



STRATHBOGRIE SHIRE COUNCIL

PLANNING COMMITTEE

AGENDA

MEETING TO BE HELD ON TUESDAY 24 FEBRUARY 2015

COMMENCING AT 4.00 P.M.

AT THE EUROA COMMUNITY CONFERENCE CENTRE

- 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:**
- Phil Howard – Deputy Chief Executive Officer
Director, Sustainable Development
 - Emma Kubeil - Manager, Sustainable Development
 - Jennifer Dowling - Assistant Manager, Sustainable Development
 - Roy Hetherington - Director, Asset Services

Business:

1. Welcome
2. Acknowledgement of Traditional Land Owners

'In keeping with the spirit of Reconciliation, we acknowledge the traditional custodians of the land on which we are meeting today. We recognise indigenous people, their elders past and present'.

3. Apologies

Steve Crawcour - Chief Executive Officer

4. Confirmation of Minutes of the Planning Committee meeting held on Tuesday 10 February 2015
5. Disclosure of Interests

6. Planning Reports
7. Other Business



Phil Howard
DEPUTY CHIEF EXECUTIVE OFFICER

18 February 2015

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PLANNING COMMITTEE REPORT NO. 1 (ASSISTANT MANAGER, SUSTAINABLE DEVELOPMENT – JENNIFER DOWLING)

6. PLANNING REPORTS

**6.1 Planning Permit Application No. P2014/055
Use and Development of Land for Recreation Facility (Clay Target Shooting Range) ~ 164 Welshs Road, Baddaginnie**

Application Details:

Application is for:	Use & development of land for recreation facility (clay target shooting range)
Applicant's/Owner's Name:	William Paterson
Date Received:	20 May 2014
Statutory Days:	142
Application Number:	P2014-055
Planner: Name, title & department	Jennifer Dowling, Sustainable Development Department – Planning This report prepared with guidance from Ian Pridgeon, Principal, Russell Kennedy Lawyers (Law Institute of Victoria accredited specialist in Environment, Planning & Local Government Law)
Land/Address:	Lot 1 on Plan of Subdivision 538105L, Certificate of Title Volume 10966 Folio 129 164 Welshs Road, Baddaginnie VIC 3670
Zoning:	Farming Zone
Overlays:	No Overlay
Under what clause(s) is a permit required?	Clause 35.07-1 Clause 35.07-4
Restrictive covenants on the title?	No
Current use and development:	Vacant

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 a recreation facility (clay target shooting range)
- The site has an area of 42.94 hectares and is located in the Farming Zone and is not affected by any overlays.
- The application was referred internally to Council's Health Officer and Asset Services Department who offered no objection subject to conditions.

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Use and Development of Land for Recreation Facility (Clay Target Shooting Range) ~
164 Welshs Road, Baddaginnie (cont.)

- The EPA was notified under Section 52 of the *Planning and Environment Act 1978* of the application and has advised that they have a number of concerns with the application.
- The Country Fire Authority (CFA) and Goulburn Murray Water (GMW) were notified of the application under Section 52 of the *Planning and Environment Act* and have advised that they have no objection to the proposal, subject to a number of conditions.
- An assessment against the Farming Zone Decision Guidelines, State and Local Policies of the Strathbogrie Planning Scheme indicates the proposal is not inconsistent with many of these provisions; however, the apparent potential for the proposal to cause contamination of the environment is contrary to the Strathbogrie Planning Scheme.
- The application was advertised, 64 objections have been received.
- 59 submissions have been received in support of the application.
- The objections raise issues in relation to traffic, noise, amenity, the environment, contamination, devaluation of property, and agricultural production.
- The 59 submissions in support of the application highlight economic development, development of clay target shooting as a sport, benefits to competitors and an increase in tourism.
- The application is being presented to Planning Committee as objections have been received.
- The application has been assessed outside the 60 day statutory time period due to detailed assessment and consultation with objectors and the applicant.
- It is recommended that Council resolve to issue a Refusal in accordance with the Officer's recommendation.

RECOMMENDATION

That Council:

- **having caused notice of Planning Application No. P2014-055 to be given under Section 52 of the *Planning and Environment Act 1987* and**
- **having considered all the matters required under the *Planning and Environment Act 1987* and the Strathbogrie Planning Scheme**

issue a Refusal to Grant a Permit in respect of the land known as Lot 1 on Plan of Subdivision 538105L Certificate of Title Volume 10966 Folio 129, for the use & development of land for a recreation facility (clay target shooting range) with the following grounds of refusal.

- 1. The proposal does not adequately address the potential for shot to contaminate the natural environment in terms of impacts on soil quality, water quality, flora and fauna.**

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Use and Development of Land for Recreation Facility (Clay Target Shooting Range) ~
164 Welshs Road, Baddaginnie (cont.)

2. **The proposal may result in contamination of the natural environment, contrary to the SPPF, LPPF, the purpose and decision guidelines of the Farming Zone and clause 65.01 of the Strathbogie Planning Scheme.**
3. **The proposal does not adequately satisfy State Environment Protection Policy (Prevention and Management of Contamination of Land).**

Proposal

It is proposed to use and develop the subject site for the purposes of a recreation facility which will be operated as a clay target shooting range.

Three separate ranges are proposed within the site. The location of the targets within each of these ranges within the site will vary with traps to be placed throughout the site prior to events and stored securely thereafter.

The buildings and works required for this facility includes a colourbond shed five bays in length of which two will be open and three enclosed and lined and two storage facilities. The proposed five bay shed will be used as a club house and will contain eating areas and amenities including food preparation and toilets. Plans have not been provided for the other storage facilities however the applicant has advised that this is likely to be shipping containers which will be screened or clad. While the site will utilise an existing internal driveway for access, some new roads will be required to be constructed from the proposed club house to the proposed shooting ranges. Areas of the site are proposed to be set aside for car parking.

The site was proposed for both practice and competition with the site to be available for use between the hours of 10:00am and 6:30pm (daylight permitting). It is proposed to use the site for the following events:

- One weekly practice shoot
- Two monthly competitive shoots
- Corporate shoots (variable)
- Up to two major events
- National titles (once every three years).

In the instance of a national title taking place on the subject site, it is proposed to extend these hours of operation to between 7:00am and 7:30pm. This is dependent on available daylight and would only be for this specific type of event.

In total, the site is proposed to be used as a shooting range up to 78 times per year. The site is proposed to be secure and public access outside of these times is not proposed.

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The applicant has commissioned an acoustic report which has been included in their submission. This report concludes that the noise expected from the proposed shooting range will be less than the maximum allowed under the *Environment Protection Authority – Interim Noise Guidelines*. The applicant notes that this is not currently a regulation which must be adhered to.

The facility would utilise the existing road network with access to the site to be from Welshs Road to the north of the site. People coming to the site will generally travel individually with some competitors carpooling. The application is expected that there will generally be 0.9 cars per competitor on site at any one event. Detailed below is the numbers of competitors expected for each event on the site:

- Weekly Practice - 30 competitors
- Corporate Events - 20 competitors
- Monthly Shoots - 80 – 120 competitors
- Major Events - 200 competitors
- National titles - 200 – 500 competitors

Car parking is proposed to be provided on site in two designated, but unformed locations. These locations will be maintained however are not proposed to be managed during smaller events such as the weekly practice and corporate or monthly shoots. During major events and national titles events, these designated areas would be managed and patrolled by volunteers or contractors of the applicant.

No vegetation is to be removed as part of the proposed use and development of the site.

Subject site & locality

The subject site is located on the southern side of Welshs Road. The land has a total area 42.94 hectares and vegetation is scattered throughout. The site is located within the Farming Zone and is not affected by any overlays.

The site is irregular in shape and contains a waterway which runs through the southern site boundary north towards the western boundary. This site is somewhat undulating in topography with rocky outcrops throughout the site however generally slopes upwards away from the road.

The land was formerly used in part as a quarry however is currently utilised for low scale agriculture, mainly grazing.

Land surrounding the subject site is also located within the Farming Zone. With the exception of the land immediately south of the site, the surrounding area is not affected by any overlays. Land directly south of the site towards forested crown land is located within the Bushfire Management Overlay.

Surrounding land is similar in size and topography to the subject site with lots currently utilised for agricultural purposes and some dwellings scattered throughout the wider area.

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Use and Development of Land for Recreation Facility (Clay Target Shooting Range) ~
164 Welshs Road, Baddaginnie (cont.)

Permit/Site History

A search of Council's electronic records system shows that no planning permits have previously been issued for the subject site. The system does show the following application was made to Council and subsequently withdrawn:

- P2009/030 – Use and Development of land for a clay target shooting range. This application was withdrawn by the applicant at the time on 15 April 2009.

Public Notification

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

- Sending letters to adjoining land owners
- Placing (a) sign on site
- Placing a notice in the Euroa Gazette and the Benalla Ensign

Council had received 64 objections on 13 February 2015. The key issues that were raised in the objections are:

- Non-agricultural use in the Farming Zone
- Adverse impact on established agricultural operations of surrounding farming properties
- Noise from firearms and traffic
- Increase in fire danger
- Increase in traffic
- Local roads not sufficient for proposed traffic volumes
- Major detriment to amenity and character of the area
- Spent lead would have the potential to lead to significant environmental consequences
- Soil and water pollution
- Negative impact on local agricultural economy
- No need for another shooting range in the area
- No benefit to local community
- Creates a dangerous precedent
- High cost to Council and ratepayers of road maintenance associated with gun club
- Devaluation of property
- Movement of stock along roads would become difficult
- Loss of privacy
- Impact on health and safety of the local community
- Impact on physical and mental health of surrounding residents and animals
- Difficulty for firefighters accessing bushland should a fire be started as a result of the proposal
- Soil and water contamination
- Tranquillity of area will be lost as a result of the proposal
- Loss of agricultural productivity on surrounding properties
- Increase in rubbish
- Increase in crime
- Misleading and incorrect plans
- Destruction of native flora and fauna
- Proposal will ruin area for future generations
- Hours of operation will be left to surrounding resident to enforce
- More appropriate locations for the proposed facility
- Gunshot noise will scare away birdlife
- Implications of potential firearm mismanagement and stray projectiles

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Use and Development of Land for Recreation Facility (Clay Target Shooting Range) ~
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Since the advertising period has ended further correspondence has been received from objectors. This includes articles relating to land contamination and an acoustic report from Marshall Day Acoustics.

In addition to the 64 objections received, 59 submissions of support have been submitted. The reasons of support are detailed below:

- Proposal assists in the development of a sport to be enjoyed by people of all ages
- Proposal will benefit more than 3000 shots in North East Victoria
- Greater opportunity to visit the Strathbogie Shire
- Clay target shooting is a growing sport with not enough facilities. The proposal will allow the sport to develop
- Significant economic benefit to surrounding area
- People will learn about the safe use of firearms
- Perfect site for a shooting range
- Increase in number of people taking up a sport
- Expand the popularity of the sport
- Increase of support for local communities and increase in visitors
- Increasing need for clay target shooting ranges
- Allows for development of the sport
- Great family activity
- More shooting options to the north of Melbourne

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Use and Development of Land for Recreation Facility (Clay Target Shooting Range) ~ 164 Welshs Road, Baddaginnie (cont.)

Consultation

Following receipt of the objections, copies were sent to the applicant who was given the opportunity to respond. A copy of the applicant's response was forwarded to all objectors who were given the opportunity to withdraw their objections. As a result of this, one objection has been withdrawn. Some of the objectors have responded advising that their objections remain and some have not responded.

The following meetings were undertaken with the applicant a group of objectors:

<i>Objectors presentation to Council</i>	<i>7 October 2014</i>
<i>Site meeting with Applicant</i>	<i>28 October 2014</i>
<i>Meeting with objectors</i>	<i>10 December</i>

Referrals

External Referrals/Notices

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	Nil
Section 52 Notices	Country Fire Authority – No objection, subject to conditions relating to static water supply, access, car parking, vegetation management, emergency management and fire extinguishers Goulburn Murray Water – No objection, subject to conditions in relation to setbacks of buildings from waterways, sediment control and wastewater Goulburn Broken Catchment Management Authority – No objection, no conditions Environment Protection Authority – Requires further information

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

Further information required by EPA

The response from EPA, amongst other things, highlighted that Council, as the responsible authority must consider the state environment protection policy, Prevention and Management of Contamination of Land (2002) and the impacts that a proposal may have on the environment.

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Use and Development of Land for Recreation Facility (Clay Target Shooting Range) ~ 164 Welshs Road, Baddaginnie (cont.)

EPA advised that it considers the proposal to be a contaminating land use and advised of the need to assess the potential on and off-site land contamination. Such assessment should address the potential for lead to impact groundwater at the site and surface as well as groundwater offsite. As part of this assessment, consideration should also be given to the design of the stormwater system on the site and the impacts the activity could have on the soils within and surrounding the subject site. The advice from EPA also advises that this should be undertaken prior to a determination being made on the application.

In addition to potential lead contamination and the design of the stormwater system on the site, the EPA has also advised that noise generated from the site will be dependent on the operation of the facility. In regard to this, EPA has advised that should Council approve the development, strict noise conditions should be included.

On the basis of the concerns raised by the EPA regarding potential contamination of the environment as a result of the proposal that have not been adequately addressed in the application documents, it is considered that it is appropriate that the application be refused.

A copy of the EPA letter is attached to this report.

Assessment

The use of the subject land for the purpose of an Outdoor recreation facility is a Section 2 use in the Table of uses at Clause 35.07-1 of the planning scheme

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.*

In terms of a defined land use term at Clause 74 of the planning scheme, the proposed use falls within the term "Outdoor recreation facility".

Outdoor recreation facility is nested under Minor sports and recreation facility at clause 75 of the planning scheme.

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Use and Development of Land for Recreation Facility (Clay Target Shooting Range) ~ 164 Welshs Road, Baddaquinie (cont.)

A permit is required for the use and development of land for an outdoor recreation facility pursuant to Clauses 35.07-1 and 35.07-4 of the Strathbogie Planning Scheme. In assessing an application for the use and development of land for a clay target shooting range, the responsible authority must have consideration for, in addition to the requirements of Clause 65, a range of general, agricultural, environmental and design and siting issues.

The agricultural capabilities of the land are considered somewhat compromised due to the previous use of the site as a quarry as well as the rocky undulating topography of the site. The land is currently used for grazing in an effort to manage the site rather than this being a sustainable agricultural pursuit.

The development proposed on the site includes a club house as well as separate storage facilities which are to be shipping containers which will be landscaped or clad to reduce the visual impact within the site. The site is considered to be capable of containing the proposed buildings and works in terms of effluent disposal and the aesthetic impact on surrounding land owners and occupiers. The design, layout and locations of the three proposed shooting ranges has given consideration to the constraints of the site including setback requirements, layout of the lot, topography and existing and proposed infrastructure. Being located in a rural area, away from dense residential development, the site is considered appropriate for the proposed use.

The site currently does not form part of a wider agricultural property and its current agricultural land use is undertaken to maintain and manage the land rather than being part of a sustainable agricultural pursuit. The use of this site for the proposed clay target shooting range is unlikely to prevent surrounding land owners and occupiers from expanding into the future.

However, in terms of environmental impacts it has not been demonstrated clearly by the applicant how the proposed use and development of the land will not lead to potential contamination issues in relation to lead on the subject site. Without this information, it cannot be confirmed that the proposed use of the land will not impact on the health of soils or the waterway within the site through the increased deposits of lead that will be scattered throughout the three ranges on the site. Lead contamination of soils and the waterway could lead to other environmental consequences in relation to flora and fauna.

An assessment of each of the individual decision guidelines has been undertaken and is detailed in the table below:

General Issues	Complies	Officers Comment
<i>The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</i>	No	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.

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<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 who did not object subject to conditions being included on the permit. In addition to on site effluent disposal, the site is considered capable of containing all of the proposed infrastructure and the three shooting ranges.
<i>How the use or development relates to sustainable land management.</i>	Yes	The site is currently used for grazing purposes and it is considered that this is a form of maintenance of the site which has previously been used as a quarry.
<i>Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.</i>	Yes	The site is located in a rural area with only a small number of residential land uses within the immediate area
<i>How the use and development makes use of existing infrastructure and service.</i>	Yes	vehicular access is proposed to be via an existing crossover located on Welshs Road to the north of the subject site. Internal roadways are proposed to be used a part of the proposal which has been designed to accommodate these.
Agricultural Issues	Complies	
<i>Whether the use or development will support and enhance agricultural production.</i>	No	The subject site has previously been used as a quarry and the current grazing undertaken on the site is part of the management of the site rather than a sustainable agricultural pursuit. The use of the land for a clay target shooting range is not related to the agricultural use of the land and is not proposed or expected to enhance agricultural production on the site.
<i>Whether the use or development will permanently remove land from agricultural production.</i>	No	While in theory, the use of the land could revert back to agriculture should the site cease to be used for a recreation facility, this is unable to be conclusively determined without further information in relation to potential contamination issues that would arise as part of the proposed use.
<i>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	The proposal is unlikely to result in a limitation of surrounding agricultural enterprises to expand. The proposed use of the land is not considered to be a 'sensitive' use and would not be affected by agricultural activities on adjoining lots.

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<i>The capacity of the site to sustain the agricultural use.</i>	Yes	The site has limited capacity for ongoing sustainable agricultural land uses due to its undulating rocky topography and the previous use of part of the site for a quarry.
<i>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</i>	Yes	Although the site has a large area, the quality of this particular parcel of land for sustainable agriculture is severely limited due to its topography and previous land use
<i>Any integrated land management plan prepared for the site.</i>	N/A	No land management plan has been prepared for the site.
Dwelling Issues		Officers Comment
<i>Whether the dwelling will result in the loss or fragmentation of productive agricultural land.</i>		N/A
<i>Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.</i>		N/A
<i>Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.</i>		N/A
<i>The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.</i>		N/A
Environmental issues	Complies	
<i>The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.</i>	No	The application was referred to Council's Environmental Health Officer who has consented to the development in relation of onsite effluent disposal. The impact of the use of the land on the natural physical features, in particular soil and water quality cannot be conclusively determined as the applicant has not demonstrated that the use won't create contamination issues in terms of lead on the site.
<i>The impact of the use or development on the flora and fauna on the site and its surrounds.</i>	No	The proposal does not include the removal of any vegetation and is appropriately located not to damage any vegetation however with outstanding concerns in relation to lead contamination; the impact on native vegetation cannot be fully assessed.
<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>	No	The proposal does not include the removal of any vegetation and has been designed to minimise any impact on native vegetation however with outstanding concerns in relation to lead contamination; the issues that could arise through this could affect the flora and fauna biodiversity values of the site.

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Use and Development of Land for Recreation Facility (Clay Target Shooting Range) ~ 164 Welshs Road, Baddaginnie (cont.)

<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 requiring a permit for a septic tank or alternative on site effluent disposal system to be installed to the satisfaction of Council's Environmental Health Department.
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	Buildings are to be located centrally to the site to ensure the three proposed ranges are all easily accessible and are unlikely to impact on the amenity or use of surrounding agricultural enterprises.
<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 proposed siting and design is considered appropriate. Should a permit be issued a condition will be placed on the permit requiring muted tones.
<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 proposed buildings and works associated with the development area unlikely to impact on the amenity of the surrounding area. Objections have been received in relation to the amenity impacts of the proposed use on the surrounding area and this does not relate to the design and siting of the use itself.
<i>The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.</i>	Yes	The proposal has considered existing infrastructure in its design. It is considered that the buildings and works are appropriately located.
<i>Whether the use and development will require traffic management measures.</i>	Yes	The application was referred to Councils Assets Department who raised no concerns in relation to traffic management measures. On site traffic management will be required during larger events held on the site.

The State Planning Policy Framework (SPPF)

11.05 Regional development

Planning is to recognise the need for, and as far as practicable contribute towards:

- *Health and safety.*
- *Diversity of choice.*
- *Adaptation in response to changing technology.*
- *Economic viability.*
- *A high standard of urban design and amenity.*
- *Energy efficiency.*

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Use and Development of Land for Recreation Facility (Clay Target Shooting Range) ~ 164 Welshs Road, Baddaginnie (cont.)

- *Prevention of pollution to land, water and air.*
- *Protection of environmentally sensitive areas and natural resources.*
- *Accessibility.*
- *Land use and transport integration.*

Planning is to prevent environmental problems created by siting incompatible land uses close together.

Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities.

The proposed use and development of the site does not include an agricultural land use. The topography and constraints of the site including previous land use limit the way in which the site can be used for sustainable agriculture. The use of the land for a recreation facility will mean that agriculture on surrounding parcels is able to continue and improve more than if the site was developed with a sensitive use, such as a dwelling which can occur as of right on this site.

Clause 11.05-4 Regional planning strategies and principles, objective
To develop regions and settlements which have a strong identity, are prosperous and are environmentally sustainable.

The proposed use and development of the land for a clay target shooting range has the potential to have significant economic benefit to towns within and surrounding the municipality. The availability of this type of facility in Victoria is somewhat limited. The proposal could have significant economic benefits to the region however the potential environmental risks associated with lead contamination are significant. The application has not sufficiently substantiated that lead contamination will not jeopardise the ongoing environmental sustainability of the site or surrounding area. In this instance, it cannot be confirmed that the economic benefits of the proposal outweigh the potential environmental risks. As such, it is considered that the proposal does not meet the objective of Clause 11.05-4 of the Strathbogrie Planning Scheme.

11.10 Hume regional growth

Clause 11.10-1 A diversified economy, objective

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

The proposed use and development of the land for a clay target shooting range will add to the facilities available within the Lower Hume Region and will provide for ongoing direct and indirect economic benefits to the wider region.

Clause 11.10-2 Environmental assets, objective

- *To protect environmental and heritage assets, and maximise the regional benefit from them, while managing exposure to natural hazards and planning for the potential impacts of climate change.*

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Use and Development of Land for Recreation Facility (Clay Target Shooting Range) ~ 164 Welshs Road, Baddaginnie (cont.)

Should lead contamination occur as a result of the proposal, this would have a significant impact on the natural environment which could spread throughout the site and surrounding area. The potential impacts of the proposal on environmental assets throughout the area are unable to be determined. As such, it cannot be determined that the proposal meets the objective of Clause 11.10-2 of the Strathbogie Planning Scheme

12.01 Biodiversity

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.*

Clause 12.01-2 Native vegetation management, objective

- *To ensure that permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity.*

The application does not propose the removal of native vegetation.

12.04 Significant environments and landscapes

Clause 12.04-1 Environmentally sensitive areas, objective

- *To protect and conserve environmentally sensitive areas.*

Clause 12.04-2 Landscapes, objective

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

The proposed use and development is unlikely to impact the landscape given the previous use of the site for a quarry.

13.03 Soil Degradation

Clause 13.03-1 Use of contaminated and potentially contaminated land, objective

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

Clause 13.03-2 Erosion and landslip, objective

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

Clause 13.03-3 Salinity, objective

- *To minimise the impact of salinity and rising watertables on land uses, buildings and infrastructure in rural and urban areas and areas of environmental significance and reduce salt loads in rivers.*

It cannot be confirmed how the proposed use would impact the quality of the soil.

13.04 Noise and air

Clause 13.04-1 Noise abatement, objective

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

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Use and Development of Land for Recreation Facility (Clay Target Shooting Range) ~ 164 Welshs Road, Baddaginnie (cont.)

Clause 13.04-2 Air quality, objective

- *To assist the protection and improvement of air quality.*

The applicant provided an acoustic report detailing compliance with the relevant EPA Guidelines. An objector also provided an acoustic report detailing non-compliance. Further investigation into these reports would be required. This is partially due to changing uses (dwelling currently under construction) in the area.

13.05 Bushfire

Clause 13.05-1 Bushfire planning strategies and principles, objective

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

14.01 Agriculture

Clause 14.01-1 Protection of agricultural land, objective

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

Clause 14.01-2 Sustainable agricultural land use, objective

- *To encourage sustainable agricultural land use.*

As detailed above, the subject site is not considered to have limited capacity for agricultural use.

14.02 Water

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.*

Clause 14.02-2 Water quality, objective

- *To protect water quality.*

The proposal may result in the contamination of surface and groundwater.

15.03 Heritage

Clause 15.03-2 Aboriginal cultural heritage, objective

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

The site is not covered by a Cultural Sensitivity Overlay.

17.03 Tourism

Clause 17.03-1 Facilitating tourism, objective

- *To encourage tourism development to maximise the employment and long-term economic, social and cultural benefits of developing the State as a competitive domestic and international tourist destination.*

The proposal is likely to facilitate tourism.

6.1 Planning Permit Application No. P2014/055
Use and Development of Land for Recreation Facility (Clay Target Shooting Range) ~ 164 Welshs Road, Baddaquinie (cont.)

18.02 Movement networks

Clause 18.02-4 Management of the road system, objective

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

Clause 18.02-5 Car parking, objective

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

As detailed car parking assessment is provided below.

19.02 Community infrastructure

Clause 19.02-3 Cultural facilities, objective

- *To develop a strong cultural environment and increase access to arts, recreation and other cultural facilities.*

The proposal is considered to provide a recreation facility.

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

Clause 21.01 of the Strathbogie Planning Scheme provides a general overview of the municipality and identifies the following issues at Clause 21.01-2 – Key Influences

- *Sustainability*
The Strathbogie Shire strives to continue to improve sustainability in all elements of the community including; settlement patterns, the natural and built environment, community services and facilities; economic development and growth, infrastructure and asset provision. To define the meaning of sustainability, we say that the general dictionary meaning applies, depending on the terms of reference i.e. environmental, economic etc. 'The ability to sustain itself'.
- *Environment*
The natural environment is under increasing pressures from development, agricultural practices and the emerging threat of climate change. Through the protection of water, native vegetation and fauna and the encouragement of investment in renewable energy, the Shire will continue to assist in the protection and enhancement of the natural environment into the future. Community As the residents of the Shire are dispersed throughout the municipal area, it is important to have a variety of services and social infrastructure available. Community hubs and shared facilities are encouraged in the major settlements. Economic Growth Development and growth is important, and within the Strathbogie Shire there are many opportunities for growth in the food, wine and equine industries and value-adding to the existing primary production, industries and retail enterprises/sectors.

6.1 Planning Permit Application No. P2014/055
Use and Development of Land for Recreation Facility (Clay Target Shooting Range) ~ 164 Welshs Road, Baddaginnie (cont.)

Clause 21.01-3 Vision - Strategic Framework

The Shire of Strathbogie Council Plan (2009 - 2013) establishes the corporate direction for the Shire and provides a framework for improving the social, physical, environmental and economic well-being of the community over the next three years.

The Council Plan expresses the vision for the municipality as:

"A vibrant diverse and caring community, building a sustainable future with enhanced liveability in a secure and stimulating environment".

The Council mission is to:

"To deliver the Vision for Strathbogie Shire in partnership with our community and to strive for excellence in planning, delivering and managing community services and facilities".

The Council Plan and Municipal Strategic Statement share a common vision, encompassed by the following objectives:

- Quality strategic planning for our community's future*
- Enhancing our lifestyle and strengthening our community*
- Engaging our community to develop a shared vision for the future*
- Driving our economic development*
- Planning and delivering our infrastructure services*
- Planning for long term sustainability*
- Striving for excellence in our organisation*

The Council Plan referred to in the Strathbogie Planning Scheme at Clause 21.01-3 and specifically referenced at Clause 21.08 is not the current Council Plan. The current Council Plan (2013-2017 Strathbogie Shire Council Plan – 2014-15 Review) differs from the previous Council Plan and has a more specific vision and mission which are detailed below:

- Vision*
"A Shire that drives and supports investment for population growth, shared wealth and wellbeing."
- Mission*
"To actively consult with community, investors and industry through advocacy and collaboration; delivering quality infrastructure, lifestyle and sustainable economic and community development."

The objectives of the current plan also differ from the Council Plan which is referenced within the Strathbogie Planning Scheme. While the proposed use and development of the land is not considered to be inconsistent with the current Council Plan, the development was more closely aligned with the previous Council Plan which is specifically referenced as a reference document in the planning scheme.

6.1 Planning Permit Application No. P2014/055
Use and Development of Land for Recreation Facility (Clay Target Shooting Range) ~ 164 Welshs Road, Baddaginnie (cont.)

Clause 21.02-4 Rural Zones

Overview

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

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

Objective

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

The proposed development is considered to be consistent with the objective of this clause of the planning scheme. The subject site is not considered able to be used as part of an ongoing sustainable agricultural enterprise. The proposed clay target shooting range, although not an agricultural land use, will not detract from surrounding land owners wishing to use their properties for agriculture.

Clause 21.02-6 Building Material – Muted Tones

Overview

- *The Shire has significant natural landscapes and views which provide an important asset, and opportunity for tourism and economic development. Buildings can be intrusive in this type of environment if constructed of materials which are not sympathetic to the surrounding environment.*

Objective

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

The proposed buildings and works in the application include the proposed clubhouse and storage facilities. Should a permit issue, a condition would be included which requires all buildings and works to be constructed of muted tonings to ensure that the development blends with and does not detract from the aesthetic environment.

6.1 Planning Permit Application No. P2014/055
Use and Development of Land for Recreation Facility (Clay Target Shooting Range) ~ 164 Welshs Road, Baddaginnie (cont.)

Clause 21.04-3 Water

Overview

- *The Strathbogie Shire has significant water assets including Goulburn River, Lake Nagambie, Seven Creeks and Hughes Creek. The many spring fed waterways start in the Strathbogie Ranges and subsequently flow down into the main creeks and rivers eventually running from the shire into the neighbouring shires and forming a part of the Murray Darling Basin. The Shire is also home to three water supply catchments Honeysuckle Creek in Violet Town, Seven Creeks which includes Mountain Hut Creek in Euroa and Nine Mile Creek in Longwood.*

Objective

- *To manage our water resources.*

Without confirmation that the proposal will not create lead contamination issues on the site associated with the proposed clay target shooting range, it is unable to be confirmed that the proposal meets the objective of Clause 21.04-3 of the Strathbogie Planning Scheme.

Clause 21.04-4 Native vegetation and biodiversity

Overview

- *The Strathbogie Shire includes endangered ecosystems, wetlands, significant remnant vegetation and many threatened species. Remaining native vegetation outside larger state managed public land areas occur mainly on roadsides and on private land, including waterways and steeper and less arable areas. Approximately 97% of the Longwood and*

Violet Town Plains area occurs on private land with over 95% of native vegetation cover already cleared.

Within the Shire these assets include box woodland remnants on roadsides in the gently sloping plains, peatlands and spring soaks on the tablelands and River Red Gum on the floodplains.

Past clearing of vast tracts of native vegetation and ongoing incremental losses have meant that many species of plants and animals are threatened with extinction.

There are 52 ecological vegetation classes represented in the Shire, with the most dominant classes being Dry Forest, Plains Woodland or Forest and Riverine Grassy Woodland or Forest. Almost 50% of the vegetated area is rated as 'depleted', with 7% considered 'endangered' and a further 6% considered 'vulnerable'. Typically the level of concern increases moving from the highlands, for example at Boho South, on to the plains at Violet Town or Euroa where remnants of native vegetation are scattered and more fragmented.

6.1 Planning Permit Application No. P2014/055
Use and Development of Land for Recreation Facility (Clay Target Shooting Range) ~ 164 Welshs Road, Baddaginnie (cont.)

Objective

- *To protect and enhance the natural environment.*

The proposal has specifically stated that it will not require the removal of any native vegetation as part of the development. However, it has not been satisfactorily determined that the development will not lead to lead contamination issues. As such, it is considered that the proposal does not meet the objective of Clause 21.01-4 of the Strathbogie Planning Scheme.

- Clause 21.04-7 Bushfire

Overview

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

Objective

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

The bushfire risks associated with the development are considered minimal. The application has been referred to CFA who have consented to the development subject to a number of conditions relating to access, water supply, construction materials, vegetation management and the provision of fire extinguishers. The applicant has also stated that on days of higher fire danger, the clay target shooting facility would not operate. The proposal is considered to be consistent with Clause 21.04-7 of the Strathbogie Planning Scheme.

Clause 21.06-3 Tourism, objective

- *To promote the Shire as a tourism destination*

Strategies

- *Encourage tourism related development that supports towns, promotes employment and recreational opportunities.*
- *Support new and existing tourism developments that promote key attributes of the Shire such as the natural environment, heritage, town character and niche/boutique industries.*
- *Support the strengthening of tourism links with surrounding municipalities.*
- *Recognise the benefits of Lake Nagambie and Goulburn River for tourism opportunities.*
- *Encourage tourism developments associated with rural pursuits.*
- *Encourage the Regatta Centre in Nagambie as a water sports centre.*

The proposed use and development of the site for a clay target shooting range would assist in the promotion of the Shire as a tourism destination. It is expected that the facility will attract competitors from all over Australia which will promote economic growth within the Strathbogie and surrounding municipalities.

6.1 Planning Permit Application No. P2014/055
Use and Development of Land for Recreation Facility (Clay Target Shooting Range) ~ 164 Welshs Road, Baddaginnie (cont.)

Clause 21.07-3 *Traffic Management*, objective

- To ensure the safety and efficient functioning of the roads for a variety of users while providing sustainable transport options.

The proposal is considered to be consistent with the objective of this clause. The development has been referred internally to Council's Assets Department who have consented to the development subject to a number of conditions including the upgrade of Welshs Road to have a greater width. This will allow greater traffic volumes along Welshs Road. It is considered that the proposal can meet the requirements of Clause 21.07-3 of the Strathbogie Planning Scheme.

Relevant Particular Provisions

Clause 52.06 – *Car Parking*

Purpose:

- *To ensure that car parking is provided in accordance with the State Planning Policy Framework and Local Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

Clause 52.06 of the Strathbogie Planning Scheme applies to any new use and specifies car parking requirements for a number of different land uses at Clause 52.06-5. Car parking requirements are not specified within this clause of the planning scheme for a recreation facility. Pursuant to clause 52.06-5A of the Strathbogie Planning Scheme, where a car parking requirement is not specified, car parking must be provided to the satisfaction of the responsible authority prior to the commencement of a new use.

The application proposes three large car parking areas on the site with a total area of approximately 8200 square metres across the three spaces. Allowing an area of approximately 20 square metres per car parking space (allowing for shared access ways between spaces), it can be expected up to 410 car parking spaces would be available. During events where there are up to 500 competitors on site such as national titles (which the applicant has advised would be once every three years), the number of car parking spaces required would be 450. This is based on the 0.9 cars per competitor being present on the site, as the applicant has indicated.

6.1 Planning Permit Application No. P2014/055
Use and Development of Land for Recreation Facility (Clay Target Shooting Range) ~ 164 Welshs Road, Baddaquinie (cont.)

The number of spaces to be provided is 40 less than the maximum number that could be expected on the site at any one time. Although a significant number of spaces, this is considered appropriate as large events on the site will occur only once every three years. During these events, it is considered that there is sufficient space for overflow car parking within the site. Should a permit issue, a condition would be required which prohibits car parking within the road reserve.

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

There are no relevant incorporated, reference or adopted documents.

Relevant Planning Scheme amendments

There are no relevant planning scheme amendments.

Risk Management

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

Strategic Links – policy implications and relevance to Council Plan

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

6.1 Planning Permit Application No. P2014/055
Use and Development of Land for Recreation Facility (Clay Target Shooting Range) ~ 164 Welshs Road, Baddaginnie (cont.)

Summary of Key Issues

The application proposes the use and development of the land for the purpose of a shooting range.

The land is located within the Farming Zone and the application has been assessed against the relevant decision guidelines.

While in many ways the site is appropriate for the proposal, the EPA has advised that the application raises issues in relation to potential for lead contamination of the environment which have not been adequately addressed by the permit applicant.

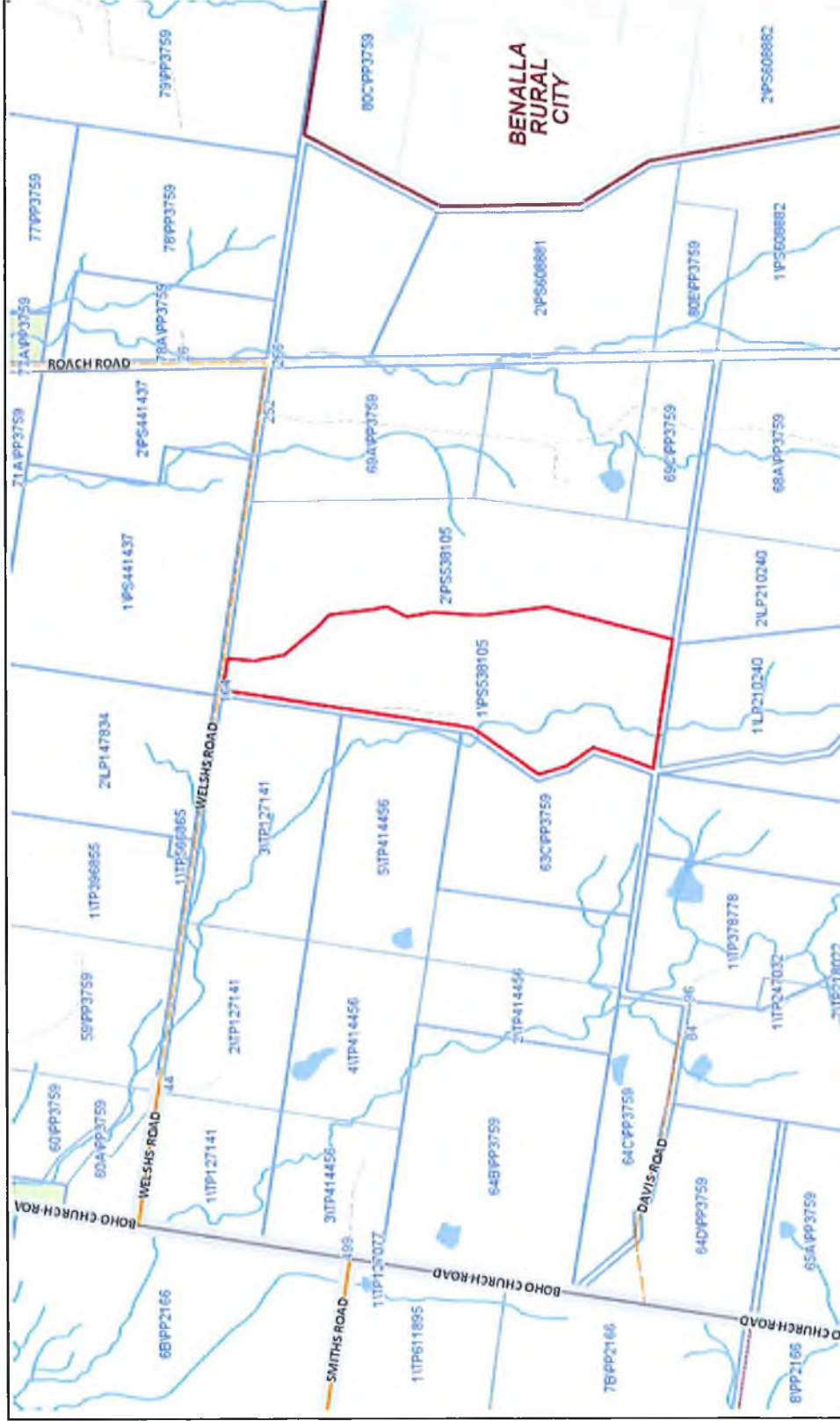
In summary, the question regarding the site being unreasonably contaminated remains unanswered therefore it is appropriate to refuse the application.



Conclusion

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

Attachments

- Site Plan
- EPA Letter



	Shire Of Strathbogie	
	Prepared By: Jennifer Dowling	
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		18/02/2015
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27th November 2014

Jennifer Dowling
Manager Sustainable Development
Shire of Strathbogie
PO Box 177
EUROA VIC 3688

Reference: 5005030

Dear Jennifer

RE: Planning Permit Application P2014-055 L1 PS538105 V10966 F129 164 Welshs Road, Baddaginnis VIC 3670

PROPOSAL: Use & development of land for a recreation facility (clay target shooting range)

Thank you for your letter dated 18 September 2014 regarding the above permit application. EPA has received notice of this application pursuant to Section 52 of the *Planning and Environment Act 1987*.

Prevention and Management of Contamination of Land:

Under clause 13 and 14 of *State environment protection policy (Prevention and Management of Contamination of Land) 2002*, Council must consider any significant effects which the use or development may have on the environment.

EPA considers this activity a contaminating land use and therefore advises Council that assessment of potential on and off-site land contamination needs to be undertaken. Specifically in relation to the potential for lead to impact groundwater at the premises and surface and groundwater's beyond the boundary of the premises.

The information supplied does not provide an assessment of the level of expected contamination and how that contamination may impact off-site. There has been no assessment as to the fate and transport of lead within the local environment. EPA advises that this type of assessment should be undertaken by a contaminated land specialist in order to inform council for the potential for lead contaminated land at the premises to impact on groundwater and surface waters.

Furthermore there has been no assessment on how lead contamination is to be minimized and managed to reduce the risk of impact. In reducing the impact of waste from shooting activities contaminating the land and water environments, wastes should be managed in accordance with the waste hierarchy principles, outlined as follows:

Avoidance;

Re-use;

Re-cycling;

Recovery of energy

Treatment;

Containment; and

Disposal.

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The applicant should consider the alternatives to discharging lead to the surrounding environment by the use of less toxic shot and the removal of shot from the environment.

Stormwater System

The stormwater system should be designed to ensure that litter and other contaminants, including contaminated soil are not discharged off-site. Council should satisfy itself that ongoing management ensures stormwater is protected from contamination.

In summary the information presented does not allow an assessment of the risk for environmental impact. EPA advises that this should be done prior to Council making a determination on this matter.

Noise

In addition, it appears that mitigating impacts of noise from the shooting range are highly dependent on operational controls and hence any planning permit issued should be prescriptive on operational controls to reduce the potential for noise to impact on the local community.

Please contact me on 1300 EPA VIC (1300 372 842) should you wish to discuss this matter.

Fergal Grahame



Team Leader
Compliance Strategy & Support
North East Region

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

7. OTHER BUSINESS

7.1 Planning Applications Received - 2 to 17 February 2015

Following are listings of Planning Applications Received for the period 2 to 17 February 2015.

RECOMMENDATION

That the report be noted.

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

Planning Applications Received

02 February 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
34 Magillan Drive, Strathbogie VIC 3666	P2014-135 - 1	Amendment use and development of land for a store	John Hooper	\$0.00 *
743 Euroa-Mansfield Road, Euroa Victoria 3666	P2006/055 - PC1	Use & development of land for construction of a dwelling	Peter Sherwood	\$0.00 *

03 February 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
1943 Creightons Creek Road, Creightons Creek VIC 3666	P2015-012	Subdivision of land into two (2) lots	Monger & Tomkinson	\$0.00 *
77 Kettels Road, Baillieston VIC 3608	P2015-013	Development of the land for an outbuilding	Sam Verrocchi	\$9,900.00

04 February 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
1192 Seymour-Avenel Road, Mangalore VIC 3663	P2015-011	Use and development of land for a single dwelling	HARDING, Stephen John	\$280.00

05 February 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
3 Burns Avenue, Euroa VIC 3666	P2014-059 - PC1	Development of land for a second dwelling	Troy Spencer	\$0.00 *
8 Hemley Avenue, Euroa VIC 3666	P2014-058 - PC2	Development of land for a second dwelling	T & C Developments	\$0.00 *

09 February 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
270 Wattlevale Road, Mitchellstown VIC 3608	P2015-014	Use and Development of land for the construction of a dwelling	SECEN, Damian Ronald	\$800,000.00

17 February 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
167 Halsalls Lane, Creightons Creek VIC 3666	P2015-015	Subdivision	Graeme Schneider - Monger & Tomkinson	\$0.00 *

*NB – 'Not applicable' in Cost of Works means either no development, endorsement of plans or amendment to the original permit