



STRATHBOGRIE SHIRE COUNCIL

PLANNING COMMITTEE

AGENDA

MEETING TO BE HELD ON TUESDAY 14 JUNE 2016

AT THE EUROA COMMUNITY CONFERENCE CENTRE

COMMENCING AT 4.00 P.M.

Councillors:	Malcolm Little (Chair)	(Hughes Creek Ward)
	Colleen Furlanetto	(Seven Creeks Ward)
	Alister Purbrick	(Lake Nagambie Ward)
	Patrick Storer	(Honeysuckle Creek Ward)
	Debra Swan	(Lake Nagambie Ward)
	Robin Weatherald	(Mount Wombat Ward)
	Graeme (Mick) Williams	(Seven Creeks Ward)

Officers:	Steve Crawcour - Chief Executive Officer
	Phil Howard - Director, Sustainable Development
	Emma Kubeil – Executive Manager, Sustainable Development
	Kathryn Pound – Manager, Planning
	Cameron Fraser – Senior Planner
	Roy Hetherington - Director, Asset Services
	David Woodhams – Director, Corporate and Community

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, and the more recent
custodians of the land'*

3. Apologies
4. Confirmation of Minutes of the Planning Committee meeting held on Tuesday 24 May 2016 and Special Planning Committee meeting held on Tuesday 7 June 2016

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

Steve Crawcour
CHIEF EXECUTIVE OFFICER

9 June 2016

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

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PLANNING COMMITTEE REPORT NO. 1 (SENIOR PLANNER – CAMERON FRASER)

6. PLANNING REPORTS

**6.1 Planning Permit Application No. P2015-153
- Use and Development of Land for Dog Breeding and Racing Dog Keeping
(up to 25 Greyhounds) ~ 222 Faithful Road, Longwood East**

Application Details:

Application is for:	Use and development of land for dog breeding and racing dog keeping (up to 25 greyhounds)
Applicant's/Owner's Name:	Michael Barry
Date Received:	7 December 2015
Statutory Days:	119
Application Number:	P2015-153
Planner: Name, title & department	Cameron Fraser Senior Planner Sustainable Development Department
Land/Address:	Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 of Title Plans 159824A Certificate of Title Volume 09249 Folio 963 222 Faithfull Road, Longwood East VIC 3666
Zoning:	Farming Zone
Overlays:	Erosion Management Overlay (part)
Under what clause(s) is a permit required?	Clause 35.07-1 Clause 35.07-4 Clause 44.01-1
Restrictive covenants on the title?	No
Current use and development:	Dwelling, Animal Keeping and Breeding (this is a retrospective application for buildings and works associated with animal keeping and breeding)
Is a CHMP required?	No – The site is not located in an area of cultural heritage sensitivity.

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

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

Summary

- The proposal is for the Use and development of land for the purpose of breeding and keeping up to 25 greyhounds.
- Up to three litters of dogs are proposed to be bred per year.

6.1 Planning Permit Application No. P2015-153
- Use and Development of Land for Dog Breeding and Racing Dog Keeping (up to 25 Greyhounds) ~ 222 Faithful Road, Longwood East (cont.)

- Retrospective approval is sought for the works which have been constructed during the application process which includes the construction of an outdoor dog run and alterations to an existing approved shed.
- The site has an area of approximately 4 hectares and is located in the Farming Zone.
- The application was referred internally to Council's Health Officer and Asset Services Department who offered no objection subject to conditions.
- The EPA were notified of the application and have advised that they have no objections to the proposal, subject to conditions.
- Goulburn-Murray Water were notified of the application and have advised that they have no objections.
- The application was advertised to adjoining land holders, one objection in three parts has been received.
- The objection raises issues in relation to noise, impact on adjoining agricultural uses, impact on rural residential properties, impact on waterways, property values and amenity.
- It is considered that the issues raised can be managed where relevant by conditions on the permit.
- The applicant has previously operated a larger greyhound facility (up to 100 dogs) on a nearby property without complaint.
- An assessment against the Farming Zone, Erosion Management Overlay, State and Local Policies indicates the proposal is consistent with these provisions of the Strathbogrie Planning Scheme.
- The application is being presented to Planning Committee as one objection has been received.
- The application has been assessed outside the 60 day statutory time period due to detailed assessment and consultation with the objector and the applicant.
- 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. P2015-153 to be given under Section 52 of the *Planning and Environment Act 1987***

and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to Grant a Permit under the provisions of Clause 35.07-1, Clause 35.07-4 and Clause 44.01-1 of the Strathbogrie Planning Scheme in respect of the land known as Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 of Title Plans 159824A Certificate of Title Volume 09249 Folio 963, 222 Faithfull Road, Longwood East VIC 3666, for the Use and development of land for dog breeding and racing dog keeping (up to 25 greyhounds), in accordance with endorsed plans, subject to the following conditions:

- 6.1 Planning Permit Application No. P2015-153
- Use and Development of Land for Dog Breeding and Racing Dog Keeping (up to 25 Greyhounds) ~ 222 Faithful Road, Longwood East (cont.)

Consolidation

1. Within three months of the issue of the planning permit, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 on Title Plan 159824A must be consolidated into one title.

Amended Plans

2. Within three months of the date of the permit except with written consent of the Responsible Authority, an Environmental and Risk Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must detail:
 - (a) Waste management of both solid and liquid waste produced by the dogs and during the wash down and cleaning of kennels and other dog areas.
 - (b) Stormwater management to ensure no water contaminated with waste be discharged beyond the boundary of the premises.
 - (c) Noise control measures in place, including any sound proofing or other measures that are to be taken for noisier dogs and/or times.
 - (d) Measures to be in place for the management of Dust, Lighting, Odour, Litter etc.

Monitoring of Compliance

3. Every year before 30 June, the permit holder must provide to Council a written report on compliance with the Environmental and Risk Management Plan as well as Conditions 7, 8, 9, 11, 13 and 14 of this permit to the satisfaction of the Responsible Authority.

Engineering Conditions

4. 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.
5. All stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge drains to the satisfaction of the Responsible Authority/Goulburn Murray Water or dissipated within the site boundaries. No effluent or polluted water of any type may be allowed to enter the stormwater drainage system.
6. Appropriate steps must be taken to retain all silt and sediment on site during the construction phase to the satisfaction of the Responsible Authority, in accordance with the sediment control principles outlined in Construction Techniques for Sediment Pollution Control (EPA, 1991) and to the satisfaction of the Responsible Authority.

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

EPA Conditions:

8. Noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.
9. Deposit of animal or organic wastes must not adversely affect the land.
10. There must be no discharge or seepage of animal or organic wastes from the premises to the land or water (including stormwater) environments.

Goulburn Murray Water Conditions:

11. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
12. Provision must be made on the land for the storage of solids waste. The waste must be regularly removed from the site to the satisfaction of the Responsible Authority.

General Conditions

13. At all times during the operation of the animal breeding and keeping of greyhounds at the subject site, no more than 25 Greyhounds may be kept on the land at any given time.
14. No more than three (3) litters of dogs may be bred on the site per year.
15. At all times the operation must be in accordance with the Code of Practice for the Operation of Greyhound Establishments to the satisfaction of the Responsible Authority.
16. 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.
17. The external cladding of the buildings and works, including the roof, must be maintained in materials of muted colours to enhance the aesthetic amenity of the area. Material having a highly reflective surface must not be used.

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

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

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

- (a) The requirements of permit conditions are not satisfied within six months of the date of the permit unless with the written consent of the Responsible Authority.**
- (b) The use is not started within two (2) years of the date of this Permit,**
- (c) The development is not completed within two (2) years of the date of this Permit.**
- (d) The use ceases for a period of (2) years.**
- (e) Failure to meet the audit requirements in Condition 3 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 has not yet started; or**
- within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.**

Planning Notes:

- This Permit does not authorise the commencement of any building construction works. Before any such development may commence, the Applicant must apply for and obtain appropriate Building approval.**
- This Permit does not authorise the removal of any native vegetation including for access. Before any such works may commence, the Applicant must apply for and obtain appropriate Planning approval.**
- This permit has been issued subject to a number of strict, ongoing requirements. The compliance with these conditions by the permit holder will be closely monitored by Council. Should three breaches be recorded, the Responsible Authority may undertake to cancel the permit.**
- For the purpose of defining the number of 'greyhounds', this applies to all dogs over the age of six (6) months.**

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- Use and Development of Land for Dog Breeding and Racing Dog Keeping (up to 25 Greyhounds) ~ 222 Faithful Road, Longwood East (cont.)

Proposal

This application proposes the use and development of the subject land for keeping and breeding greyhounds. Clause 75, Nesting Diagrams of the Strathbogie Planning Scheme nests Racing dog keeping and Dog breeding under Agriculture. The facility is proposed to have the capacity for up to 25 greyhounds at any one time. Up to three litters are proposed to be bred on the site per year.

The proposed use of the land for greyhound breeding and keeping will occur within an existing shed and in an outdoor dog run which was recently constructed. The existing shed will contain eight kennels, each with access to an outside exercise area. The outside training area is already constructed however as part of the proposed use, an additional 8 kennels have been placed within this area.

The facility will be managed by a resident on the subject site who currently lives in an existing dwelling on the property.

Animals will be fed during daylight hours between 7:30am and 5:00pm. Formal training is expected to occur only within daylight hours however the size of the pens will allow for continual exercise opportunities.

It is noted that in addition to requiring planning approval, the facility must be managed in accordance with the requirements of the Code of Practice for the Operation of Greyhound Establishments. Greyhound Racing Victoria is the regulatory body in charge of ensuring compliance with this code.

Subject site & locality

The subject site is located near the intersection of Faithfull Road and Longwood-Mansfield Road and is made up of 20 individual parcels of land with a total area of approximately 4 hectares. The site is part of the original survey plan of the Longwood East Township and adjoins unmade road reservations on all sides except the north eastern side where Faithfull Road is constructed.

The land is generally flat in topography however has a slight downward slope in the southern corner of the site. A watercourse runs through the site along the south eastern boundary of the site where an existing dog pen is constructed. Native Vegetation is scattered throughout the site however is more dense within the unmade road reserves surrounding the site.

The land is currently developed with a single dwelling and associated outbuildings. Infrastructure already constructed on the site in relation to the proposed existing dog breeding and keeping facility includes:

- Outdoor dog runs in southern corner of site
- Existing shed to be used for kennels (shown on site plan as Shed 2).

Access to the subject site is available to the north west of the site from Faithfull Road.

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Land adjoining the site to the southwest is currently used and developed for a dog boarding/breeding/training facility for up to 100 dogs (P2007-143 –Use and development of land for animal boarding (Boarding Establishment for 100 dogs) issued 23 January 2012). Other properties immediately adjoining the site are currently vacant. North of the site is vacant land and the Hume Freeway. Land further east is developed with vineyards and associated uses and various other agricultural uses. West of the land beyond the adjoining dog facility is the old Longwood East township area which is developed with dwellings and shedding.

Permit/Site History

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

- P2013-130 was issued on 27 February 2014 for the Use and development of land for a dwelling. The dwelling has been constructed. Plans endorsed as part of this permit show the location of two sheds one of which has been modified as part of this proposal to provide kennel facilities (shown as Shed 2 on submitted plans).

Public Notification

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

- Sending letters to adjoining land owners
- Placing a sign on site

The notification has been carried out correctly.

Council has received one objection in three parts to date. The key issues that were raised in the objections are:

- Noise
- Impact on waterways
- Property Values
- Proposed use should have been included in original application for dwelling
- Impacts on adjoining agricultural uses
- Land is within a rural residential area and will impact on amenity
- Removal of trees along boundaries

Officers Response:

The subject site has an area of 4 hectares and is located within the Farming Zone. The purpose of the Farming Zone is "to provide for the use of land for agriculture". The proposed use is defined in the Strathbogie Planning Scheme as an agricultural use. Given the size of the lot conventional farming is not considered a likely use for this site. The proposed use can be accommodated on a smaller site.

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The land has been identified within the Strathbogie Shire Rural Residential Strategy (2004) as part of a residential area. It is considered that this does not preclude this land from being used for agricultural purposes in the Farming Zone. It is considered the proposed use is appropriate for the subject site.

With regard to issues of noise and odour measures, conditions can be put in place to ensure these issues are managed. The applicant will be required to comply with relevant codes of practice and Greyhound Racing Victoria requirements. The level of noise and odour must be appropriate to the zoning of the land, in this instance the Farming Zone.

The impact of a proposal on property values for adjoining parcels of land is not a relevant consideration under the provisions of the *Planning and Environment Act 1987*.

Removal of native vegetation along the boundaries of the site is not included in this application and has not been considered as part of the assessment of this application.

As part of the assessment of the application, the application has been referred to both Goulburn Murray Water and the Environment Protection Authority who have provided conditions in relation to the management of the watercourse on the property. It is considered that compliance with these conditions will ensure the proposal does not impact on the health of the waterway.

Consultation

A copy of the first two parts of the objection was forwarded to the applicant who has provided response to each objection.

These responses were forwarded to the objector who has not withdrawn their objection.

The third part of the objection was provided to the applicant. The applicant does not intend to respond to this.

Referrals

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	Nil
Section 52 Notices	Goulburn Murray Water – No objection, subject to conditions EPA – No objection, subject to conditions

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

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Assessment

The zoning of the land and any relevant overlay provisions

Farming Zone

Purpose:

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

A permit is required for the use and development of the land for racing dog keeping and dog breeding.

The use of the land for racing dog training does not require a planning permit under the provisions of the Farming Zone. It is noted that 'training' of animals, as defined by the Victoria Planning Provisions does not include accommodation or any other activities. Animal Training is defined under Clause 74 of the Strathbogie Planning Scheme as:

- *Land used to train animals.*

When assessing an application for animal husbandry including keeping and breeding under the provisions of the Farming Zone, consideration must be given to the agricultural capacity of the land as well as a number of environmental and amenity impacts. An assessment of the proposal against the relevant decision guidelines of the Farming Zone is tabled below:

General Issues	Complies	Officers Comment
<i>The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</i>	Yes	Assessment against SPPF & LPPF is provided below.
<i>Any Regional Catchment Strategy and associated plan applying to the land.</i>	N/A	There is no relevant regional catchment strategy.
<i>The capability of the land to accommodate the proposed use or development, including the disposal of effluent.</i>	Yes	The application was referred to Councils Health Officer as well as the EPA who did not object subject to conditions being included on the permit.
<i>How the use or development relates to sustainable land management.</i>	Yes	The site is approximately 4 hectares in area and is considered inappropriate for more traditional broad acre agricultural practices. The proposal provides a more economically sustainable use of the land.

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<p><i>Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.</i></p>	<p>Yes</p>	<p>The subject site is considered to be a small lot suitable for the proposed animal husbandry use. Some land surrounding the subject site is developed for rural residential purposes however adjoining the site is an existing greyhound facility for up to 100 dogs and vineyards. The application proposes an agricultural land use in an agriculturally zoned area. Consideration has been given to surrounding land uses including dwellings. Conditions relating to noise attenuation and management of the facility should ensure the proposal integrates well with surrounding land uses.</p> <p>The nearest dwelling to the site is located approximately 180 metres from the site. This dwelling is located on Scobie Road. This property adjoins an existing greyhound facility (100 dogs). The dwelling constructed as part of the adjoining dog facility is the next closest to the site and is approximately 200 metres from the site.</p> <p>A greyhound establishment for up to 25 dogs is considered to be a relatively small facility. This will limit the extent of noise from the property. It is considered the most noise will be generated around feeding times which are proposed between 7:00am and 5:00pm. This will be enforced by way of condition.</p> <p>The applicant has previously operated the adjoining facility which held up to 100 dogs at any one time. During this time, to the knowledge of officers, no complaints have been received in relation to the operation of this facility.</p> <p>The impact of noise from surrounding agricultural uses, including traffic movement and the use of scare guns has been considered. The impact of surrounding noise on animals kept on the facilities will need to be managed appropriately by the owner. The use of a scare gun must be carried out in accordance with the relevant guidelines of the EPA.</p>
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<i>How the use and development makes use of existing infrastructure and service.</i>	Yes	The site is currently developed with a single dwelling and associated shedding and is connected to all available services. The site is proposed to be accessed by an existing crossover from Faithfull Road into the site.
Agricultural Issues		
<i>Whether the use or development will support and enhance agricultural production.</i>	No	Racing dog keeping and Dog breeding are nested under 'Agriculture' pursuant to Clause 74 of the Strathbogrie Planning Scheme. The use of the land for this purpose is consistent with the purpose of the zone.
<i>Whether the use or development will permanently remove land from agricultural production.</i>	Yes	The proposal will provide for the continued use of the land for Agriculture. This proposal would result in an overall improvement in the use of the subject site for agriculture.
<i>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	The use of the land for intensive animal husbandry is unlikely to limit the operation or expansion of nearby agricultural uses. The land is currently used for residential purposes and adjoins an existing greyhound facility and vineyards. Further west of the site, lots are primarily used for residential purposes.
<i>The capacity of the site to sustain the agricultural use.</i>	Yes	The site is capable of containing the proposed animal husbandry use.
<i>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</i>	Yes	The land in this area is generally considered non productive due to lot sizes.
<i>Any integrated land management plan prepared for the site.</i>	N/A	As detailed above the site is not capable of accommodating a larger traditional agricultural use.
Environmental issues		
<i>The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.</i>	Yes	The application was referred to Council's Environmental Health Officer and the Environmental Protection Authority who assessed the application and did not object to the proposal subject to conditions. The plans submitted show the outside dog runs and kennels located over a watercourse (as defined by the <i>Water Act 1989</i>). The physical and mapped locations of the watercourse appear to differ. Conditions of GMW and EPA will ensure the proposed use does not impact on this watercourse.

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<i>The impact of the use or development on the flora and fauna on the site and its surrounds.</i>	Yes	The proposal does not include the removal of any vegetation and is appropriately located not to damage any vegetation.
<i>The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.</i>	Yes	The proposal does not include the removal of any vegetation.
<i>The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.</i>	Yes	Should a permit be issued a condition will be included which requires appropriate management techniques for the disposal and management of waste products. This is also a specific requirement of the relevant code relating to greyhound establishments.
Design and siting issue		
<i>The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.</i>	Yes	Changes to one of the sheds approved as part of a previous permit will be required to facilitate the use. The changes to these buildings are unlikely to impact on the amenity of surrounding land owners. Retrospective approval is also required for the construction of the dog runs in the southern corner of the site. The location of this dog run provides for separation from the other kennels on the site and is considered appropriate. Given the size of the site, all facilities proposed are limited in their location.
<i>The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.</i>	Yes	The appearance of the changes to the existing shed and proposed dog runs is unlikely to impact on the aesthetic environs of the site or surrounding area.
<i>The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.</i>	Yes	The buildings and works associated with this proposal are unlikely to impact on the amenity of the area.
<i>The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.</i>	Yes	Outdoor exercise areas attached to the existing shed make use of existing infrastructure on the site and are considered appropriate. The other kennel area not included within the shed will be required to be managed in accordance with GMW and EPA conditions to reduce impact on the natural environment.

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<p><i>Whether the use and development will require traffic management measures.</i></p>	<p>Yes</p>	<p>The application was referred to Councils Assets Department who raised no concerns in relation to traffic management measures. The proposed greyhound facility is unlikely to have significant traffic implications which would lead to a significant reduction in amenity.</p>
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The proposed use and development of the land for a greyhound breeding and keeping facility is considered to be generally consistent with the purpose and decision guidelines of the Farming Zone. Although located within the Farming Zone, consideration must be given to the sensitive land uses surrounding the subject site. It is considered that with appropriate noise attenuation and site management measures, the proposed use can successfully co-exist with surrounding amenity expectations.

Erosion Management Overlay

Purpose:

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

A permit is required for buildings and works on land affected by the Erosion Management Overlay. In assessing an application for buildings and works on land in this overlay, consideration must be given to the potential impact of erosion on the subject site as a result of the proposal.

The component of this proposal involving buildings and works on land in the Erosion Management Overlay is limited to the dog runs which require retrospective approval. The buildings and works involved as well as their ongoing use to house greyhounds is considered unlikely to have any significant impact on erosion within the subject site or surrounding area.

At this time, it is noted that there are no obvious erosion issues on the subject site. It is considered the proposal is consistent with the purpose and decision guidelines of the Erosion Management Overlay. Standard conditions addressing construction impact and stormwater management are also included in the recommendation.

The State Planning Policy Framework (SPPF)

Clause 12.01-1 Protection of biodiversity

Objective:

- *To assist the protection and conservation of Victoria's biodiversity, including important habitat for Victoria's flora and fauna and other strategically valuable biodiversity sites.*

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No vegetation is proposed to be removed. Subject to recommended conditions, the proposed use and development of the land for a greyhound facility will not impact on the biodiversity values of the area.

Clause 12.04-1 Environmentally sensitive areas

Objective:

- *To protect and conserve environmentally sensitive areas.*

The proposed use of the land for a greyhound keeping and breeding facility is unlikely to have a significant impact on the environs of the adjoining creek or waterway networks. Waste water generated on the site by the proposed use will be managed and treated on site to ensure that waste water does not impact or harm the environmentally sensitive areas of the site or adjoining properties.

Clause 12.04-2 Landscapes

Objective:

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

The area in which the proposed development is to occur has not been identified as a significant landscape. The proposed development is unlikely to detriment the visual amenity of the area.

Clause 13.04-1 Noise abatement

Objective

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

The impact of noise from the proposed development on surrounding land uses is considered as part of the assessment of this application. The applicant has advised the dogs will be trained, fed etc. during daylight hours and will be appropriately managed to reduce the amount of noise generated from the site.

Clause 14.01-1 Protection of agricultural land

Objective

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

The subject site is located within the Farming Zone. The use of the land for Racing dog keeping and Dog Breeding are nested under 'Agriculture' pursuant to Clause 74 of the Strathbogie Planning Scheme. The site is located in an area of land with smaller rural living sized lots. The use of these parcels for agriculture is limited due to their size. The proposal will ensure the land is able to be used for an agricultural purpose into the future.

Clause 14.02-1 Catchment planning and management

Objective

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

6.1 Planning Permit Application No. P2015-153
- Use and Development of Land for Dog Breeding and Racing Dog Keeping (up to 25 Greyhounds) ~ 222 Faithful Road, Longwood East (cont.)

The use and development of the land as proposed is not likely to impact on the overall health of the surrounding waterways and dams. The proposal will be connected to an appropriate on site waste water management system to the satisfaction of Council's Environmental Health Officer.

Clause 17.01-1 Business

Objective

- *To encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.*

The proposal provides for an additional business which will contribute to the local economy.

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

Clause 21.02-4 Rural Zones

Objective

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

The proposed use and development of the land is located within the Farming Zone. The use of the land for emerging rural enterprises is encouraged on land within this zone. The site is a suitable size to allow for a greyhound establishment. Due to its size, topography and soil type, it is unlikely to be used for traditional agricultural practices. The site is large enough to accommodate the development of the land for kennels and associated buildings.

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.*

There are limited buildings and works to be constructed as part of this development. This will be required to be maintained in muted tones so as not to impact on the aesthetic amenity of the surrounding area and will be enforced by way of planning permit condition.

Clause 21.06-2 Adapting and diversifying agriculture

Objective

- *To support and encourage the retention and diversification of agriculture.*

As Racing dog keeping and Dog breeding are nested under 'Agriculture' pursuant to Clause 74 of the Strathbogie Planning Scheme, the use of the land is able to be supported on land in this zone. The use is considered appropriate on this site as its size constrains its potential to be used for traditional agricultural purposes.

6.1 Planning Permit Application No. P2015-153
- Use and Development of Land for Dog Breeding and Racing Dog Keeping (up to 25 Greyhounds) ~ 222 Faithful Road, Longwood East (cont.)

Clause 22.02 Sustainable Intensive Agriculture

Objective:

- *To ensure that all development is appropriately located.*
- *To ensure that all applications have addressed, considered and will implement sustainable use and development practices.*
- *To encourage innovation, quality design and environmentally sustainable intensive agriculture.*
- *To encourage businesses to implement the highest standards and be leaders in their industry.*
- *To support development growth through partnerships between EPA Victoria and other relevant authorities.*

The proposal is considered to be consistent with the objectives of this clause. The proposed keeping and breeding facility is located on land zoned for this purpose. The development will be undertaken subject to a number of conditions relating to amenity, environmental management and other issues which have been considered in this report. As part of the assessment of the application, the Environment Protection Authority was notified and have consented to the proposal subject to a number of requirements which will be managed by way of conditions on any permit issued.

Relevant Particular Provisions

There are no particular provisions relevant for the proposed use and development.

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.*

6.1 Planning Permit Application No. P2015-153
- Use and Development of Land for Dog Breeding and Racing Dog Keeping (up to 25 Greyhounds) ~ 222 Faithful Road, Longwood East (cont.)

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

The proposal is consistent with these decision guidelines.

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

There are no relevant adopted State policies.

Relevant incorporated, reference or adopted documents

The subject site is in an area of the municipality identified for rural residential development in the *Strathbogrie Shire Rural Residential Strategy (2004)*. This document identifies rural land which has been developed over time for primarily residential purposes. The identification of this site in a rural residential area does not preclude it from being used for agricultural purposes.

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

The application proposes the use and development of the land for animal breeding and keeping. The land is located within the Farming Zone and is affected in part by the Erosion Management Overlay. The application has been assessed against the relevant decision guidelines.

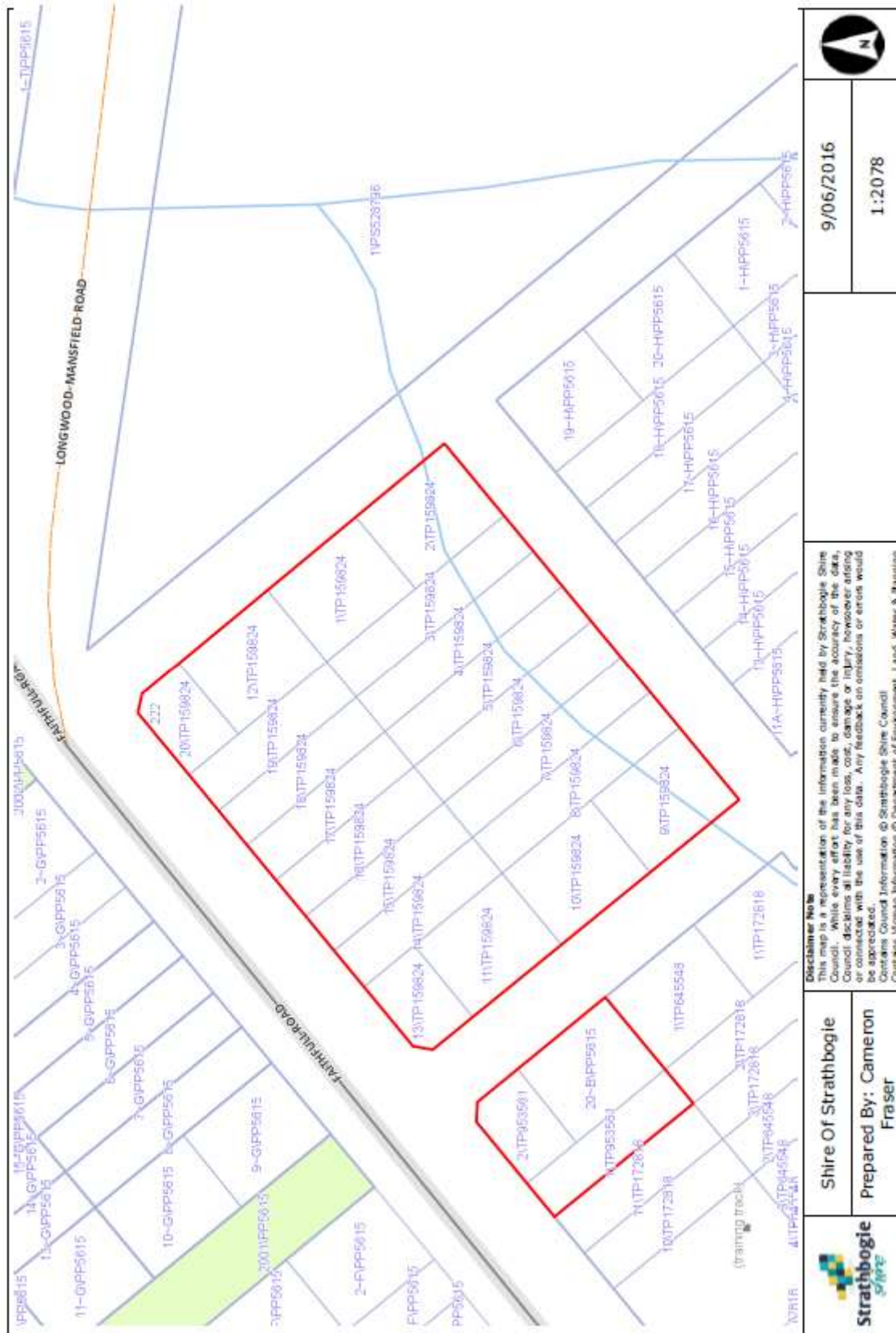
In summary, the proposal meets the objectives of the State Planning Policy Framework, Local Planning Policy Framework, the Farming Zone and the Erosion Management Overlay.

Conclusion

After due consideration of all the relevant factors, it is recommended that Council resolve to issue a Notice of Decision to Grant a Permit in accordance with the officers recommendation.

Attachments

Site Plan



 <p>Shire Of Strathbogie Prepared By: Cameron Fraser</p>	<p>9/06/2016</p> <p>1:2078</p>	

PLANNING COMMITTEE REPORT NO. 2 (DIRECTOR, SUSTAINABLE DEVELOPMENT - PHIL HOWARD)

7. OTHER BUSINESS

7.1 Planning Applications Received
- 18 May to 8 June 2016

Following are listings of Planning Applications Received for the period 18 May to 8 June 2016.

RECOMMENDATION

That the report be noted.

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

Planning Applications Received

Wednesday, 18 May 2016

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
133 Faithfull Road, Longwood East VIC 3666	P2015-119 - 1	Subdivide three (3) dwellings and land into three lots	Trengoff Pastoral Co P/L	\$0.00 *
141 Verges Lane, Whroo VIC 3612	P2016-065	Use of land for a place of assembly for a three (3) day arts and music camping festival	Kristian & Daniel Bahoudian	\$0.00 *
264 High Street, Nagambie VIC 3608	P2016-064	Development of land for a shed	Timothy O'Brien	\$20,000.00
64 White Street, Euroa VIC 3666	P2016-020 - 1	Native vegetation removal	Daniel Matejic	\$0.00 *

Monday, 23 May 2016

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
104 Allowah Court, Whroo VIC 3612	P2015-006 - PC2	Use and development of land for animal breeding and keeping (up to 50 greyhounds)	Pia Triaca	\$0.00
24 Magiltan Drive, Strathbogie VIC 3666	P2016-067	Use and development of land for a dwelling, shed and carport	Martin Mackus	\$200,000.00
31 Weir Street, Euroa VIC 3666	P2015-093 - PC1	Use and Development of land for a Medical Centre	Cameron Ross	\$0.00 *

Tuesday, 24 May 2016

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
295-299 High Street, Nagambie VIC 3608	P2016-068	Use & Development of land for a café, restaurant & brewery	Gerard Ryan	\$2,000,000.00
Pitt Street, Violet Town VIC 3669	P2016-066	Use and development of land for the installation of a shipping container	Helen Malone	\$3,000.00

Wednesday, 25 May 2016

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
379 Selectors Road, Mangalore VIC 3663	P2016-074	Development of land for alterations and extension to an existing dwelling	Matthew & Cynthia Clark	\$150,000.00

Friday, 27 May 2016

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
294 Buntings Hill Road, Ruffy VIC 3666	P2016-070	Development of land for an extension to existing shed	Matthew Ulstrup	\$2,000.00
616 Euroa-Mansfield Road, Euroa VIC 3666	P2016-069	Development of land for alterations and an extension to an existing dwelling	Michael Bell	\$250,000.00

Monday, 30 May 2016

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
337 Wattlevale Road, Mitchellstown VIC 3608	P2016-073	Two Lot Subdivision, Creation of an Easement, Use and Development of Land for Dwelling and Farm Shed	Troy Spencer	\$402,000.00
91 High Street, Violet Town VIC 3669	P2016-071	Development of land for construction of a shed	Lindsay Kitchingman	\$10,000.00

Tuesday, 31 May 2016

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
1766 Nagambie-Locksley Road, Locksley VIC 3665	P2016-072	Native vegetation removal	Joseph De Bruyn	\$2,000.00

Thursday, 2 June 2016

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
135 Croxfords Road, Earlston VIC 3669	P2016-075	Development of the land for a two (2) lot subdivision (dwelling excision)	Peter Adam	\$0.00 *

Friday, 3 June 2016

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
575 Balmattum North Road, Balmattum VIC 3666	P2016-076	Use and Development of land for a Dwelling and Shed	Troy Spencer	\$395,000.00

Monday, 6 June 2016

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
37-41 Tarcombe Street, Euroa VIC 3666	P2016-077	Development of land for the construction of a dwelling	Troy Spencer	\$420,000.00

Wednesday, 8 June 2016

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
190 Boundary Hill Road, Boho South VIC 3669	P2016-078	Use and Development of land for a dwelling	Brian Broughton	\$100,000.00

*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- PC 1	Plans to comply with a condition on the permit
P2014-001-1	Proposed amendment to a planning permit