed on site, and the applicant committed to submitting an amended proposal based on the discussions.
18/2/2020	An amended proposal was sent to Council for consideration by DELWP. The removal of vegetation had been reduced to 2.197 hectares, including 53 large trees.
16/3/2020	A second meeting was held with representatives of DELWP, council and the applicant. Further changes were discussed, and another site visit with DELWP arranged for 24 March.
6/4/2020	An amended proposal was submitted to Council and DELWP for consideration, with the removal reduced to 2.103 hectares, including 51 large trees.

6.2 Planning Permit Application No. P2019-157
- Removal of Native Vegetation ~ 50 Elloura Drive, Nagambie (cont.)

23/4/2020	Conditional consent was provided by the Department of Environment, Water, Land and Planning to the native vegetation removal of 2.103 hectares, including 51 large trees. This was amended on 28/4/2020 to fix errors in the conditions.
9/6/2020	Planning consultation meeting held to provide an additional opportunity to be heard

As discussed earlier in this report, the Planning Policy Framework for biodiversity and native vegetation removal is managed through a range of documents that have been prepared by the DELWP. These documents have all been considered as follows:

Assessment against ***Protecting Victoria's Environment – Biodiversity 2037*** (Department of Environment, Land, Water and Planning, 2017):

Officer Comment:

The Plan is based on recognising that Victoria's natural environment is diverse, unique and precious, and provides a contemporary approach to managing biodiversity. The Biodiversity Plan developed from this document was informed by a range of principles. The most relevant of these principles in this application is in relation to Decision Making, as follows:

- *Decision making processes are fair, transparent, efficient and consistent.*
- *Decisions consider risk and return and are based on the best available scientific evidence and other sources of knowledge.*
- *Decision making is based on the precautionary principle; that decisions to prevent significant impacts are not avoided because of a lack of scientific certainty.*
- *Decision making consistently accounts for all interventions and changes made to the environment and considers the context across space and time in which assets and issues exist.*
- *Changing environmental circumstances are considered and thinking is adapted to new information.*

In relation the Native Vegetation, the Plan states (Page 14) the following:

The objective for the regulation of native vegetation clearing is to ensure that there is no 'net loss' to biodiversity as a result of the permitted clearing of native vegetation. This is achieved by applying the three-step approach: avoid, minimise and offset.

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 - Removal of Native Vegetation ~ 50 Elloura Drive, Nagambie (cont.)

At a broader level, the Victorian Government is committed to achieving an overall 'net gain', expressed as an improvement in the overall extent and condition of native habitats across terrestrial, waterway and marine environments. Not all habitats or vegetation types will need to be improved or increased in order to achieve this goal, but overall gains will need to outweigh losses. Such gains will be the result of investment and other efforts by government, community and land managers. The most important places to achieve gains and to avoid losses are locations with higher relative contribution to biodiversity benefit."

It is noted that these principles are applied through the *Planning and Environment Act 1987*, with Native Vegetation Removal applications assessed against the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017).

As part of the requirements of Clause 66.02, *Use and Development Referrals*, the application was referred to the Department of Environment, Land, Water and Planning. The application documents are assessed against the relevant provisions, and conditional consent has been given to the proposed vegetation removal.

In order to provide further consideration, a Council Officer assessment against ***Guidelines for the removal, destruction or lopping of native vegetation*** (Department of Environment, Land, Water and Planning, 2017) using the ***Assessor's handbook – applications to remove, destroy or lop native vegetation*** (Department of Environment, Land, Water and Planning, 2017) has been undertaken as follows:

Decision Guideline	Officer Comments	Complies?
<p>Efforts to avoid the removal of, and minimise the impacts on, native vegetation should be commensurate with the biodiversity and other values of the native vegetation and should focus on areas of native vegetation that have the most value. Taking this into account consider whether:</p> <ul style="list-style-type: none"> • the site has been subject to a regional or landscape scale strategic planning process that appropriately avoided and minimised impacts on native vegetation • the proposed use or development has been appropriately sited or designed to avoid and minimise impacts on native vegetation 	<p>The application must demonstrate that steps have been taken to avoid and minimise removal of native vegetation. In this case, the application documents state that this has been achieved through:</p> <ul style="list-style-type: none"> • <i>The current development plan avoids impacts to most of the native vegetation along the waterway on the eastern boundary and to many of the large trees on the southern boundary.</i> • <i>Walking paths will be gravel and will not involve excavation and are therefore not anticipated to impact trees (to be confirmed by an arborist).</i> • <i>Furthermore, no feasible opportunities exist to further avoid and minimise impacts on native vegetation without undermining the key objectives of the proposal.</i> <p>The applicant did redesign the proposal twice through the application process to reduce the impact on native vegetation originally proposed, and it is considered</p>	<p>✓ Complies</p>

Decision Guideline	Officer Comments	Complies?
<ul style="list-style-type: none"> • feasible opportunities exist to further avoid and minimise impacts on native vegetation without undermining the key objectives of the proposal. 	<p>that these works have demonstrated reasonable efforts to avoid and minimise native vegetation removal in accordance with the guidelines.</p>	
<p>The role of native vegetation to be removed in:</p> <ul style="list-style-type: none"> • Protecting water quality and waterway and riparian ecosystems, particularly within 30 metres of a wetland or waterway in a special water supply catchment area listed in the Catchment and Land Protection Act 1994. • Preventing land degradation, including soil erosion, salination, acidity, instability and water logging particularly: <ul style="list-style-type: none"> ○ where ground slopes are more than 20 per cent ○ on land which is subject to soil erosion or slippage ○ in harsh environments, such as coastal or alpine areas. • Preventing adverse effects on groundwater quality, particularly on land: <ul style="list-style-type: none"> ○ where groundwater recharge to saline water tables occurs ○ that is in proximity to a discharge area ○ that is a known recharge area. 	<p>The site is not within a special water supply catchment area, and as the tree removal is not within the riparian zone of the waterway that feeds into Lake Nagambie, the proposal is not considered to have a negative impact on the water quality of the waterway. It is noted that the native vegetation to be retained is predominantly in this area along the waterway.</p> <p>The land is generally flat, and not subject to erosion or slippage.</p> <p>The site does not have a discharge area, or a known recharge area identified.</p>	<p>✓ Complies</p>
<p>The need to manage native vegetation to preserve identified landscape values.</p>	<p>The site is not in an identified landscape requiring additional protection. It is in an urban setting with approvals for residential development. Environmental values are duly considered in the provision of the Environmental Management Plan required as per the schedule to the Comprehensive Development Zone.</p>	<p>✓ Complies</p>
<p>Whether any part of the native vegetation to be removed, destroyed or lopped is protected under the Aboriginal Heritage Act 2006.</p>	<p>The site has been subject to a Cultural Heritage Management Plan and the applicant is also working with the Taungurung Clans Aboriginal Corporation in relation to educational opportunities for the organisation at the time of removal.</p>	<p>✓ Complies</p>

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- Removal of Native Vegetation ~ 50 Elloura Drive, Nagambie (cont.)

<p>The need to remove, destroy or lop native vegetation to create defendable space to reduce the risk of bushfire to life and property, having regard to other available bushfire risk mitigation measures.</p>	<p>The application is not to create defendable space, so this is guideline not applicable.</p>	<p>Not Applicable</p>																																								
<p>Whether the native vegetation to be removed is in accordance with any Property Vegetation Plan that applies to the site</p>	<p>No Property Vegetation Plan applies to the site, so this guideline is not applicable.</p>	<p>Not Applicable</p>																																								
<p>Whether an offset that meets the offset requirements for the native vegetation to be removed has been identified and can be secured in accordance with the Guidelines.</p>	<p>The applicant has provided evidence that an offset for the vegetation removal of 0.621 general habitat units, with a minimum strategic biodiversity score of 0.630, within the GBCMA boundary, and includes the protection of at least 51 large trees is available for purchase.</p> <p>Details of available native vegetation credits on 1</p> <p>These sites meet your requirements for general offsets.</p> <table border="1" data-bbox="783 1070 1270 1339"> <thead> <tr> <th>Credit Site ID</th> <th>GHU</th> <th>LT</th> <th>CMA</th> <th>LGA</th> </tr> </thead> <tbody> <tr> <td>BBA-1145</td> <td>1.441</td> <td>58</td> <td>Goulburn Broken</td> <td>Mitchell Shire</td> </tr> <tr> <td>BBA-2748</td> <td>1.411</td> <td>167</td> <td>Goulburn Broken</td> <td>Greater Shepparton City</td> </tr> <tr> <td>BBA-2865</td> <td>7.908</td> <td>1412</td> <td>Goulburn Broken</td> <td>Greater Shepparton City</td> </tr> <tr> <td>VC_CFL-2636_01</td> <td>22.817</td> <td>254</td> <td>Goulburn Broken</td> <td>Strathbogie Shire</td> </tr> <tr> <td>VC_CFL-2865_02</td> <td>6.148</td> <td>469</td> <td>Goulburn Broken</td> <td>Greater Shepparton City</td> </tr> <tr> <td>VC_CFL-3075_01</td> <td>9.775</td> <td>147</td> <td>Goulburn Broken</td> <td>Greater Shepparton City</td> </tr> <tr> <td>VC_TFN-C2047_01</td> <td>9.050</td> <td>87</td> <td>Goulburn Broken</td> <td>Mitchell Shire</td> </tr> </tbody> </table> <p>NOTE: Offsets are calculated using the <i>EnSym</i> native vegetation regulation tool. This tool analyses spatial data prepared by consultants and generates the report that includes the required information for the Detailed assessment pathway. It is used to generate the offset report after a gain scoring assessment has been done.</p>	Credit Site ID	GHU	LT	CMA	LGA	BBA-1145	1.441	58	Goulburn Broken	Mitchell Shire	BBA-2748	1.411	167	Goulburn Broken	Greater Shepparton City	BBA-2865	7.908	1412	Goulburn Broken	Greater Shepparton City	VC_CFL-2636_01	22.817	254	Goulburn Broken	Strathbogie Shire	VC_CFL-2865_02	6.148	469	Goulburn Broken	Greater Shepparton City	VC_CFL-3075_01	9.775	147	Goulburn Broken	Greater Shepparton City	VC_TFN-C2047_01	9.050	87	Goulburn Broken	Mitchell Shire	<p>✓ Complies</p>
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<p>Consider the impacts on biodiversity based on the following values of the native vegetation to be removed:</p> <ul style="list-style-type: none"> • The extent. • The condition score • The strategic biodiversity value score. • The number and circumference of any large trees. 	<p>The impacts on biodiversity were detailed through a habitat hectare assessment, which identified the different patches of vegetation to be removed and gave a condition score for each separate patch. Details on the trees to be removed and retained were also provided and included the diameter at breast height as required. This assessment also provided details on future Tree Protection Zones for all trees.</p>	<p>✓ Complies</p>																																								

<ul style="list-style-type: none"> • Whether it includes an endangered Ecological Vegetation Class. • Whether it includes sensitive wetlands or coastal areas. 	<p>The site is within the Plains Grassy Woodland EVC (EVC 55_61), Victorian Riverina, which is an Endangered EVC. This report was assessed by the Department of Environment, Land, Water and Planning and who have given conditional consent to the removal.</p>																																															
<p>Consider the impacts on habitat for rare or threatened species. Where native vegetation to be removed is habitat for rare or threatened species according to the Habitat importance maps, consider the following:</p> <ul style="list-style-type: none"> • The total number of species' habitats. • The species habitat(s) that require a species offset(s). • The proportional impact of the native vegetation removal on the total habitat for each species, as calculated in section 5.3.1. • The conservation status of the species (per the Advisory Lists maintained by DELWP). • Whether the habitats are highly localised habitats, dispersed habitats, or important areas of habitat within a dispersed species habitat. 	<p>The application provides an assessment of potential impacts on rare or threatened species habitats on site. There were 22 identified species with either 0.0001% or 0.0002% of habitat value affected, and no species offsets required. All species habitats were identified as dispersed. This report was assessed by the Department of Environment, Land, Water and Planning who have given conditional consent to the removal. The identified species were as follows:</p> <table border="1" data-bbox="767 846 1305 1933"> <thead> <tr> <th>Species common name</th> <th>Species scientific name</th> </tr> </thead> <tbody> <tr><td>Jericho Wire-grass</td><td><i>Aristida jerichoensis</i> var. <i>subspinulifera</i></td></tr> <tr><td>Bent-leaf Wattle</td><td><i>Acacia flexifolia</i></td></tr> <tr><td>Velvet Daisy-bush</td><td><i>Olearia pannosa</i> subsp. <i>cardiophylla</i></td></tr> <tr><td>Grey-crowned Babbler</td><td><i>Pomatostomus temporalis</i> <i>temporalis</i></td></tr> <tr><td>Western Silver Wattle</td><td><i>Acacia decora</i></td></tr> <tr><td>Ausfeld's Wattle</td><td><i>Acacia ausfeldii</i></td></tr> <tr><td>Southern Pygmy Perch (Murray-Darling lineage)</td><td><i>Nannoperca australis</i> (Murray-Darling lineage)</td></tr> <tr><td>Umbrella Grass</td><td><i>Digitaria divaricatissima</i> var. <i>divaricatissima</i></td></tr> <tr><td>Silky Swainson-pea</td><td><i>Swainsona sericea</i></td></tr> <tr><td>Broom Bitter-pea</td><td><i>Daviesia genistifolia</i> s.s.</td></tr> <tr><td>Western Golden-tip</td><td><i>Goodia medicaginea</i></td></tr> <tr><td>Dark Wire-grass</td><td><i>Aristida calycina</i> var. <i>calycina</i></td></tr> <tr><td>Cottony Cassinia</td><td><i>Cassinia ozothamnoides</i></td></tr> <tr><td>Bush Stone-curlew</td><td><i>Burhinus grallarius</i></td></tr> <tr><td>Northern Sandalwood</td><td><i>Santalum lanceolatum</i></td></tr> <tr><td>Southern Swainson-pea</td><td><i>Swainsona behriana</i></td></tr> <tr><td>Pepper Grass</td><td><i>Panicum laevinode</i></td></tr> <tr><td>Rosemary Grevillea</td><td><i>Grevillea rosmarinifolia</i> subsp. <i>rosmarinifolia</i></td></tr> <tr><td>Squirrel Glider</td><td><i>Petaurus norfolcensis</i></td></tr> <tr><td>Late-flower Flax-lily</td><td><i>Dianella tarda</i></td></tr> <tr><td>Branching Groundsel</td><td><i>Senecio cunninghamii</i> var. <i>cunninghamii</i></td></tr> <tr><td>Purple Diuris</td><td><i>Diuris punctata</i></td></tr> </tbody> </table>	Species common name	Species scientific name	Jericho Wire-grass	<i>Aristida jerichoensis</i> var. <i>subspinulifera</i>	Bent-leaf Wattle	<i>Acacia flexifolia</i>	Velvet Daisy-bush	<i>Olearia pannosa</i> subsp. <i>cardiophylla</i>	Grey-crowned Babbler	<i>Pomatostomus temporalis</i> <i>temporalis</i>	Western Silver Wattle	<i>Acacia decora</i>	Ausfeld's Wattle	<i>Acacia ausfeldii</i>	Southern Pygmy Perch (Murray-Darling lineage)	<i>Nannoperca australis</i> (Murray-Darling lineage)	Umbrella Grass	<i>Digitaria divaricatissima</i> var. <i>divaricatissima</i>	Silky Swainson-pea	<i>Swainsona sericea</i>	Broom Bitter-pea	<i>Daviesia genistifolia</i> s.s.	Western Golden-tip	<i>Goodia medicaginea</i>	Dark Wire-grass	<i>Aristida calycina</i> var. <i>calycina</i>	Cottony Cassinia	<i>Cassinia ozothamnoides</i>	Bush Stone-curlew	<i>Burhinus grallarius</i>	Northern Sandalwood	<i>Santalum lanceolatum</i>	Southern Swainson-pea	<i>Swainsona behriana</i>	Pepper Grass	<i>Panicum laevinode</i>	Rosemary Grevillea	<i>Grevillea rosmarinifolia</i> subsp. <i>rosmarinifolia</i>	Squirrel Glider	<i>Petaurus norfolcensis</i>	Late-flower Flax-lily	<i>Dianella tarda</i>	Branching Groundsel	<i>Senecio cunninghamii</i> var. <i>cunninghamii</i>	Purple Diuris	<i>Diuris punctata</i>	<p>✓ Complies</p>
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6.2 Planning Permit Application No. P2019-157
- Removal of Native Vegetation ~ 50 Elloura Drive, Nagambie (cont.)

The decision guidelines of Clause 65

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

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

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

There are no relevant adopted State policies.

Relevant incorporated, reference or adopted documents

Nagambie Growth Management Strategy, Planisphere, December 2008

Officer Comments:

The Strategy provides the overall framework for dealing with growth-driven issues and challenges and provides a comprehensive plan for the future of Nagambie. Part of this strategy is to provide (as relevant to this site) a preferred order for development within the town, provide for improved vehicle, bicycle and pedestrian access throughout the town, and to ensure adequate provision of infrastructure.

The Strategy outlines the vision for Nagambie as follows:

Nagambie will grow both as an agricultural service centre, and as a visitor/lifestyle/retirement centre. This is to be done in a way that:

- *Maximises the economic benefits of a lakeside location to the town and the Shire.*
- *Strengthens character of the town in its lakeside and rural setting.*
- *Protects and enhances the environmental values of the land and other natural features.*
- *Improves the social, economic and environmental sustainability of the town.*

6.2 Planning Permit Application No. P2019-157
- Removal of Native Vegetation ~ 50 Elloura Drive, Nagambie (cont.)

The subject site is characterised as the “Loccisano Development” in this document, and has been identified as area A, first in the order of development for Nagambie. As part of the Strategy, the *Lakeside Connectivity and Recreation Plan* was developed, and addresses the subject land. The report states the following in relation to the site:

“The Loccisano development comprises of 3 residential elements which are 376 residential houses, 100 hotel units, around 320 caravan park cabins and a lifestyle village of around 200 dwellings. Permits have already been granted for the caravan park and lifestyle village developments. The site is also proposed to contain a commercial centre with the hotel reception, day spa treatment rooms, conference facilities, retail outlets and restaurants with an overall capacity of over 400 patrons.

The remainder of the site contains a chapel for weddings, car parking, on-site storm water retention ponds, and a beach. Importantly the area will provide public access to the water frontage by utilising the provision of a 20-metre waterway management easement from the lake frontage title boundary which has been set aside for the creation of an accessway and for waterway management.

The overall development is targeted to the ‘lifestyle’ market, which essentially means to the over 50’s age group and is to contain a number of recreational facilities such as tennis courts and bocce rinks. It will be managed under a body corporate system.”

The report identifies that providing residential uses such as the proposed one on this site is vital to the development of the town, with the following strategies:

- Ensure developments are designed in an integrated way, and not in a piecemeal approach.
- Developments should be primarily residential, with options for local convenience retailing and tourist accommodation.

The zoning of the land as Comprehensive Development, supported with a Master Plan, ensures that the site is developed in accordance with these strategies.

Sustainable Strathbogie 2030: Strategy and Action Plan 2018-2020, Strathbogie Shire

Officer Comments:

Council adopted the plan, with the overarching philosophy of sustainably managing the natural and built environment. There are a range of strategies in this document, with 6 strategy areas. Of most relevant in this application is the “Ecologically Rich Shire”, which recognises the diversity of ecosystems with the municipality and provides a range of strategy directions to be implemented.

6.2 Planning Permit Application No. P2019-157
- Removal of Native Vegetation ~ 50 Elloura Drive, Nagambie (cont.)

The following strategy directions in relation to ecology have been considered in this application:

Strategy Direction and actions	Officer Comments	Complies?
<p>Leverage Strathbogrie’s unique natural environment to create stronger links to our gross regional economy.</p> <ul style="list-style-type: none"> • Undertake analysis of urban and rural forest landscapes 	<p>The application is for the removal of native vegetation to facilitate the development of the residential village. However, the village has been designed to retain approximately 2.083 hectares of the remnant vegetation on the assessment area. The applicant has also advised within the response to the objections that “retained native vegetation forms an integral part of the design of the lifestyle village.”</p> <p>This retention was a focus of the negotiations with the Department of Environment, Land, Water and Planning and has resulted in what is considered a balanced outcome for development and retention of native vegetation.</p>	<p>✓ Complies</p>
<p>Protect and conserve our landscapes and ecosystems through education, partnerships, policy, programs and legislation.</p> <ul style="list-style-type: none"> • Roadside weed program • Blackberry action group • Conservation Covenant rate rebate • MOU’s with local environmental groups • Assist with farm and vegetation courses • Update roadside conservation value layers 	<p>Although there is no requirement in the planning scheme to undertake education and partnerships to support native vegetation removal, the applicant is working with the Taungurung Clans Aboriginal Corporation to provide educational opportunities for youth prior to the tree removal. They are also working with the Goulburn Broken Catchment Management Authority on a program to utilise the trees that are removed in the Sevens Creek and Hughes Creek as part of the “Strathbogrie Streams Program”.</p> <p>The vegetation to be removed is within the development area of the allotment. The vegetation to be retained is mainly along the waterway and within a stand running in an east/west direction towards the waterway. The development has been redesigned to ensure it was within a treed setting.</p>	<p>✓ Complies</p>

6.2 Planning Permit Application No. P2019-157
- Removal of Native Vegetation ~ 50 Elloura Drive, Nagambie (cont.)

20-65% increase in 2030 township canopy cover potential by 2022 (% dependant on township) <ul style="list-style-type: none"> • Create Urban Forest Strategy • Approve a street tree planting plan 	This direction is aimed at increasing vegetation cover within roadsides and public spaces. The proposed development is on private land but has been designed to include the retention of vegetation within the common areas of the development.	✓ Complies
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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

Comprehensive Development Zone: While there is no trigger in the zone for native vegetation removal, the development of the land for the village is a supported use, and in accordance with the approved Master Plan for the site.

Clause 52.17, Native Vegetation: The application has provided the relevant documents for assessment against the provisions of this clause, which have had due consideration by Council and the DELWP. While the removal of vegetation is often a sensitive subject, the legislation does provide a framework to make a balanced decision on how development and the natural environment can work together. In this case, the work done by all parties to reduce the overall impact is considered a reasonable outcome for the site.

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

Conclusion



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

Attachments

Locality maps



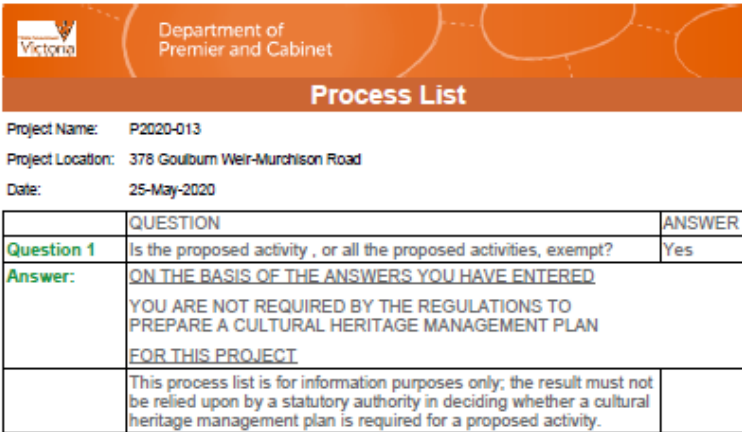


 Strathbogie <i>shire</i>	Strathbogie Shire Council	Disclaimer Note This map is a representation of the information currently held by Strathbogie Shire Council. While every effort has been made to ensure the accuracy of the data, Council disclaims all liability for any loss, cost, damage or injury, however arising or connected with the use of this data. Any feedback on omissions or errors would be appreciated. Contains Council Information © Strathbogie Shire Council Contains Vicmap Information © Department of Environment, Land, Water & Planning	4/06/2020	
	Prepared By: Melissa Crane		1:8000	

PLANNING COMMITTEE REPORT NO. 3 (PRINCIPAL PLANNER – MELISSA CRANE)

**6.3 Planning Permit Application No. P2020-013
- Use and Development of Land for a Dwelling and Shed ~ 378 Goulburn Weir-
 Murchison Road, Goulburn Weir**

Application Details:

Application is for:	Use and development of the land for a dwelling and shed
Applicant's/Owner's Name:	Mark Lloyd
Date Received:	18 February 2020
Statutory Days:	53
Application Number:	P2020-013
Planner: Name, title & department	Melissa Crane Principal Planner Planning and Investment Department
Land/Address:	Lot 3 on Plan of Subdivision 607950N, Volume 11222, Folio 760, Parish of Noorilim 378 Goulburn Weir-Murchison Road, Goulburn Weir VIC 3608
Zoning:	Farming Zone
Overlays:	Bushfire Management Overlay, Land Subject to Inundation Overlay
Is a CHMP required?	<p>No, single dwelling on a lot not a trigger in an area of sensitivity.</p> 
Is it within an Open Potable Catchment Area?	No, not in an open potable catchment area.

6.3 Planning Permit Application No. P2020-013
- Use and Development of Land for a Dwelling and Shed ~ 378 Goulburn Weir-
Murchison Road, Goulburn Weir (cont.)

Under what clause(s) is a permit required? (include description)	Clause 35.07, Farming Zone – Permit required for the use of the land for a dwelling on a lot less than 40 hectares Clause 35.07, Farming Zone – Buildings and works associated with a section 2 use. Clause 44.06 Bushfire Management Overlay – Buildings and works associated with a dwelling.
Restrictive covenants on the title?	Section 173 AH444083J - Does not allow further subdivision of the lot. As the proposal is for a dwelling, this is not in contravention of the agreement.
Current use and development:	Vacant

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

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

Summary

- The application proposes the use and development of land at 378 Goulburn Weir-Murchison Road, Goulburn Weir for the use and development of land for a dwelling and shed.
- The application is to construct a single storey, 5-bedroom dwelling on a 1.754 hectare parcel of land.
- 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 due to the small lot in the Farming Zone.
- The proposal meets the objectives of the Planning Policy Framework, Local Planning Policy Framework, the Farming Zone and the Bushfire Management Overlay.
- It is recommended that Council resolve to grant a permit in accordance with the Officer’s recommendation.

6.3 Planning Permit Application No. P2020-013
- Use and Development of Land for a Dwelling and Shed ~ 378 Goulburn Weir-
Murchison Road, Goulburn Weir (cont.)

RECOMMENDATION

That Council

- having caused notice of Planning Application No. P2020-013 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 Grant a Permit under the provisions of Clause 35.07, Farming Zone and Clause 44.06, Bushfire Management Overlay of the Strathbogie Planning Scheme in respect of the land known as Lot 3 on Plan of Subdivision 607950N, Volume 11222, Folio 760, Parish of Noorilim, 378 Goulburn Weir-Murchison Road, Goulburn Weir VIC 3608, for the Use and development of the land for a dwelling and shed, in accordance with endorsed plans, subject to the following conditions:

Endorsed Plans

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

Environmental Health

2. Prior to any works commencing on the septic tank system, a Permit to Install must be obtained from Council. NOTE: A Medium Risk Template - Land Capability Assessment must be provided due to the subject land and constraints of the site to determine if wastewater can be contained on site before any further comment can be made by the Environmental Health Unit.
3. All sewage and sullage waters shall be treated in accordance with the requirements of the Environment Protection Act 1970 and the Guidelines for Environmental Management: Code of Practice Onsite Wastewater Management 891. 4 (2016) and the Responsible Authority.
4. All wastewater shall be disposed of within the boundaries of the property and sufficient area shall be kept available for the purpose of wastewater disposal to the satisfaction of the Responsible Authority. No wastewater shall drain directly or indirectly onto an adjoining property, street or any watercourse or drain to the satisfaction of the Responsible Authority.

6.3 Planning Permit Application No. P2020-013
- Use and Development of Land for a Dwelling and Shed ~ 378 Goulburn Weir-
Murchison Road, Goulburn Weir (cont.)

5. **All wastewater and liquid are to be contained and treated on site by an approved septic tank system or equivalent. The system must be at least 300 metres from potable water supply. The system must be at least 60 metres from any watercourse and/or dam (non-potable water supply) for primary sewage and 30 metres for secondary sewage, on the subject or neighbouring properties, and must meet the Guidelines for Environmental Management: Code of Practice Onsite Wastewater Management 891.4 (2016).**
6. **No buildings or works shall occur over any part of the approved waste disposal system including the septic tank in accordance with the requirements of the Environment Protection Act 1970, the Guidelines for Environmental Management: Code of Practice Onsite Wastewater Management 891. 4 (2016).**

Engineering

7. **Prior to the commencement of works on site, any new, relocated, alteration or replacement of required vehicular entrances to the subject land from the road shall be constructed at a location and of a size and standard in accordance with the requirements of the relevant Authority and shall be at the applicant's expense. The final location of the crossing is to be approved by the Responsible Authority via a Vehicle Crossing Permit. Reference should be made to Clause 12.9.2 "Rural Vehicle Crossings" of the Infrastructure Design Manual. Refer to standard drawing SD255 for small vehicles or SD265 for large vehicles.**
8. **Prior to the commencement of works, the permit holder must submit to the Responsible Authority a written report and photos of any prior damage to public infrastructure. Listed in the report must be the condition of kerb & channel, footpath, seal, streetlights, signs and other public infrastructure fronting the property and abutting at least two properties either side of the development. Unless identified with the written report, any damage to infrastructure post construction will be attributed to the development. The owner or developer of the subject land must pay for any damage caused to the Councils assets/Public infrastructure caused as a result of the development or use permitted by this permit.**
9. **Prior to the commencement of the use all internal access roads must be constructed, formed and drained to avoid erosion and to minimise disturbance to natural topography of the land to the satisfaction of the Responsible Authority. Internal access, including the turn-around areas for emergency vehicles, must be all weather construction with a minimum trafficable width of 4m.**
10. **All stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge drains to the satisfaction of the Responsible Authority/Goulburn Murray Water or dissipated within the site boundaries. No effluent or polluted water of any type may be allowed to enter the stormwater drainage system.**

6.3 Planning Permit Application No. P2020-013
- Use and Development of Land for a Dwelling and Shed ~ 378 Goulburn Weir-
Murchison Road, Goulburn Weir (cont.)

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

Land Management

12. Prior to the commencement of the use and development hereby permitted a land management plan must be prepared by a suitably qualified environmental consultant must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The plan must show and include:
- a. an assessment of the environmental values of that portion of the land containing native vegetation and measures to secure and improve the habitat and conservation values within this area
 - b. requirement for the fencing of the native vegetation component of the land in the event of any stocking of animals (either as part of the current proposal or at any future date)
 - c. any other actions required to address identified land management e. a schedule of works to be implemented over a five-year period.
13. The land must be managed in accordance with the approved Land Management Plan.

Section 173

14. Prior to the commencement of works a Section 173 Agreement must be entered into at no cost to Council, which ensures the following:
- Ongoing management of the land in accordance with the approved Land Management Plan.
 - The lot may not be subdivided so as to create a new lot for the dwelling.

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

General

15. 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.

6.3 Planning Permit Application No. P2020-013
- Use and Development of Land for a Dwelling and Shed ~ 378 Goulburn Weir-
Murchison Road, Goulburn Weir (cont.)

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

Country Fire Authority

17. The Bushfire Management Plan (prepared by Regional Planning & Design P/L, Figure 11, Version B dated 29/04/2020) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.
18. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

Goulburn Broken Catchment Management Authority

19. The finished floor level of the proposed dwelling must be constructed at least 300 millimetres above the 100-year ARI flood level of 125.3 metres AHD, i.e. 125.6 metres AHD, or higher level deemed necessary by the responsible authority.
20. The proposed dwelling and garage achieve the required setback (50 metres) from the top of bank of the Heritage River (Goulburn River).
21. The proposed septic system achieves the required setback (100 metres) from the top of bank of the Heritage River (Goulburn River).

Goulburn Murray Water

22. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
23. No buildings are to be constructed within 50m of the Goulburn River or 30m of the Cattinach Canal.
24. All wastewater from the dwelling must be treated to a standard of at least 20mg/L BOD and 30mg/L suspended solids using a package treatment plant or equivalent. The system must have a certificate of conformity issued by the Conformity Assessment Body (or equivalent approval) and be installed, operated and maintained in accordance with the relevant Australian Standard and EPA Code of Practice.

6.3 Planning Permit Application No. P2020-013
- Use and Development of Land for a Dwelling and Shed ~ 378 Goulburn Weir-
Murchison Road, Goulburn Weir (cont.)

25. All wastewater must be applied to land via pressure-compensating sub-surface irrigation installed along the contour.
26. The wastewater disposal area must be located at least:
 - a. 100m from the Goulburn River,
 - b. 40m from any drainage lines,
 - c. 60m from any dams and the Cattanach Canal, and
 - d. 20m from any bores.
27. The wastewater management system must be appropriately designed to manage the potential volume of wastewater generated under full occupancy (based on a minimum 6 bedrooms), including an appropriately sized disposal area based on a full water balance specific to the proposal and subject land in accordance with the requirements of Council's Environmental Health Officer.
28. 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.
29. The shed must not contain bedrooms (or rooms that could be used as bedrooms) or any facilities with the potential to produce wastewater, including toilets, kitchens or other food preparation facilities

Expiry

30. This permit will expire if one of the following circumstances applies:
 - (e) The development is not started within two (2) years of the date of this Permit,
 - (f) 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.

6.3 Planning Permit Application No. P2020-013
- Use and Development of Land for a Dwelling and Shed ~ 378 Goulburn Weir-
Murchison Road, Goulburn Weir (cont.)

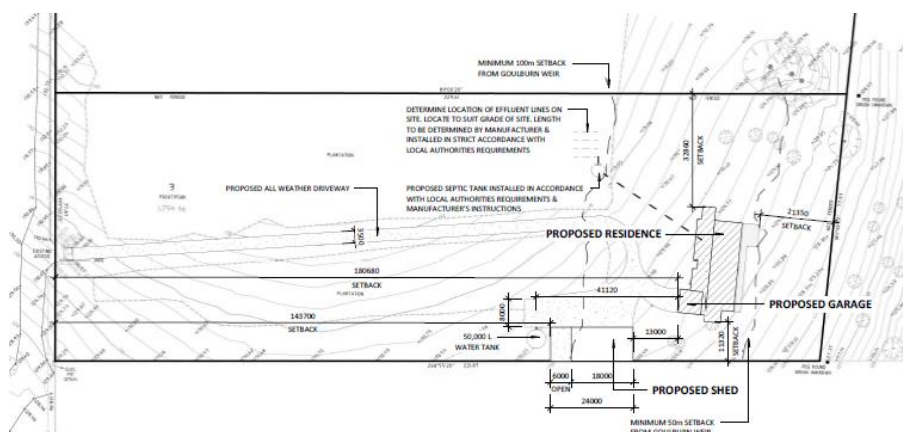
- **This Permit does not authorise the removal of any native vegetation including for access. Before any such works may commence, the Applicant must apply for and obtain appropriate Planning approval.**
- **The floor plan shows a study room and a rumpus that could be closed off with a door and may need to be included as bedrooms for the purposes of calculating the minimum daily domestic flow rates.**
- **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.**

Goulburn Murray Water

- **The subject property is located within an area of Cultural Heritage Sensitivity. Should the activity associated with proposed development require a Cultural Heritage Management Plan (CHMP), planning permits, licences and work authorities cannot be issued unless a CHMP has been approved for the activity**

Proposal

The application is for the construction and use of a dwelling and shed on a 1.754-hectare parcel of land in Goulburn Weir. The dwelling is proposed to be 5 bedrooms and a study, with a floor area of 348sqm for the dwelling, and 464 sqm including the deck, garage and alfresco area. The dwelling is proposed to be located on the eastern portion of the property, adjacent to the Goulburn Weir.



6.3 Planning Permit Application No. P2020-013
- Use and Development of Land for a Dwelling and Shed ~ 378 Goulburn Weir-Murchison Road, Goulburn Weir (cont.)

Subject site & locality

The subject site is currently clear of any buildings, with an existing gum plantation on the north western section of the allotment. The site is reasonably flat, with existing cleared grassed areas on the southern and eastern sections of the allotment, where the house is proposed to be located.

The property is accessed from a service road on Goulburn Weir-Murchison Road, and is bound by Goulburn Murray Water land to the east and south. North of the site is privately owned land with an existing dwelling.



Permit/Site History

No other permits have been issued for this allotment.

Public Notification

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

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

The notification has been carried out correctly.

Council has received no objections to date.

Consultation

No consultation has been required to be undertaken.

6.3 Planning Permit Application No. P2020-013
- Use and Development of Land for a Dwelling and Shed ~ 378 Goulburn Weir-
Murchison Road, Goulburn Weir (cont.)

Referrals

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	Country Fire Authority – no objections subject to conditions
Section 52 Notices	Goulburn Murray Water – no objections subject to conditions Goulburn Broken Catchment Management Authority – no objections subject to conditions Nearby and adjoining owners – notification sent to 3 properties.

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

Officer comments:

A planning permit is required for the construction and use of a dwelling on this allotment as the property is less than 40 hectares in size. The site is located opposite land identified in the *Strathbogie Shire Rural Residential Strategy* as being appropriate for rural living.

The existing plantation on the allotment provides a screen and buffer from nearby farming land to the west, with the dwelling located over 200 metres away from cleared farming land. The applicant is proposing to manage the land for biodiversity outcomes, with a recommended condition on the permit for a land management plan to detail how this will be done.

6.3 Planning Permit Application No. P2020-013
- Use and Development of Land for a Dwelling and Shed ~ 378 Goulburn Weir-
Murchison Road, Goulburn Weir (cont.)

While the property is not identified for rural living, it is considered to be too small for a sustainable farming enterprise. The application documents detail that nearly half of the site is planted with native trees and has no real agricultural potential but does have environmental significance due to the vegetation on the allotment.

These trees were planted on the site between 2000 and 2007 and will remain there after the dwelling is constructed. The owner of the property will be maintaining the area as it is currently.

An assessment against the relevant decision guidelines of the zone is as follows:

General Issues		
The Municipal Planning Strategy and the Planning Policy Framework	Refer next section for this assessment	✓ Complies
Any Regional Catchment Strategy and associated plan applying to the land	The application was assessed by the GBCMA, who are the authority for the Regional Catchment Strategy. They have had no objections subject to conditions on any permit that may issue.	✓ Complies
The capability of the land to accommodate the proposed use or development, including the disposal of effluent.	The application has been supported by a Land Capability Assessment that has demonstrated that the allotment is capable of treating and retaining wastewater in accordance with the <i>Environment Protection Act 1970</i> . This was assessed by Goulburn Murray Water, who had no objections subject to condition on any permit that may issue.	✓ Complies
How the use or development relates to sustainable land management	The site currently has a native tree plantation on it and is proposed to be maintained for biodiversity outcomes in an ongoing manner.	✓ Complies
Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.	The adjoining uses on the western side of Goulburn Weir-Murchison Road is predominantly rural lifestyle. While the allotments are not identified within the <i>Strathbogie Shire Rural Residential Strategy</i> , the historical use of these parcels has been for lifestyle purposes. The allotments are generally considered too small for a stand-alone agricultural enterprise, and the house is located more than 200 metres away from the land to the west which is used for agricultural production.	✓ Complies

6.3 Planning Permit Application No. P2020-013
- Use and Development of Land for a Dwelling and Shed ~ 378 Goulburn Weir-
Murchison Road, Goulburn Weir (cont.)

How the use and development makes use of existing infrastructure and services.	The site is accessed from an existing road and has access to all available services	✓ Complies
Agricultural issues and the impacts from non-agricultural uses		
Whether the use or development will support and enhance agricultural production	While the site has a small native vegetation plantation that will be managed for a biodiversity outcome, it will predominantly be used for a residential purpose. However, the setbacks of the dwelling and the location of this plantation will ensure that any residential use is appropriately buffered from nearby farming enterprises and will not create a potential conflict into the future.	✓ Complies
Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.	The land that the dwelling is proposed to be constructed on is not being used for agricultural purposes, nor does it have any real capacity for the agricultural use of this land to be expanded. It is considered that allowing a dwelling on this allotment will not remove land from productive purposes.	✓ Complies
The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.	The location of the dwelling on the eastern portion of the allotment, in conjunction with the plantation on the western section of the allotment ensures there are appropriate setbacks and buffers from the nearby agricultural use to the west.	✓ Complies
The capacity of the site to sustain the agricultural use	The site is under 2 hectares in area and has limited capacity for an agricultural use beyond the small plantation already on the site. The site is able to contain both the proposed dwelling and the existing plantation without any detrimental impact on either.	✓ Complies
The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.	The site has access to a constructed road, and the established plantation demonstrates that the soil quality and water supply is appropriate to sustain this type of agricultural enterprise.	✓ Complies
Any integrated land management plan prepared for the site.	No integrated land management plan has been prepared as the site is already established with the plantation, but a condition has been recommended on the permit to ensure that this is maintained in an ongoing way.	✓ Complies

6.3 Planning Permit Application No. P2020-013
- Use and Development of Land for a Dwelling and Shed ~ 378 Goulburn Weir-
Murchison Road, Goulburn Weir (cont.)

Dwelling issues		
<p>Whether the dwelling will result in the loss or fragmentation of productive agricultural land</p>	<p>The subject site is on an existing small allotment within the farming zone and is in a cluster of other small allotments already used in the manner proposed for this site. The addition of another dwelling along this part of the Goulburn Weir will not result in the further fragmentation of agricultural land.</p>	<p>✓ Complies</p>
<p>Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.</p>	<p>The nearest agricultural activity, apart from the plantation on this property and the adjoining property to the north, is on the western side of Goulburn Weir- Murchison Road. The dwelling will be buffered from farming activity by both the separation distance of the dwelling (over 200 metres) and the existing native vegetation plantation on the site.</p>	<p>✓ Complies</p>
<p>Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.</p>	<p>The dwelling is located so that it interacts with the waterway and will not have an adverse impact on the nearby agricultural land use. The dwelling will not be visible to nearby farming land.</p>	<p>✓ Complies</p>
<p>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.</p>	<p>There are 5 allotments between the Cattanach Canal and the Goulburn Weir Recreation Reserve to the north. There are already 3 dwellings constructed on these allotments, with 4 dwellings constructed on lots to the south of the subject site. Some of those allotments are significantly smaller than the subject site. It is considered that this area of land already has a concentration of dwellings and that this proposal will not change how the broader area is used in any significant way.</p>	<p>✓ Complies</p>



6.3 Planning Permit Application No. P2020-013
- Use and Development of Land for a Dwelling and Shed ~ 378 Goulburn Weir-
Murchison Road, Goulburn Weir (cont.)

Environmental Issues		
The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.	The most significant feature of the site is the proximity to the waterway. The dwelling has been located more than 50 metres from the Goulburn Weir in accordance with the requirements of the <i>Heritage Rivers Act 1992</i> .	✓ Complies
The impact of the use or development on the flora and fauna on the site and its surrounds.	There is a small amount of planted vegetation (part of the plantation) to be removed to create defensible space for the dwelling under the provisions of the Bushfire Management Overlay.	✓ Complies
The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.	The vegetation on the site has been planted, but currently provides an increase in biodiversity for the broader area. There will be no impact on the waterway, and there are no gullies or ridgelines on the subject land.	✓ Complies
The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.	The effluent disposal system will need to be more than 100 metres from the waterway in accordance with the requirements of the <i>Heritage Rivers Act 1992</i> .	✓ Complies
Design and siting issues		
The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.	The buildings are located on the eastern portion of the block and in the existing cleared area not used for agricultural purposes.	✓ Complies

6.3 Planning Permit Application No. P2020-013
- Use and Development of Land for a Dwelling and Shed ~ 378 Goulburn Weir-
Murchison Road, Goulburn Weir (cont.)

<p>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.</p>	<p>The dwelling is proposed to be a single storey construction, with a requirement for muted tones as part of the permit. The existing vegetation on the allotment will create a backdrop to the dwelling which will assist in further minimising any visual bulk of the building.</p>	<p>✓ Complies</p>
<p>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.</p>	<p>The dwelling will fit well within the existing rural character of the area. The setback from the waterway ensures that it will not have a negative impact on the scenic beauty of the heritage river.</p>	<p>✓ Complies</p>
<p>The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities</p>	<p>The only new infrastructure is a driveway and the effluent disposal system. Both are located in already cleared areas and will be constructed in accordance with the relevant requirements. Conditions on the recommendation also support these requirements.</p>	<p>✓ Complies</p>
<p>Whether the use and development will require traffic management measures.</p>	<p>The proposal is for one additional dwelling, with access from a sealed road, and will not require traffic management measures.</p>	<p>✓ Complies</p>

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.*
- *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*

6.3 Planning Permit Application No. P2020-013
- Use and Development of Land for a Dwelling and Shed ~ 378 Goulburn Weir-
Murchison Road, Goulburn Weir (cont.)

- *Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*

Officer Comment:

Only a small portion of the land is in an overlay, and the proposed works are not near this section of the land. While there is no permit trigger under the overlay, the views of the Goulburn Broken Catchment Management Authority were sought, and they had no objections subject to conditions, which have been included in the recommendation.

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.*

Officer comment:

The application has been supported by a Bushfire Hazard Site Assessment, Bushfire Hazard Landscape Assessment and a Bushfire Management Statement. These were considered by the Country Fire Authority, who had no objections subject to conditions, which have been included in the recommendation

The Planning Policy Framework (SPF)

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:

- 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;

6.3 Planning Permit Application No. P2020-013
- Use and Development of Land for a Dwelling and Shed ~ 378 Goulburn Weir-
Murchison Road, Goulburn Weir (cont.)

- Neighbourhood conditions - meaning conditions in the area within 400 metres of a site; and
- The site for the development.

Officer comment:

The application has been supported by a Bushfire Hazard Site Assessment, Bushfire Hazard Landscape Assessment and a Bushfire Management Statement. These were considered by the Country Fire Authority, who had no objections subject to conditions, which have been included in the recommendation

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 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.

Officer comment:

The proposed dwelling site has located in a manner to ensure appropriate land use separation is achieved between the house and the agricultural land uses to the west.

Clause 14.01-2S, *Protection of agricultural land*

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

Strategies:

- In considering a proposal to use, subdivide or develop agricultural land, consider the:
- Desirability and impacts of removing the land from primary production, given its agricultural productivity.
- Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.
- Compatibility between the proposed or likely development and the existing use of the surrounding land.
- The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.
- Land capability.

6.3 Planning Permit Application No. P2020-013
- Use and Development of Land for a Dwelling and Shed ~ 378 Goulburn Weir-
Murchison Road, Goulburn Weir (cont.)

Officer comment:

There are 5 allotments between the Cattnach Canal and the Goulburn Weir Recreation Reserve to the north. There are already 3 dwellings constructed on these allotments, with 4 dwellings constructed on lots to the south of the subject site. Some of those allotments are significantly smaller than the subject site. It is considered that this area of land already has a concentration of dwellings and that this proposal will not change how the broader area is used in any significant way. Further to this, the application is supported by a Land Capability Assessment that demonstrates that the site can disposal of wastewater in accordance with the relevant legislation.

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

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.

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

Officer Comment:

A condition has been recommended on the permit to ensure that the dwelling is built in muted tones to be sympathetic with the broader environment.

Clause 21.04-7, *Bushfire*

Objective: To minimise the risk to life, property and the environment from bushfire.

Strategy: Encourage the siting of dwellings to minimise bushfire risk, regardless of available views or desire to locate elsewhere.

Officer comment:

The application has been supported by a Bushfire Hazard Site Assessment, Bushfire Hazard Landscape Assessment and a Bushfire Management Statement. These were considered by the Country Fire Authority, who had no objections subject to conditions, which have been included in the recommendation

Clause 21.06-2, *Adapting and diversifying agriculture*

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

Strategies:

- Provide new opportunities for existing and emerging agricultural practices and complimentary industries.
- Recognise the role of smaller land holdings in fostering agricultural innovation.

6.3 Planning Permit Application No. P2020-013
- Use and Development of Land for a Dwelling and Shed ~ 378 Goulburn Weir-
Murchison Road, Goulburn Weir (cont.)

Officer Comment:

The site contains a native vegetation plantation that is to be retained for biodiversity as part of this proposal. This is considered a passive agricultural use that will work appropriately with the residential use of the area.

Clause 22.01, *Housing and House Lot Excision in Farming Zone*

Objectives:

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

Policy:

The following policy must be considered with any application for a dwelling on a small lot in the Farming Zone:

The lot is accessed by an all-weather road and has appropriate service provisions.	The site is accessed from an existing sealed road and has access to reticulated power.	✓ Complies
Emergency ingress and egress is at an appropriate standard.	Access to the dwelling site will need to be constructed in accordance with the requirements of the Bushfire Management Plan, which will be to the standards required for emergency vehicles.	✓ Complies
The dwelling will not inhibit the operation of agriculture and rural industries.	The dwelling site is located at least 200 metres away from the agricultural land to the west and is buffered by the existing native vegetation on the site and will not inhibit the operation of this rural enterprise.	✓ Complies
The site must be able to contain and treat onsite effluent and wastewater in accordance with the relevant Code of Practice and Australian Standards, and;	The application has been supported by a Land Capability Assessment that has demonstrated that wastewater can be treated and retained on site in accordance with the <i>Environment Protection Act 1970</i>	✓ Complies

6.3 Planning Permit Application No. P2020-013
- Use and Development of Land for a Dwelling and Shed ~ 378 Goulburn Weir-
Murchison Road, Goulburn Weir (cont.)

<p>Meets at least one of the following requirements:</p> <ul style="list-style-type: none"> • The dwelling should be associated with a sustainable rural pursuit that requires a dwelling on the land to manage that pursuit. The application should be supported by a farm management plan that justifies the need for a dwelling to assist in the operation of the farm. • The applicant can substantiate that the land has no agricultural potential due to environmental significance and the dwelling is to be used in conjunction with sustainable land management and the significant vegetation is protected on title. • The lot has been identified in the Strathbogie Shire Rural Residential Strategy, 2004 as rural residential; implying that that there is an historic use and development pattern. Consideration should be given to the recommendations in the Strategy. • The applicant is proposing to consolidate one or more lots in the same ownership with the subject land prior to the construction of the dwelling. 	<p>The applicant has advised that the lot has no significant agricultural potential, and the ongoing management of the existing native vegetation plantation on the site will support an improved biodiversity outcome for the site. A condition requiring a land management plan for this area will further tie the management of the land to the dwelling proposed.</p> <p>The location of dwellings in the area also demonstrates the limited ability for the land to be used for any other type of intensive agriculture as there would already be a potential conflict of use due to these existing residential uses. The addition of one more dwelling within the centre part of this area will not increase the potential for conflict.</p>	<p>✓ Complies</p>
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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.

Officer comment:

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

6.3 Planning Permit Application No. P2020-013
- Use and Development of Land for a Dwelling and Shed ~ 378 Goulburn Weir-
Murchison Road, Goulburn Weir (cont.)

The decision guidelines of Clause 65

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

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

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

There are no relevant adopted State policies.

Relevant incorporated, reference or adopted documents

- *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.

6.3 Planning Permit Application No. P2020-013
- Use and Development of Land for a Dwelling and Shed ~ 378 Goulburn Weir-
Murchison Road, Goulburn Weir (cont.)

Summary of Key Issues

With regard to the Farming Zone: The proposal for a dwelling on this lot will not limit the ability of nearby agricultural land to be farmed, and it is considered that there is already a concentration of dwellings in this area. In these instances, it is considered appropriate to allow a residential use to be undertaken within the Farming Zone.

With regard to Bushfire Management Overlay: The application has been supported by a Bushfire Management Plan that demonstrates that the risk on the site can be reduced to an acceptable level with the implementation of a range of protection measures.

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


Conclusion

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

Attachments

Locality Maps



	Shire Of Strathbogrie	Disclaimer Note This map is a representation of the information currently held by Strathbogrie 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. Contains Council Information © Strathbogrie Shire Council Contains Vicmap Information © Department of Environment, Land, Water & Planning	4/06/2020	
	Prepared By: Melissa Crane		1:1000	



 <p>Strathbogie Shire Council</p>	<p>Prepared By: Melissa Crane</p>	<p>Disclaimer Note 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. Contains Council Information © Strathbogie Shire Council Contains Vicmap Information © Department of Environment, Land, Water & Planning</p>		<p>4/06/2020</p>	
		<p>1:8000</p>			

PLANNING COMMITTEE REPORT NO. 4 (MANAGER, PLANNING AND INVESTMENT - EMMA KUBEIL)

7. OTHER BUSINESS

**7.1 Planning Applications Received
- 5 May to 2 June 2020**

Following are listings of Planning Applications Received for the period 5 May to 2 June 2020.

RECOMMENDATION

That the report be noted.

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

APPLICATIONS RECEIVED

Tuesday, 5 May 2020

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
126 Meades Lane, Longwood East VIC 3666	P2020-048	Use and development of land for a dwelling	Mr Troy Spencer	\$320,000.00
205 Nolans Road, Ruffly VIC 3666	P2020-046	Use and development of land for construction of shed (Store Farm Machinery)	Daryl Otzen	\$25,000.00
22 Nolans Road, Ruffly VIC 3666	P2020-047	Development of land for construction of a shed extension	Mr Troy Spencer	\$25,000.00

Wednesday, 6 May 2020

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
588 Euroa-Mansfield Road, Euroa VIC 3666	P2020-051	Development of land for a farm shed.	Clive Minchin	\$26,000.00
85 Cowslip Street, Violet Town VIC 3669	P2020-052	2 Lot subdivision	Cameron Ross	\$0.00

Thursday, 7 May 2020

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
16-18 Centenary Crescent, Nagambie VIC 3608	P2020-050	Three Lot Subdivision	Mr Troy Spencer	\$0.00
331 Aerodrome Road, Mangalore VIC 3663	P2020-049	Development of land for an above ground fuel tank	Joe Gagola	\$350,000.00

Thursday, 14 May 2020

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
683 Selectors Road, Mangalore VIC 3663	P2020-054	Use and development of land for a dwelling	Bruce Mactier	\$490,000.00

Friday, 15 May 2020

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
115 Grenada Road, Mangalore VIC 3663	P2020-053	Removal of two (2) native trees	Kath Bakker	\$0.00

Monday, 18 May 2020

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
146 McKernans Road, Balmattum VIC 3666	P2020-058	Use and development of land for a second dwelling and a farm machinery shed	Troy Spencer	\$375,000.00

Wednesday, 20 May 2020

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
187 Wilkinsons Lane, Euroa VIC 3666	P2020-055	Use and development of land for construction of a new shed	Mr James Hunter	\$0.00
20-24 Vale Street, Nagambie VIC 3608	P2020-056	Use and development of land for a 16 lot subdivision	T & C Development Services Pty Ltd	\$0.00

Thursday, 21 May 2020

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
7 Wedmores Lane, Kirwans Bridge VIC 3608	P2020-057	Development of land for construction of a domestic shed	Mrs Helen McCurdy	\$49,450.00

Wednesday, 27 May 2020

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
1786 Northwood Road, Tabilk VIC 3607	P2020-061	Construction of a Jetty	John Beresford	\$10,000.00
288 Vidlers Road, Gooram VIC 3666	P2020-062	Use and development of land for the installation of s synthetic tennis court	Mr Richard Cameron	\$25,000.00
33 Thorndyke Drive, Miepoll VIC 3666	P2020-060	Development of land for a domestic shed	Jaymee Riley	\$0.00
34 Ferguson Lane, Avenel VIC 3664	P2020-059	Development of land for a shed (in association with the Veterinary Hospital)	Veterinary Hospital Property Trust	\$19,000.00

Thursday, 28 May 2020

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
437 Creek Junction Road, Kithbrook VIC 3666	P2020-065	Use and development of land for a dwelling	Mr Troy Spencer	\$0.00
55/61 School Road, Boho VIC 3669	P2020-063	Use of land for camping (caravan and camping park); Use of land for two events per annum (place of assembly)	Miss Lynne Murray	\$0.00
8 Moran Court, Graytown VIC 3608	P2020-064	Use and development of land for a dwelling	Shane Muir Consulting Engineers P/L	\$135,000.00

Tuesday, 2 June 2020

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
109-117 Boundary Road South, Euroa VIC 3666	P2020-066	Use of land to install a 100,000 litre water tank to supply water to a new dwelling	Ian and Christine Day	\$9,400.00

Wednesday, 3 June 2020

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
182 Strathaird Road, Tamleugh VIC 3669	P2020-067	Use and development of land for a 2 lot subdivision	Mr Troy Spencer	\$0.00

*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