



**STRATHBOGIE SHIRE COUNCIL**  
**PLANNING COMMITTEE**  
**MINUTES**

**OF THE MEETING HELD ON TUESDAY 14 JULY 2015**

**COMMENCING AT 4.03 P.M.**

**AT THE EUROA COMMUNITY CONFERENCE CENTRE**

**Councillors:** Malcolm Little (Chair) (Hughes Creek Ward)  
Patrick Storer (Honeysuckle Creek Ward)  
Debra Swan (Lake Nagambie Ward)  
Graeme (Mick) Williams (Seven Creeks Ward)

**Officers:** Steve Crawcour - Chief Executive Officer  
Emma Kubeil - Manager, Sustainable Development  
Jennifer Dowling - Assistant Manager, Sustainable Development  
Kristina Murray - 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

Councillor Colleen Furlanetto (Seven Creeks Ward)  
Councillor Alister Purbrick (Lake Nagambie Ward)  
Councillor Robin Weatherald (Mount Wombat Ward)  
Phil Howard - Director, Sustainable Development

4. Confirmation of Minutes of the Planning Committee meeting held on Tuesday 23 June 2015

35/15 **CRS WILLIAMS/SWAN** : *That the Minutes of the Planning Committee meeting held on Tuesday 23 June 2015 be confirmed.*

**CARRIED**

5. Disclosure of Interests

Nil.

6. Planning Reports

7. Other Business

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

**6. PLANNING REPORTS**

**6.1 Planning Permit Application No. P2014/021  
- Use and Development of Land for a Dwelling and Native Vegetation Removal ~ Wilkinsons Lane, Euroa**

**Application Details:**

Application is for:	Use & development of land for a dwelling and native vegetation removal
Applicant's/Owner's Name:	Troy Spencer
Date Received:	11 December 2014
Statutory Days:	77 statutory days
Application Number:	P2014-021
Planner: Name, title & department	Jennifer Dowling Assistant Manager Sustainable Development Sustainable Development Department
Land/Address:	Lot 2 on Plan of Subdivision 139466, Certificate of Title Volume 11159 Folio 439 Wilkinsons Lane, Euroa VIC 3666
Zoning:	Farming Zone
Overlays:	Bushfire Management Overlay, Erosion Management Overlay
Under what clause(s) is a permit required?	Clause 35.07-1, Clause 35.07-4, Clause 44.01-1, Clause 44.06-1, Clause 52.17-2
Restrictive covenants on the title?	Yes
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 application proposes the use and development of land for a single dwelling and the removal of native vegetation.
- A significant amount of vegetation is proposed to be removed (a total of 41 trees). Only 3 of the proposed 41 trees require planning approval for the creation of a driveway. The balance are permitted clearing for defendable space pursuant to Clause 52.48-5.

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- Use and Development of Land for a Dwelling and Native Vegetation Removal ~  
Wilkinsons Lane, Euroa (cont.)

- The proposed dwelling will be double story and of timber and stone construction.
- The site is located within the Farming Zone and is affected by the Bushfire Management Overlay (BMO) and the Erosion Management Overlay (EMO).
- The site is currently clear of development, is heavily vegetated and undulating in topography.
- The subject site has an area of approximately 24 hectares.
- The application was referred internally to Council's Assets and Environmental Health departments. Both have consented to the proposal subject to conditions.
- The application was referred externally to the Country Fire Authority who have consented to the proposal subject to conditions.
- The application was advertised to all surrounding land owners and a sign was displayed on the site. Two objections have been received.
- The application has been assessed outside the 60 day statutory time period.
- It is recommended that Council resolve to issue a Notice of Decision to grant a permit in accordance with the Officer's recommendation.

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## RECOMMENDATION

### That Council

- **having caused notice of Planning Application No. P2014-021 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme**

**and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to Grant a Permit under the provisions of Clause 35.07-1, Clause 35.07-4, Clause 44.01-1, Clause 44.06-1 and Clause 52.17-2 of the Strathbogie Planning Scheme in respect of the land known as Lot 2 on Plan of Subdivision 139466, Certificate of Title Volume 11159 Folio 439, Wilkinsons Lane, Euroa VIC 3666, for the use & development of land for a dwelling and native vegetation removal, in accordance with endorsed plans, subject to the following conditions:**

### Section 173 Agreement:

1. **Prior to the commencement of use, the owner must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority. Such agreement shall:**
  - a) **Prevent subdivision of the land so as to excise the approved dwelling**

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2. A memorandum of the agreement is to be entered on title and the cost of the preparation and execution of the agreement and entry on the title is to be paid by the owner.

**CFA Conditions:**

3. **Bushfire Management Plan**

Before the development starts, an amended bushfire management plan which is generally in accordance with (T&C Development Services - Bushfire Defendable Space Plan drawing no. 14002 Rev 03, dated 06/02/2014) must be submitted to and endorsed by the Responsible Authority. The plan must show the following bushfire mitigation measures, unless otherwise agreed in writing by the CFA and the Responsible Authority:

a. **Defendable space**

Show an area of defendable space for a distance of 21m around the proposed building/or to the property boundary where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:

- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees .
- Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
- Trees must not overhang or touch any elements of the building .
- The canopy of trees must be separated by at least 5 metres.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

b. **Construction standards**

Nominate a minimum Bushfire Attack Level of BAL - 29 that the building will be designed and constructed.

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Wilkinsons Lane, Euroa (cont.)

c. Water supply

Show 10,000 litres of effective water supply for fire fighting purposes which meets the following requirements:

- Is stored in an above ground water tank constructed of concrete or metal.
- All fixed above-ground water pipes and fittings required for fire fighting purposes must be made of non corrosive resistant metal.

The water supply must also –

- Incorporate a ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64 mm CFA 3 thread per inch male fitting).
- The outlet/s of the water tank must be within 4m of the accessway and be unobstructed.
- Be readily identifiable from the building or appropriate identification signage to the satisfaction of CFA must be provided.

Any pipework and fittings must be a minimum of 65 mm (excluding the CFA coupling).

d. Access

Show the access for firefighting purposes which meets the following requirements:

- Curves must have a minimum inner radius of 10m.
- The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50m.
- Have a minimum trafficable width of 3.5m of all- weather construction.
- Be clear of encroachments for at least 0.5m on each side and 4m above the accessway.
- Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.

Native Vegetation:

4. Before works start, the permit holder must advise all persons undertaking the vegetation removal and road works of all relevant permit conditions of this permit.

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Wilkinsons Lane, Euroa (cont.)

5. In order to offset the removal of 3 trees approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with the Permitted clearing of native vegetation Biodiversity assessment guidelines and the Native vegetation gain scoring manual.
6. The offset must
  - i. Contribute gain of 0.039 general biodiversity equivalence units.
  - ii. Be located within the Goulburn Broken Catchment Management Authority boundary.
  - iii. Have a strategic biodiversity score of at least 0.195.
7. Before any vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the responsible authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of Permitted clearing of native vegetation- Biodiversity assessment guidelines and the Native vegetation gain scoring manual. Offset evidence can be either:
  - i. A security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan.
  - ii. A credit register extract from the Native Vegetation Credit Register.
8. Every year, for ten years, after the responsible authority has approved the offset management plan the applicant must provide notification to the responsible authority of the management actions undertaken towards the implementation of the offset management plan. An offset site condition statement, including photographs must be included in this notification.

**Environmental Health Conditions:**

9. Prior to the commencement of works, a permit to install a septic tank system is required from the Responsible Authority. An application to alter the existing septic tank may also be required if deemed wastewater generation will be increased.
10. The effluent disposal field must be located 60 metres from the nearest waterway, dam, lake or reservoir (non-potable water supply) to the satisfaction of the Responsible Authority.

**Engineering Conditions:**

11. 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.



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12. 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.
13. 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.
14. 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.

**General Conditions:**

15. Upon the completion of the development, all disturbed soils must be stabilised to prevent erosion of the land to the satisfaction of the Responsible Authority.
16. Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
17. The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
18. The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
19. The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.
20. 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.
21. The external cladding of the proposed buildings, including the roof, must be constructed of new materials of muted colours to enhance the aesthetic amenity of the area. Material having a highly reflective surface must not be used.

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22. 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.
23. This permit will expire if one of the following circumstances applies:
- (a) The development is not started within two (2) years of the date of this Permit,
  - (b) The development is not completed within four (4) years of the date of this Permit.

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

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

**Planning Notes:**

- This Permit does not authorise the commencement of any building construction works. Before any such development may commence, the Applicant must apply for and obtain appropriate Building approval.
- A Land Capability Assessment may be required and should be undertaken by a suitability qualified person. The Responsible Authority reserves the right to accept, reject or amend the recommendations of an LCA report.
- This Permit does not authorise the creation of a new access way/crossover. Before any such development may commence, the Applicant must apply for and obtain appropriate approval from Council.

36/15 **CRS SWAN/WILLIAMS** : *That the Recommendation be adopted.*

**CARRIED**

6.1 Planning Permit Application No. P2014/021  
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Wilkinsons Lane, Euroa (cont.)

**Proposal**

It is proposed to construct a single dwelling and remove native vegetation from the site. The dwelling will be a log cabin construction over two levels and will contain four bedrooms, two bathrooms a combined kitchen/dining/living area as well as an open loft area on the second level. The dwelling will be located in the north eastern corner of the site and will be used to facilitate the implementation of an environmental management plan on the site. The dwelling is to be constructed approximately 67 metres from Wilkinsons Lane and 36 metres from the sites eastern boundary. The proposed dwelling will be serviced by tank water and an onsite waste water system. Reticulated electricity is available.

The application also proposes the removal of 41 trees from the site. The trees proposed to be removed range in age, size and species. Three of these trees are required to be removed for the construction of the driveway while the remaining vegetation will be removed to facilitate the construction of the dwelling and defendable open space. The trees to be removed for the driveway trigger a planning permit, the remainder of the trees are exempt under the current State bushfire provision of the Strathbogie Planning Scheme.

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**Subject site & locality**

The subject site is a generally rectangular shaped parcel of land on the southern side of Wilkinsons Lane. The site has a total area of approximately 24 hectares and is heavily vegetated and undulating in topography. The site is currently vacant of any development.

The site has a frontage to Wilkinsons Lane, a crossover to the site has not been constructed. Land surrounding the site is used for a range of purposes including rural residential, environmental management and agriculture.

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**Permit/Site History**

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

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**Public Notification**

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

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

The notification has been carried out correctly.

Council has received 2 objections to date. The key issues that were raised in the objections are:

- Owner is only preparing site for sale and will not proceed with development
- Concern that trees vegetation will be removed prior to sale of land
- Concern that perspective purchasers will build in a different location after vegetation has been removed

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Wilkinsons Lane, Euroa (cont.)

- Site has high biodiversity value and is recommended for Trust for Nature covenants
- Site is less than minimum lot size and is covered by a Bushfire Management Overlay
- The site contains Grassy Woodland vegetation which is likely to be lost as a result of the proposal
- The site may contain vegetation identified as part of an EPBC Act 1999 listed community
- Many of the trees listed for removal have been identified as having significant habitat value
- Excessive vegetation is proposed to be removed

A response has been provided by the officer forming part of the next section detailed below (Consultation).

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### **Consultation**

Following receipt of the objections to the application, a meeting was held between Council Officers, the applicant as well as the two objectors. A range of issues were discussed in particular, the extent of native vegetation removal and the time in which this may occur. It was suggested that an alternative site would be more suitable. The applicant has subsequently submitted amended plans which have been forwarded to the objectors for comment. To date neither of the objections has been withdrawn.

The meeting also included discussion regarding how the development of the site could be controlled by any planning permit issued. Council officers advised the limits of proposed planning conditions and that they would not achieve the desired outcome.

One of the issues raised by the objectors related to the removal of native vegetation prior to the construction of the dwelling. While the vegetation is required to be removed prior to the construction of the dwelling, significant concern was raised in relation to the applicant removing vegetation and then preferring an alternate location for the construction of a dwelling.

Council does not have the ability to require an applicant to complete a development. An amended location after the clearing of native vegetation would require prior approval. Where a clear area of the site was available, it is unlikely that an alternative site would meet the relevant objectives of the planning scheme. Specifically Clause 52.17 requires any proposal to avoid and minimise removal of vegetation. It is unlikely the applicant could justify avoidance and minimising in these circumstances.

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### **Referrals**

External Referrals/Notices required by the Planning Scheme:

<b>Referrals/Notice</b>	<b>Advice/Response/Conditions</b>
Section 55 Referrals	CFA – No objections, subject to conditions
Section 52 Notices	Public Notice

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

**Assessment**

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

**Farming Zone**

Purpose:

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

A permit is required for the use and development of land for the purposes of a dwelling as the site is less than 40 hectares in area. Pursuant to Clause 35.07-2 of the Strathbogrie Planning Scheme, a lot used for a dwelling must meet the following requirements:

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

The dwelling in its proposed location is considered capable of meeting these requirements.

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- Use and Development of Land for a Dwelling and Native Vegetation Removal ~  
Wilkinsons Lane, Euroa (cont.)

The proposed dwelling is to be constructed to assist with land management on this heavily vegetated and environmentally sensitive site. Vegetation cover and topography prevent this site from being farmed sustainably however the need to use part of the land for a dwelling as part of the management of the site is evident. The applicant has supplied a land management plan which will be able to be better implemented through having permanent residents on the site. While it has been noted from the objections received that the land is currently for sale, future land owners would be bound by the requirements of any permit issued, including any required land management practices as part of the use and development of the land should this be pursued.

Given that the land is unable to be farmed, the use and development of the site to facilitate ongoing environmental management of the land is considered to be appropriate. Development of the site in the proposed location will minimise the removal of native vegetation and allow a significant portion of the site to remain undeveloped which will be appropriately managed to ensure ongoing environmental benefit to the site and surrounding area. The development of a dwelling on this site is unlikely to impact on surrounding agricultural production.

An assessment of the proposal against the decision guidelines of the Farming Zone has been undertaken and is detailed below:

<b>General Issues</b>	<b>Complies</b>	<b>Officers Comment</b>
<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	With regard to effluent disposal, the application was referred to Councils Health Officer who advised that the land was capable of disposing effluent however further approval would be required. All other services including water, electricity and access are able to be provided to the proposed dwelling
<i>How the use or development relates to sustainable land management.</i>	Yes	The dwelling is to be constructed on the site to enable the ongoing environmental improvement and management of the site.

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Wilkinsons Lane, Euroa (cont.)

<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 subject site is considered to be a small lot suitable for a residential use. The application proposes a large building envelope which would allow the dwelling to be setback from the adjoining boundaries. This allows a buffer between the proposed use and development and the surrounding residential and agricultural uses.
<i>How the use and development makes use of existing infrastructure and service.</i>	Yes	The site seeks to use existing infrastructure which is appropriate for the proposed use.
<b>Agricultural Issues</b>		
<i>Whether the use or development will support and enhance agricultural production.</i>	No	The subject site has an area of approximately 24ha. The site is characterised as rural residential. The proposed dwelling is unlikely to support agricultural production however will be used to enable ongoing environmental management of the land.
<i>Whether the use or development will permanently remove land from agricultural production.</i>	Yes	Given the size and topography of the lot, it is considered that the subject site is already removed from agriculture. The proposed development is unlikely to have an impact on the potential future use of the land for agriculture.
<i>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	Given the adjoining land uses and the topography of the site and surrounding area, there is unlikely to be any operation or expansion of agricultural land uses.
<i>The capacity of the site to sustain the agricultural use.</i>	Yes	The site has limited capacity as detailed above due to its size, topography and vegetation cover.
<i>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</i>	Yes	The quality of the land in this area is generally considered non productive due to a number of natural constraints which are detailed above.

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<i>Any integrated land management plan prepared for the site.</i>	n/a	As detailed above the site is not capable of accommodating a large or intensive sustainable agricultural use.
<b>Dwelling Issues</b>	<b>Complies</b>	<b>Officers Comment</b>
<i>Whether the dwelling will result in the loss or fragmentation of productive agricultural land.</i>	Yes	As detailed above the dwelling is unlikely to result in the loss or fragmentation of productive agricultural land.
<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>	Yes	The dwelling is surrounded by rural residential and agricultural land uses. It would be unlikely to be impacted due to setback from the adjoining boundaries.
<i>Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	As detailed above the dwelling is unlikely to affect the operation and expansion of adjoining and nearby agricultural uses.
<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>	Yes	The proposed dwelling has been assessed on its merit. Therefore it is unlikely that the proposed dwelling would directly result in the proliferation of dwellings.
<b>Environmental issues</b>	<b>Complies</b>	<b>Officers Comment</b>
<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 proposed development as it can be assessed within the provisions of the planning scheme is unlikely to have significant impacts on natural resources within the site.
<i>The impact of the use or development on the flora and fauna on the site and its surrounds.</i>	Yes	While 41 trees are required to be removed to facilitate this development, consideration has been given to the overall environmental improvement of the site through the land management plan.
<i>The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to re vegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.</i>	Yes	The extent of native vegetation to be removed which can be assessed under the provisions of the planning scheme is considered unlikely to impact on the biodiversity of the area which is discussed in further detail later in this report.



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<i>The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.</i>	N/A	Council's Health Department has advised on site effluent disposal can be appropriately managed however further approval would be required.
<b><i>Design and siting issue</i></b>	<b><i>Complies</i></b>	<b><i>Officers Comment</i></b>
<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	As detailed above the dwelling has been appropriately setback from the adjoining boundaries with consideration for the constraints of the site.
<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. The dwelling is proposed to be constructed of muted tones. This will be enforced by way of condition on any permit issued.
<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 dwelling is unlikely to impact the character and appearance of the area.
<i>The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.</i>	No	The proposed dwelling makes appropriate use of existing infrastructure and includes provision for additional infrastructure as required.
<i>Whether the use and development will require traffic management measures.</i>	No	A single dwelling is unlikely to cause traffic management issues.

In considering an application for a dwelling on this site consideration needs to be given to the capacity of the site for agriculture, the impact of a dwelling on surrounding agricultural uses as well as a number of environmental and design issues.

The topography, size, surrounding development and natural environment already restrict this site from being used for any sustainable form of agriculture.

The use and development of the site for a dwelling will not lead to a loss in productive agricultural land. The land is not currently used for agricultural production and is unlikely to be sufficiently utilised in the future.

The application has submitted that the dwelling is necessary for the ongoing environmental management of the land and has provided an Environmental Land Management Plan which demonstrates the proposed management required to retain and enhance the environmental values of the site.

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Wilkinsons Lane, Euroa (cont.)

**Overlays**

**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 which is affected by the Erosion Management Overlay. The proposed buildings and works associated with the dwelling are not considered to have significant erosion implications. Works required for the construction of the dwelling as well as the removal of three trees (all other trees form part of the defendable space which is exempt from permit requirements under Clause 52.48-5 of the Strathbogrie Planning Scheme) are not expected to have any significant erosion implications. To ensure the proposal does not have any significant impacts on erosion, a condition should be included on any permit issued which requires all disturbed soils to be stabilised upon completion of the development.

**Bushfire Management Overlay**

**Purpose**

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

A permit is required for the development of a dwelling on land affected by the Bushfire Management Overlay. In assessing an application under the provisions of this overlay, consideration must be given to the implications of bushfire management on the proposed development including access, defendable space, water supply and building standards.

Within the confines of the site, the development is generally considered to be consistent with the requirements of the overlay however access into the site is an outstanding issue which needs to be addressed. The application was referred to the CFA who initially requested further information. Following receipt of this information, CFA have advised that they consent to Council approving the proposal subject to standard conditions.

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Wilkinsons Lane, Euroa (cont.)

The proposal is considered to be consistent with the purpose and decision guidelines of the Bushfire Management Overlay.

**The State Planning Policy Framework (SPPF)**

*Clause 12.01-1 Protection of biodiversity* is relevant to the proposal and contains the following 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.*

Up to 41 trees are proposed to be removed on site as part of this proposal however, only three of these trees require planning approval under the provisions of Clause 52.17 of the Strathbogie Planning Scheme. The removal of this vegetation to facilitate the ongoing environmental management and improvement of the land will result in greater biodiversity outcomes for the site.

*Clause 12.04-1 Environmentally sensitive areas* is relevant to the proposal and contains the following objective:

- *To protect and conserve environmentally sensitive areas.*

The proposed dwelling will contribute to the ongoing environmental improvement of the site in particular the management of weeds and pest animals and the protection of native vegetation and wildlife. The proposed dwelling will result in an overall environmental benefit to both the site and surrounding area which is home to a wide range of native flora and fauna.

*Clause 12.04-2 Landscapes* is relevant to the proposal and contains the following objective:

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

The proposed dwelling has been designed in muted tones to best integrate with the existing rural landscape. The site has not been identified as having any significant aesthetic value however the proposed dwelling has been designed to minimise any impact on the character of the area.

*Clause 13.03-2 Erosion and landslip* is relevant to the proposal and contains the following objective:

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

The erosion implications of the buildings and works including the proposed vegetation removal on site are not considered to have any significant erosion implications however a condition should be included on any permit issued which requires all disturbed soils to be stabilised upon completion of the development.

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- Use and Development of Land for a Dwelling and Native Vegetation Removal ~  
Wilkinsons Lane, Euroa (cont.)

Clause 13.05-1 *Bushfire planning strategies and principles* is relevant to the proposal and contains the following objective:

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

The overarching strategy of this clause are:

- *Prioritise the protection of human life over other policy considerations in planning and decision-making in areas at risk from bushfire.*
- *Where appropriate, apply the precautionary principle to planning and decision-making when assessing the risk to life, property and community infrastructure from bushfire.*

The proposed development is considered appropriate and is unlikely to create an unacceptable level of risk to life or property. The proposed development will require the removal of up to 41 trees for the creation of defendable space as well as an access track.

The removal of this vegetation will ensure the occupants and buildings are able to be somewhat protected in the event of a bushfire on the site. The application has been referred to the CFA who have consented to the proposal subject to conditions.

Clause 14.01-1 *Protection of agricultural land* is relevant to the proposal and contains the following 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 however is not considered to be capable of containing a sustainable agricultural land use. The use of the land for a dwelling is proposed to be undertaken in conjunction with the environmental management of the site which would be of greater benefit to both the subject site and the management of surrounding residential and agricultural land use.

Clause 16.02-1 *Rural residential development* is relevant to the proposal and contains the following objective:

- *To identify land suitable for rural living and rural residential development.*

Given the topography and natural constraints of the site, the land is considered more appropriate for a rural residential use as opposed to agriculture and is considered to be consistent with the objectives of this clause.

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- Use and Development of Land for a Dwelling and Native Vegetation Removal ~  
Wilkinsons Lane, Euroa (cont.)

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

Clause 21.02 - Sustainable Settlement

Clause 21.02-1 *Whole Municipality* is relevant to the proposal and contains the following objective:

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

Clause 21.02-3 *Rural Residential* is relevant to the proposal and contains the following objective:

- *To promote the Strathbogie Shire as a sustainable rural living destination whilst minimising impact on productive agricultural land and/or the natural environment.*

Clause 21.02-4 *Rural Zones* is relevant to the proposal and contains the following objectives:

- 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.

Clause 21.02-6 *Building Material – Muted Tones* is relevant to the proposal and contains the following 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 on the subject site are considered to be generally in accordance with the relevant objectives of Clause 21.02 Sustainable Settlement.

The development has been designed and sited to protect and blend with the natural environment. The materials to be used in the construction of the proposed dwelling are considered appropriate for the site as they will blend with the existing landscape. The site is not considered to be capable of sustaining an ongoing agricultural use due to the topographical constraints of the land. The site is able to appropriately accessed from Wilkinsons Lane and is considered appropriate for the use and development of a dwelling.

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- Use and Development of Land for a Dwelling and Native Vegetation Removal ~  
Wilkinsons Lane, Euroa (cont.)

Clause 21.04-4 *Native vegetation and biodiversity* is relevant to the proposal and contains the following objective:

- *To protect and enhance the natural environment.*

The proposed use will facilitate the protection of the natural environment on the site which is likely to lead to an offsite environmental benefit.

Clause 21.04-7 *Bushfire* is relevant to the proposal and contains the following objective:

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

The design and siting of the proposal is considered appropriate and will enable ease of access in and out of the site as well as the ability to protect life and property within the site in the event of a bushfire. The application has been referred to the CFA who have consented to the proposal subject to conditions.

Clause 21.07-5 *Drainage* is relevant to the proposal and contains the following objective:

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

Drainage infrastructure associated with the proposal is considered appropriate and has been consented to by Council's Assets Department.

Clause 22.01 Housing and House Lot Excision in the Farming Zone

Clause 22.01-2 contains the following relevant objectives:

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

It is policy at Clause 22.01-3 of the *Strathbogie Planning Scheme* that:

***Dwellings on small lots***

*The construction of a new dwelling on an existing small lot will be discouraged unless it meets all of the following requirements:*

- *The lot is accessed by an all weather road and has appropriate service provisions.*

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- Use and Development of Land for a Dwelling and Native Vegetation Removal ~  
Wilkinsons Lane, Euroa (cont.)

- *Emergency ingress and egress is at an appropriate standard.*
- *The dwelling will not inhibit the operation of agriculture and rural industries.*
- *The site must be able to contain and treat onsite effluent and wastewater in accordance with the relevant Code of Practice and Australian Standards, and;*
- *Meets at least one of the following requirements:*
  - *The dwelling should be associated with a sustainable rural pursuit that requires a dwelling on the land to manage that pursuit. The application should be supported by a farm management plan that justifies the need for a dwelling to assist in the operation of the farm.*
  - *The applicant can substantiate that the land has no agricultural potential due to environmental significance and the dwelling is to be used in conjunction with sustainable land management and the significant vegetation is protected on title.*
  - *The lot has been identified in the Strathbogrie Shire Rural Residential Strategy, 2004 as rural residential; implying that there is an historic use and development pattern. Consideration should be given to the recommendations in the Strategy.*
  - *The applicant is proposing to consolidate one or more lots in the same ownership with the subject land prior to the construction of the dwelling.*

*If a permit is granted for the use and development of a dwelling on a small lot, the applicant will be required to enter an agreement under Section 173 of the Planning and Environment Act:*

- *Prevent the excision of the dwelling from the parent lot.*

The proposed dwelling will have appropriate all weather access and appropriate access for emergency vehicles as well as on site waste water management facilities. As previously discussed in this report, the site is not capable of being utilised for agricultural purposes and the dwelling will be used to facilitate an environmental management plan for the site which will provide ongoing environmental benefit to both the subject site and the surrounding area.

As required in accordance with the local policy, the applicant will be required to enter into an agreement under Section 173 of the *Planning and Environment Act 1987* which prohibits the excision of the dwelling should a permit be issued.

### **Relevant Particular Provisions**

#### **Clause 52.17 - Native Vegetation**

Purpose:

- *To ensure permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity. This is achieved through the following approach:*
  - *Avoid the removal of native vegetation that makes a significant contribution to Victoria's biodiversity.*

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Wilkinsons Lane, Euroa (cont.)

- *Minimise impacts on Victoria's biodiversity from the removal of native vegetation.*
- *Where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation to be removed.*
- *To manage native vegetation to minimise land and water degradation.*
- *To manage native vegetation near buildings to reduce the threat to life and property from bushfire.*

As part of the development of the proposed dwelling, up to 41 trees are required to be removed. 38 of these trees are located within the area of the dwelling and its required defendable spaces and are exempt from permit requirements pursuant to Clause 52.48-5 of the Strathbogie Planning Scheme. Three trees are required to be removed to facilitate the construction of an access track from the proposed dwelling location to the entrance to the site on Wilkinsons Lane. The three trees proposed to be removed for this access track are not exempt from permit requirements. These three trees to be removed will be required to be offset.

When assessing an application to remove native vegetation under the provisions of this clause, consideration must be given to the type of vegetation to be removed including its condition and biodiversity value. A Biodiversity Assessment Report has been prepared which identifies the vegetation to be removed as being of low risk.

The applicant has tried to avoid the removal of this vegetation and the proposed location ensures the amount of vegetation to be removed is minimised as much as possible.

To offset this vegetation, the applicant will be required to provide an offset amount to the value of 0.039 General Biodiversity Equivalence Units in accordance with the requirements specified in the Biodiversity Assessment Report. It will be a requirement on any permit issued that the applicant secure this agreement prior to the removal of any of the vegetation associated with the construction of the access track.

The application was not required to be referred to the Department of Primary Industries and Environment for comment on the proposed vegetation removal.

### **Clause 52.47 – Planning for Bushfire**

#### **Purpose**

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To ensure that the location, design and construction of development appropriately responds to the bushfire hazard.*



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Wilkinsons Lane, Euroa (cont.)

- *To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.*
- *To specify location, design and construction measures for a single dwelling that reduces the bushfire risk to life and property to an acceptable level.*

An assessment of a proposal for the development of land for a dwelling against this clause of the Strathbogie Planning Scheme is triggered when a permit is required under the provisions of the Bushfire Management Overlay.

With any application for a dwelling requiring a planning permit under this clause, a plan and report which details the proposals compliance with the relevant provisions of Clause 52.47 of the Strathbogie Planning Scheme is required. The application has been referred to the CFA who have consented to the proposed use and development of the land for a dwelling subject to a number of conditions which will be included on any permit issued.

**Clause 52.48 – Bushfire Protection: Exemptions**

Pursuant to Clause 52.48-5, a permit is not required for the removal of native vegetation for the construction of a dwelling or the creation of defendable space. This clause specifies an overriding power over any other provisions or requirements of the planning scheme. This clause only applies if all of the following requirements are met:

- Land is in the Bushfire Management Overlay.
- Land is in the General Residential Zone, Residential Growth Zone, Neighbourhood Residential Zone, Urban Growth Zone, Low Density Residential Zone, Township Zone, Rural Living Zone, Farming Zone or Rural Activity Zone.
- The removal, destruction or lopping of vegetation:
  - Does not exceed the distance specified in Table 1 to Clause 52.47-4 of this planning scheme based on the bushfire attack level determined by a relevant building surveyor in deciding an application for a building permit under the Building Act 1993 for a dwelling or alteration or extension to the dwelling; or
  - Is required to be undertaken by a condition in a planning permit issued after 31 July 2014 under Clause 44.06 of this scheme for a dwelling or an alteration or extension to the dwelling.

The proposal meets these requirements and it is considered that the vegetation removal required for the dwelling and defendable space is exempt from permit requirements under the provisions of the planning scheme. It is noted however that the vegetation required to be removed for the construction of an access track is not exempt from permit requirements and has been assessed previously within this report.

6.1 Planning Permit Application No. P2014/021  
- Use and Development of Land for a Dwelling and Native Vegetation Removal ~  
Wilkinsons Lane, Euroa (cont.)

**The decision guidelines of Clause 65**

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

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

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

There are no relevant adopted State policies.

**Relevant incorporated, reference or adopted documents**

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. P2014/021  
- Use and Development of Land for a Dwelling and Native Vegetation Removal ~  
Wilkinsons Lane, Euroa (cont.)

**Summary of Key Issues**

With regard to the Farming Zone:

- The proposal is consistent with the purpose and decision guidelines of the Farming Zone.
- The subject site has significant environmental constraints and is considered inappropriate for agricultural use.
- The use of the land for residential purposes is to be undertaken in accordance with an environmental management plan and lead to an overall environmental benefit to the site.

With regard to the Erosion Management Overlay:

- The proposed development is unlikely to have any significant erosion implications.
- A condition requiring stabilisation of disturbed soils should be included on any permit issued to prevent erosion becoming an issue on the site as a direct result of this development.

With regard to the Bushfire Management Overlay:

- The proposed dwelling includes sufficient defensible space, access and water supply to minimise the overall risk to life and property
- The application was referred to the CFA who have consented to the proposal subject to conditions.

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

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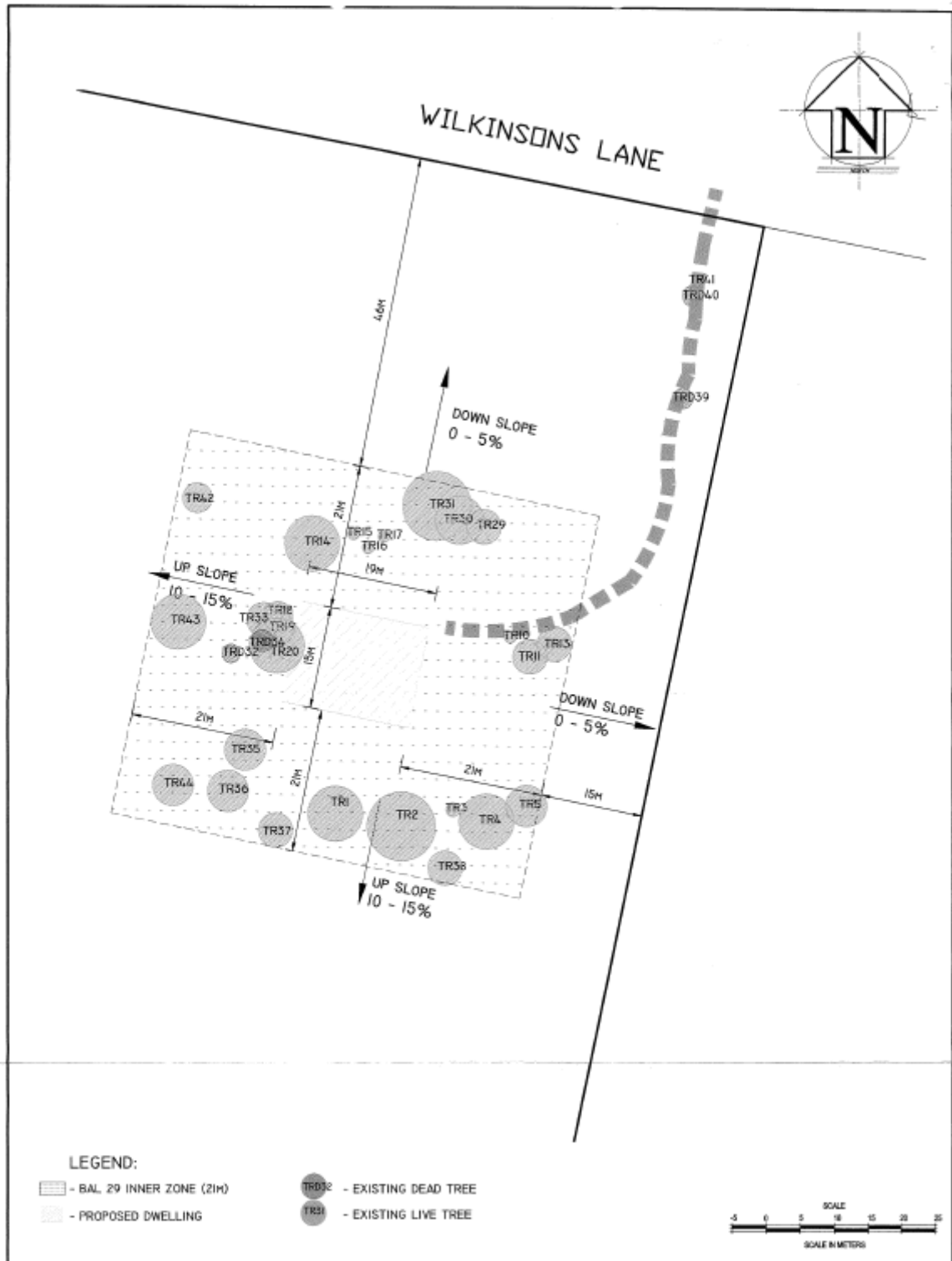
**Conclusion**

After due assessment of all the relevant factors, it is considered appropriate to issue a Notice of Decision to grant a planning permit in accordance with the officers recommendation.

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**Attachments**

Site Plan



**T & C DEVELOPMENT SERVICES PTY LTD**  
 5 Clifton Street  
 Euroa Vic 3666  
 P.O. Box 434  
 Email: admin@tcdevelopments.com.au  
 Tel No.: (03) 5795 2181  
 Fax No.: (03) 5795 2181

**Bushfire Defendable Space  
 Site Options Plan**

Lot 2 LP 139466  
 Wilkinson's Lane, Euroa

JOB REF. 14002 REVISION: 03  
 SCALE: 1 : 500 SIZE: A3  
 SHEET NO. 1  
 DRAWN: CR DATE: 6/02/2014  
 DESIGNED: CR DATE: 6/02/2014  
 CHECKED: - DATE: -

**PLANNING COMMITTEE REPORT NO. 2 (ASSISTANT MANAGER, SUSTAINABLE DEVELOPMENT – JENNIFER DOWLING)**

**6.2 Planning Permit Application NO. P2014/119  
- Use and Development of Land for Four (4) Units ~ 23 Rowe Street, Euroa**

**Application Details:**

Application is for:	Use and Development of land for four (4) units
Applicant's/Owner's Name:	David Van Mannenberg
Date Received:	16 October 2014
Statutory Days:	96
Application Number:	P2014-119
Planner: Name, title & department	Jennifer Dowling Assistant Manager Sustainable Development Sustainable Development Department
Land/Address:	Lot 1 on Plan of Subdivision 074963, Certificate of Title, Volume 08652 Folio 997, Lot 3 on Plan of Subdivision 019454, Certificate of Title, Volume 07453 Folio 036, Lot 1 on Title Plan 253867F, Certificate of Title, Volume 08351 Folio 571 23 Rowe Street, Euroa VIC 3666
Zoning:	General Residential Zone
Overlays:	Land Subject to Inundation Overlay
Under what clause(s) is a permit required?	Clause 32.08-1 Clause 32.08-4 Clause 33.03-4 Clause 44.04-1 Clause 63
Restrictive covenants on the title?	No
Current use and development:	Residential/accommodation

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

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

**Summary**

- The application proposes the development of land at 23 Rowe Street, Euroa for the use and development of land for four (4) dwellings.
- The subject site currently has an existing dwelling which is proposed to be demolished as part of the application.
- Each of the proposed dwellings will contain a kitchen and living room, three bedrooms, two bathrooms, laundry, verandah and a double garage.

6.2 Planning Permit Application NO. P2014/119  
- Use and Development of Land for Four (4) Units ~ 23 Rowe Street, Euroa  
(cont.)

- Private open space is located to the north of each dwelling and will be accessed from the living room
- Access to the dwellings will be via a proposed common property driveway to be accessed from Rowe Street.
- The application was advertised and two (2) objections were received. The objections relate to property values, rural amenity, car parking, loss of privacy and drainage.
- Goulburn Broken Catchment Management Authority (GBCMA) was notified of the application. GBCMA have not objected subject to a condition to be included on any permit issued.
- The application was referred internally to Council's Asset Services department who did not object, subject to conditions.
- The application has not been assessed within the 60 day statutory timeframe due to consultation regarding design requirements.
- The site is partially located within the Industrial 3 Zone, however has existing use rights for residential development.
- The application is being heard before Planning Committee due to two (2) unresolved objections.
- The proposed dwellings comply with the Objectives and Standards of Rescode (Clause 55).
- The proposal meets the objectives of the State Planning Policy Framework, Local Planning Policy Framework as well as the zoning and overlay provisions.
- After due consideration of all relevant matters, it is recommended that Council resolve to issue a Notice of Decision to grant a permit in accordance with the officers recommendation.

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## RECOMMENDATION

### That Council

- **having caused notice of Planning Application No. P2014-119 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme**

**and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to Grant a Permit under the provisions of Clause 32.08-1, Clause 32.08-4, Clause 33.03-4, Clause 44.04-01 and Clause 63 of the Strathbogie Planning Scheme in respect of the land known as Lot 1 on Plan of Subdivision 074963, Certificate of Title Volume 08652 Folio 997, Lot 3 on Plan of Subdivision 019454, Certificate of Title Volume 07453 Folio 036, Lot 1 on Title Plan 253867F, Certificate of Title, Volume 08351 Folio 571, 23 Rowe Street, Euroa VIC 3666, for the use and Development of land for four (4) units, in accordance with endorsed plans, subject to the following conditions:**

- 6.2 Planning Permit Application NO. P2014/119  
- Use and Development of Land for Four (4) Units ~ 23 Rowe Street, Euroa  
(cont.)

### **Consolidation of Titles**

1. Prior to the commencement of buildings and works, Lot 1 on Plan of Subdivision 074963, Certificate of Title Volume 08652 Folio 997, Lot 3 on Plan of Subdivision 019454, Certificate of Title Volume 07453 Folio 036 and Lot 1 on Title Plan 253867F, Certificate of Title Volume 08351 Folio 571 must be consolidated into one title.

### **Section 173 Agreement**

2. Prior to the commencement of buildings and works, the owner must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority. Such agreement shall:
  - (a) The Owner acknowledges that adjoining land use is industry, operating under the Industrial 3 Zone.
  - (b) The owner will maintain, and not modify without prior Council written approval, each on-site detention system and will allow each on-site stormwater detention system to be inspected by a duly appointed officer of the Council at mutually agreed times;

A memorandum of the agreement is to be entered on title and the cost of the preparation and execution of the agreement and entry on the title is to be paid by the owner.

### **Amended Plans**

3. Prior to the commencement of works, amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of three copies must be provided. Such plans must be generally in accordance with the plan submitted but modified to show:
  - a. External storage spaces of 6m<sup>3</sup> for all dwellings on the site.
  - b. Water Tanks
  - c. A colour schedule showing the colours and materials that will be used for the development;

### **Landscaping**

4. Prior to the commencement of works, a landscape 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 be drawn to scale with dimensions and three copies must be provided. The plan must show:
  - a) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant with a minimum of 85% of plants being indigenous species.
  - b) Methodology of planting and landscaping maintenance.

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- Use and Development of Land for Four (4) Units ~ 23 Rowe Street, Euroa  
(cont.)

- c) **The treatment of all paved areas and lighting.**
  - d) **Landscape to the front of the site**
5. **Prior to the Issue of Certificate of Occupancy of any dwelling on the site, landscaping and planting of the subject land must be carried out. All landscaping must be maintained thereafter to the satisfaction of the Responsible Authority in accordance with the endorsed plan. A 90% survival rate is to be achieved after 6 months of completion of the landscaping. Replanting is to be undertaken until that rate is achieved.**

**Engineering Conditions:**

6. **Prior to commencement of the development, detailed design plans for the area set aside for access must be submitted for approval, to the satisfaction of the Responsible Authority. When approved, the plans will be endorsed and will form part of the planning permit. The plans must include the following all in accordance with Councils adopted 'Infrastructure Design Manual' and the relevant Australian Standards:**
- a. **A common area set aside for rubbish collection – where rubbish is to be collected within the development a 10m radius cul-de-sac will be required to ensure that the vehicle is not required to reverse. Alternatively a hard stand bin collection area may be considered in the road reserve fronting the property to the satisfaction of the responsible authority.**
  - b. **Drainage design including on-site storage – to ensure that adjacent properties and existing drainage infrastructure will not be adversely affected by additional runoff. The drainage system must be designed in accordance with the requirements of Clause 19 of the IDM "On-site Detention Systems". The on-site storage size for the development must be in accordance with Table 13. The allowable discharge rate to Council drains shall be the lesser of; a) that which is outlined in Table 13 and b) the remaining capacity of the existing pipe (clause 19.3.1 of the IDM).**

**A default allowable discharge rate of 5 l/s/ha may be used in lieu of calculations to determine the remaining capacity of the existing drainage network.**

**Note that on-site storage applies to dwellings (which may be achieved through tanks) and also access areas which require surface or underground storage.**

- c. **Concrete pavement design or asphalt equivalent for common access.**



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- Use and Development of Land for Four (4) Units ~ 23 Rowe Street, Euroa  
(cont.)

7. **Prior to the occupation of the dwellings, the Applicant/ Owner must obtain a vehicle crossing permit from the Responsible Authority for each lot and construct the vehicle crossing in accordance with the requirements. The vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the Applicant's expense. Final location of vehicle crossing must be approved by Responsible Authority via vehicle crossing permit. Reference should be made to Clause 12.9.1 "Urban Vehicle Crossings" of the Infrastructure Design Manual. Considering there is no existing kerb and channel in this street standard drawing SD255 should be referred to.**
8. **Prior to the commencement of the use the drainage system must be constructed as per the approved plans.**
9. **All stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge drains to the satisfaction of the Responsible Authority/Goulburn Murray Water. No effluent or polluted water of any type may be allowed to enter the stormwater drainage system.**
10. **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.**
11. **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.**

**Goulburn Broken Catchment Management Authority Conditions:**

12. **The finished floor levels of the proposed units must be constructed at least 300 millimetres above the 100-year ARI flood level of 172.1 metres AHD, i.e. 172.4 metres AHD, or higher level deemed necessary by the Responsible Authority.**

**General Conditions:**

13. **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.**

6.2 Planning Permit Application NO. P2014/119  
- Use and Development of Land for Four (4) Units ~ 23 Rowe Street, Euroa  
(cont.)

14. The external cladding of the proposed buildings, including the roof, must be constructed of new materials of muted colours to enhance the aesthetic amenity of the area. Material having a highly reflective surface must not be used.
15. The amenity of the area must not be detrimentally affected by the use, through the:
  - (f) Appearance of any building, works or materials;
  - (g) Transport of materials, goods or commodities to or from the land;
  - (h) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil;
  - (i) Presence of vermin, and;
  - (j) Others as appropriate.
16. This permit will expire if one of the following circumstances applies:
  - (c) The development is not started within two (2) years of the date of this Permit,
  - (d) The development is not completed within four (4) years of the date of this Permit.

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

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

**Planning Notes:**

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

37/15 **CRS WILLIAMS/SWAN** : *That the Recommendation be adopted.*

**CARRIED**

6.2 Planning Permit Application NO. P2014/119  
- Use and Development of Land for Four (4) Units ~ 23 Rowe Street, Euroa  
(cont.)

**Proposal**

The application proposes use and development of the land for four dwellings. The dwellings are proposed to be located in an “L” shape consistent with the current layout of the subject site. Each dwelling is proposed to have a kitchen and living room, three bedrooms, two bathrooms, laundry, verandah and a double garage. Private open space is located to the north of each dwelling and will be accessed from the living room. Vehicle access is proposed to be via an area of common property running along the south eastern boundary.

The proposed dwellings will be constructed of brick with a tiled roof.

Three of the dwellings will be constructed along the sites north western boundary with private open space and will be accessed from a common property driveway which runs along the south western boundary. The fourth unit will also utilise this access and will be located in the south eastern corner of the site. A concrete hardstand area is located in the front of each of the dwellings and will be used for vehicle turning areas to enable forward traffic movements within the areas of common property.

The existing dwelling will be demolished to allow for the construction of the proposed dwellings.

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**Subject site & locality**

The subject site is located within the township of Euroa. The site has a frontage to Rowe Street which contains an existing vehicular access point. The site has an area of approximately 1645 square metres and contains three separate allotments. The lots are laid out in an ‘L’ shape. The site currently contains a single dwelling and associated outbuildings.

The dwelling is located approximately 18 metres from the front boundary.

The subject site is located in the General Residential Zone and the Industrial 3 Zone and is affected in its entirety by the Land Subject to Inundation Overlay. One of the lots (Lot 1 on Lodged Plan 74963) is a 1.4 metres wide which extends along the north western boundary. This lot is located in the Industrial 3 Zone. This zoning is considered to be an anomaly and should be within the General Residential Zone.

The surrounding land uses vary from residential to industrial. To the north, east and south there are residential lots generally occupied by a dwelling. Directly north east of the site there is a unit development of similar density to the proposed development. To the west there is rural supplies store and an existing food manufacturing business which primarily produces Christmas puddings and fruit cakes (Euroa Fine Foods). This site has frontages to both Rowe Street and Euroa – Shepparton Road. Access to this lot is available from both frontages.

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**Permit/Site History**

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

6.2 Planning Permit Application NO. P2014/119  
- Use and Development of Land for Four (4) Units ~ 23 Rowe Street, Euroa  
(cont.)

**Public Notification**

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

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

The notification has been carried out correctly.

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

- Devaluation of property
- Negative impact on rural amenity
- Inadequate car parking for visitors
- Loss of privacy
- Drainage

It is noted that the *Planning and Environment Act 1987* states that the devaluation of property is not a planning consideration. The site is located in a residential area and adjoins the industrial fringe of the township. Car parking and design of the dwellings in relation to privacy are consistent with the requirements of the *Strathbogie Planning Scheme* and is discussed further into this report. Concerns relating to drainage, car parking and privacy are addressed by way of conditions required by Council's Assets Department and by meeting the requirements of Rescode.

**Consultation**

The objections were sent to the applicant who provided a response. The response detailed the following points:

- With regard to rural amenity, the subject site is located within the Township of Euroa and is surrounded by an established residential area.
- With regard car parking, appropriate car parking is proposed on site for each unit. The use of nature strips for car parking including the objectors would be limited due to the presence of large street trees in the area.
- With regard to privacy, the proposed development is in accordance with the standards of Clause 55 of the *Strathbogie Planning Scheme*, these standards consider overlooking.
- With regard Drainage, the development will not discharge water to another property as this is illegal. All storm water will be directed to the legal point of discharge.

**Referrals**

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	GBCMA – No objection, subject to conditions
Section 52 Notices	Public notice

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

6.2 Planning Permit Application NO. P2014/119  
- Use and Development of Land for Four (4) Units ~ 23 Rowe Street, Euroa  
(cont.)

**Assessment**

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

**General Residential 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 encourage development that respects the neighbourhood character of the area.*
- *To implement neighbourhood character policy and adopted neighbourhood character guidelines.*
- *To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non residential uses to serve local community needs in appropriate locations.*

A permit is required for the development of the land for more than one dwelling on a lot. In assessing an application for more than one dwelling on a lot, consideration must be given to the compliance of the proposal with Clause 55 of the Strathbogie Planning Scheme as well as the character and amenity of the surrounding area. The proposed development is considered to be consistent with surrounding residential development and will be able to coexist with adjoining industrial land uses to the west. The proposal is considered to be consistent with the purpose and decision guidelines of the General Residential Zone.

**Industrial 3 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 industries and associated uses in specific areas where special consideration of the nature and impacts of industrial uses is required or to avoid inter-industry conflict.*
- *To provide a buffer between the Industrial 1 Zone or Industrial 2 Zone and local communities, which allows for industries and associated uses compatible with the nearby community.*
- *To allow limited retail opportunities including convenience shops, small scale supermarkets and associated shops in appropriate locations.*
- *To ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses.*

The subject site is partially within the Industrial 3 Zone within Lot 1 on Lodged Plan 74963. This is considered to be an anomaly in the planning scheme with the underlying use of the land being more aligned with the objectives of the General Residential Zone.

6.2 Planning Permit Application NO. P2014/119  
- Use and Development of Land for Four (4) Units ~ 23 Rowe Street, Euroa  
(cont.)

Three of the proposed dwellings will have services located within the Industrial 3 Zone. The use and development of land within the Industrial 3 Zone for accommodation purposes is prohibited. It is noted however that a residential land use currently exists on the site through the existing dwelling which will be removed as part of this application. Existing use rights are discussed further into this report.

Given the adjoining industrial use, it is considered appropriate to require an agreement under Section 173 of the *Planning and Environment Act 1987* be entered into which recognises industrial land use and the potential material detriment to future occupants as a result of this proposal.

**Land Subject to Inundation Overlay**

Purpose:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- *To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.*
- *To protect water quality in accordance with the provisions of relevant State Environment*
- *Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*

A permit is required for buildings and works on land affected by the Land Subject to Inundation Overlay. In assessing an application for development on land affected by this overlay, consideration must be given to the impacts of flooding to life and property. It is considered that the proposal is unlikely to have significant flooding implications and will not jeopardise human life or property. The application was referred to the Goulburn Broken Catchment Management Authority who did not object subject to conditions relating to the finished floor level of the dwellings.

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- Use and Development of Land for Four (4) Units ~ 23 Rowe Street, Euroa  
(cont.)

**The State Planning Policy Framework (SPPF)**

Clause 11.02-1, *Supply of urban land*

*Objectives:*

- *To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*
- *New housing should have access to services and be planned for long term sustainability, including walkability to activity centres, public transport, schools and open space.*
- *Planning for housing should include providing land for affordable housing.*

Clause 14.01 - *Planning for urban settlement*

*Objectives:*

- *To ensure a sufficient supply of land is available for residential, commercial, industrial, recreational, institutional and other public uses.*
- *To facilitate the orderly development of urban areas.*

Clause 15 - *Built environment and heritage*

*Objectives:*

- *Planning should ensure all new land use and development appropriately responds to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.*

Clause 15.01-5 - *Cultural identity and neighbourhood character,*

*Objectives:*

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

Clause 16.01-4 - *Medium Density Housing*

*Objectives:*

- *To encourage the development of well-designed medium-density housing which:*
  - *Respects the neighbourhood character.*
  - *Improves housing choice.*
  - *Makes better use of existing infrastructure.*
  - *Improves energy efficiency of housing.*

The proposal is for an infill medium density development within the township area of Euroa in a location very close to a number of community facilities. The proposal is generally consistent with the Clause 16.01-4 which encourages the development of medium-density housing which respects the neighbourhood character, improves housing choice, makes better use of existing infrastructure and improves the energy efficiency of housing.

The requirements of Clause 15 have been taken into account and the development will appropriately respond to its landscape, valued built form and cultural context.

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(cont.)

The site is located on the outskirts of the core residential area of town however the existing road and pedestrian network provides appropriate and safe access to education and other community facilities.

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

Consideration has been given to Clause 21.03-1 in relation to *Housing and lot size diversity*:

*“Increased options for housing this population will be required, particularly in the four main towns of Euroa, Nagambie, Avenel and Violet Town where there is greater access to both physical and social services. A range of housing options needs to be provided within walking distance to facilities or transport to such facilities, and in a form such as smaller one and two bedroom dwellings. Alternative forms of housing such as retirement or aged care facilities need to be investigated. Diversity in housing options is also important in maintaining a diverse population mix within the Shire.”*

Clause 21.03-2, *Euroa*, of the *Strathbogrie Planning Scheme* is relevant to this proposal. Its objectives include:

- *To maintain and enhance the Euroa “Village” character through strengthening its compact central area, the strong presence of services and the attractive historic buildings and streetscapes.*

The Euroa Structure Plan within this Clause identifies the site as residential. The proposed development of the subject sites for four dwellings is considered to be consistent with local policy which seeks to retain the ‘village’ character of the town. The proposal is also considered to be consistent with local policy as it adds to the existing supply of residential land and dwellings.

Clause 21.04-6 *Flooding*

Objective

- *To protect and manage floodplains.*

Strategies

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

The proposal is unlikely to have any significant flooding implications and has been referred to the Goulburn Broken Catchment Management Authority who have consented to the proposal subject to a condition in relation to floor heights.



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Clause 21.07-5 Drainage

Objective

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

The proposed dwellings will be required to be drained to the satisfaction of the Responsible Authority. One of the issues raised in the objections received relates to the drainage impacts on adjoining sites as a result of the proposal. The application has been referred internally to Council's Assets Department who have consented to the proposal subject to a number of conditions, some of which relate to drainage and discharge of water from the site.

**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 *Strathbogrie Planning Scheme* specifies car parking requirement for a range of land uses throughout the municipality. Car parking is required at a rate of two (2) spaces per dwelling where a dwelling has three or more bedrooms.

As the proposed dwellings all contain three bedrooms, two car parking spaces are required. These two spaces will be accommodated within the proposed double garages attached to the dwellings.

Clause 55 – *Two or More Dwellings on a Lot and Residential Buildings* is relevant to the proposal. An assessment of the proposed development against the relevant objectives of this clause is detailed below.

Std No.	Description	Assessment Comments	Complies?
B1	<b><i>Neighbourhood character</i></b> <i>The design response must be appropriate to the neighbourhood and the site.</i> <i>The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.</i>	The proposed development is in on the edge of an established residential area which interfaces with existing industrial land uses. The surrounding area varies between single dwelling and a unit development to the north.	✓

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(cont.)

B2	<b>Residential policy</b> <i>Written statement of State policy and local planning policy framework</i>	The proposal complies with the State and Local Planning Policies as discussed previously within this report.	✓
B3	<b>Dwelling diversity</b> <i>Range of dwelling sizes and types for developments of 10 or more dwellings</i>	Four dwellings are proposed to be developed on the site.	N/A
B4	<b>Infrastructure</b> <i>Able to be connected to reticulated services. Capacity of the existing infrastructure.</i>	There is existing infrastructure available and the dwellings can be connected to reticulated services.	✓
B5	<b>Integration with the street</b> <i>Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility. Development oriented to the street frontage. High fencing in front of dwelling should be avoided.</i>	The development provides adequate and safe vehicle & pedestrian links. Proposed Unit 1 fronts Rowe Street. The design ensures low and transparent fencing in front of the front door and garage. This ensures the majority of the frontage is open and allows for passive surveillance.	✓
B6	<b>Street setback</b> <b>Minimum Setback from front street (m).</b>	The first building inside the development is set back 6m from the front boundary, maintaining consistency with the two neighbouring properties.	✓
B7	<b>Building Height</b> <i>9 metres maximum</i>	The maximum building height for all proposed units is 6.3m.	✓
B8	<b>Site Coverage</b> <i>60% maximum coverage</i>	The proposal has a maximum site coverage of less than 60%. The overall site coverage is 45.87%.	✓
B9	<b>Permeability</b> <i>Pervious surfaces 20% min</i>	Pervious surfaces cover 30.26% of the site. This meets the standard.	✓
B10	<b>Energy Efficiency</b> <i>Orientation Living areas located on the north side of development. Maximise north facing windows</i>	The dwellings have been designed to maximise north facing windows, living areas and private open spaces areas. The roof pitch has been designed to maximise solar efficiency.	✓
B11	<b>Open Space</b> <i>If any public or communal open space is provided on site it should: be fronted by dwellings, provide outlook for dwellings, be designed to protect any natural features, be accessible and useable.</i>	No communal open spaces is proposed.	N/A
B12	<b>Safety</b> <i>Entrances to dwellings should not be obscured or isolated from the street and internal access ways. Planting which creates unsafe spaces along streets and access ways should be avoided. Developments should be designed to provide good lighting, visibility and surveillance of car parking and internal access ways. Private spaces within developments should be protected from inappropriate use as public thoroughfares.</i>	The entrances to each of the proposed dwellings are visible from the street or internal driveway. Sensor lights have been incorporated into the plan for each building to provide good visibility and surveillance. No public thoroughfare areas will be created.	✓

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- Use and Development of Land for Four (4) Units ~ 23 Rowe Street, Euroa  
(cont.)

B13	<b>Landscaping</b> <i>Protect any predominate landscape character of the neighborhood.                  To provide appropriate landscaping                  To encourage the retention of mature vegetation on the site.</i>	The applicant indicates an intension to landscape. A condition will be included on the permit requiring a landscape plan.	✓
B14	<b>Access</b> <i>Allow convenient, safe and efficient vehicle movements and connections within the development and the street network                  Forward direction exit                  Be at least 3 metres wide                  Have an internal radius of at least 4 metres at changes of direction                  Accessways width not exceed 33% or frontage &gt;20metre 40%</i>	The accessway will remain in its current position but will be widened to incorporate 27% of the street frontage, less than the maximum allowance under the standard of 33%. The accessway is design to allow access to the garages in forwards direction. On-street car parking spaces will not be reduced.	✓
B15	<b>Parking location</b> <i>Reasonably close and convenient to dwellings and residential buildings                  Be secure                  Allow safe and efficient movements within the development</i>	The development incorporates a double lockable car garage under the roof line with direct access to each building. Car parking is available at the front of each double garage with sensor lighting. A large roller door on the garage provides ventilation.	✓
B17	<b>Side and rear yard setbacks</b> <i>Side or rear setbacks - 1 m plus 0.3m for every metre of height over 3.6 m up to 6.9m, plus 1m for every metre over 6.9m</i>	Where walls are not proposed to be constructed on boundaries, buildings have been set back appropriately in accordance with the standard.	✓
B18	<b>Walls on boundary</b> <i>A new wall constructed on or within 200mm of a side or rear boundary of a lot or carport constructed on or within 1m of a side or rear boundary should not abut a boundary for a length of no more than – 10m plus 25% of the remaining length of the boundary of an adjoining lot</i>	Walls on boundaries are setback 200mm. The application was discussed with Councils Municipal Building Surveyor to ensure the appropriate standards and fire rated walls could be achieved. The proposed development was considered appropriate.	✓
B19	<b>Daylight to existing windows</b> <i>Impact on existing dwellings</i>	The proposed dwellings will not impact on daylight to adjoining properties.	✓
B20	<b>North facing windows</b> <i>North facing habitable rooms</i>	There are no north-facing windows the development needs to consider in relation to adjoining properties.	✓
B21	<b>Overshadowing Open Space</b> <i>The impact of the proposal on the amenity of existing dwellings and their private open space areas</i>	The sunlight to the secluded private open space of existing dwellings meets the requirements.	✓
B22	<b>Overlooking</b> <i>Habitable room windows balcony, terrace, deck or patio should be located and designed to avoid direct views into a secluded private open space of an existing dwelling. Views should be measured from a height of 1.7metres above floor level with a horizontal distance of 9m and a 45-degree angle for the setback.</i>	The proposed dwellings are single storey and have a 1.8m fence. There are no overlooking issues posed by the development to existing habitable rooms.	✓

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(cont.)

B23	<p><b>Internal views</b>  <i>Windows and balconies should be designed to prevent overlooking of more than 50% of the secluded private open space of a lower-level dwelling or residential building directly below of within the same development.</i></p>	<p>The single storey development has been designed so that overlooking secluded private open space from windows and balconies of balconies of both proposed and existing developments is eliminated and or minimised by fencing.</p>	✓
B24	<p><b>Noise impacts</b>  <i>Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings.                  Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take into account noise sources on immediately adjacent properties</i></p>	<p>The proposal does not include mechanical plants near proposed bedrooms nor is there a plant on existing properties that will result in noise impacts to proposed bedrooms. Standard residential noise will be created by each building and will not impact on existing or proposed dwellings.</p>	✓
B25	<p><b>Accessibility</b>  <i>The dwelling entries of the ground floor of dwellings and residential buildings should be made accessible to people with limited mobility.</i></p>	<p>Appropriate access is available to each of the dwellings in accordance with the standard.</p>	✓
B25	<p><b>Dwelling entry</b>  <i>Entries to dwellings and residential buildings should:</i></p> <ul style="list-style-type: none"> <li>- <i>Be visible and easily identifiable from streets and other public areas.</i></li> <li>- <i>Provide shelter, a sense of personal address and transitional space around the entry.</i></li> </ul>	<p>Each dwelling's entry is well defined. A porch area at the entrance of the dwelling provides a comfortable access to the dwelling.                  Entry to unit 1 is clearly visible from the street.</p>	✓
B27	<p><b>Daylight to new windows</b>  <i>A window in a habitable room should be located to face:</i></p> <ul style="list-style-type: none"> <li>- <i>An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot</i></li> </ul>	<p>Habitable room windows are well located to receive adequate daylight.</p>	✓
B28	<p><b>Private open space</b>  <i>An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room.</i></p>	<p>Each dwelling exceeds the private open space requirements in regards to size and dimension and is easily accessed from the living room.</p>	✓
B29	<p><b>Solar access to open space</b>  <i>The private open space should be located on the north side of the dwelling or residential building, if appropriate.                  The southern boundary of secluded open space should be setback from any wall on the north side of the space at least (2+0.9h metres, where 'h' is the height of the wall.</i></p>	<p>The orientation of the lots (east to west) allows for private open space to be located to the north (rear) of the lot. The secluded private open space to each lot is located to the north of the dwelling.</p>	✓

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B30	<b>Storage</b> <i>Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.</i>	External storage can be provided to each of the proposed dwellings. This will be required by way of condition.	✓
B31	<b>Design Detail</b> <i>To encourage design detail that respects the existing or preferred neighbourhood character.</i>	The plans identify brick buildings with eaves, corrugated hipped roofs, verandahs and under roof line double garages.	✓
B32	<b>Maximum front fence height</b> <i>Should not exceed 1.5 metres in height when adjoining a road that is not located in a road zone.</i>	Some front fencing at 1.8m is proposed to enable appropriate screening from the street to the secluded private open space for Unit 1. Although not ideal, it is considered appropriate to allow for better placement of the open space. The fencing along the frontage of the site extends approximately 8.5m with the remainder of the site being open or having lower level fencing.	✓
B33	<b>Common property</b> <i>Clearly delineate public, communal and private areas. Common property should be functional and capable of efficient management.</i>	The driveway will be common property and can be clearly delineated.	✓
B34	<b>Site services</b> <i>Ensure site services can be installed, maintained and look attractive.</i>	All mailboxes will be located adjacent to the main accessway. There is sufficient space for the storage of bins and for site services.	✓

**Relevant General Provisions**

Clause 63 – *Existing Uses*

Although prohibited under the provisions of the Industrial 3 Zone, it is established that an existing use right applies. An existing use right is established in relation to use of land under the provisions of the Strathbogie Planning Scheme if any the following applies:

- *The use was lawfully carried out immediately before the approval date.*
- *A permit for the use had been granted immediately before the approval date and the use commences before the permit expires.*
- *A permit for the use has been granted under Clause 63.08 and the use commences before the permit expires.*
- *Proof of continuous use for 15 years is established under Clause 63.11.*
- *The use is a lawful continuation by a utility service provider or other private body of a use previously carried on by a Minister, government department or public authority, even where the continuation of the use is no longer for a public purpose.*

The use of the land for residential purposes has been ongoing for a considerable length of time. Council records demonstrate that the use of the land as a dwelling as well as the age of the existing structure and anecdotal evidence confirm the ongoing residential use of the site for a number of decades.

The use of the subject site for residential purposes has been continuous for more than 15 years. It is considered that the proposal meets the requirements of Clause 63 of the Strathbogie Planning Scheme and has an existing use right.

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(cont.)

**The decision guidelines of Clause 65**

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

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

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

There are no relevant adopted State policies.

**Relevant incorporated, reference or adopted documents**

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.

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**Summary of Key Issues**

With regard to the General Residential 1 Zone: The proposed development is consistent with the provisions of the zone, particularly in relation to neighbourhood character and Clause 55.

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- Use and Development of Land for Four (4) Units ~ 23 Rowe Street, Euroa  
(cont.)

With regard to the Industrial 3 Zone: The proposed use and development is considered appropriate. Although prohibited under the provisions of the zone, the residential use of the site has existing use rights established under Clause 63 of the Strathbogie Planning Scheme.

With regard to the Land Subject to Inundation Overlay: The application is unlikely to have any significant flooding implications and has been supported by the Goulburn Broken Catchment Management Authority.

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

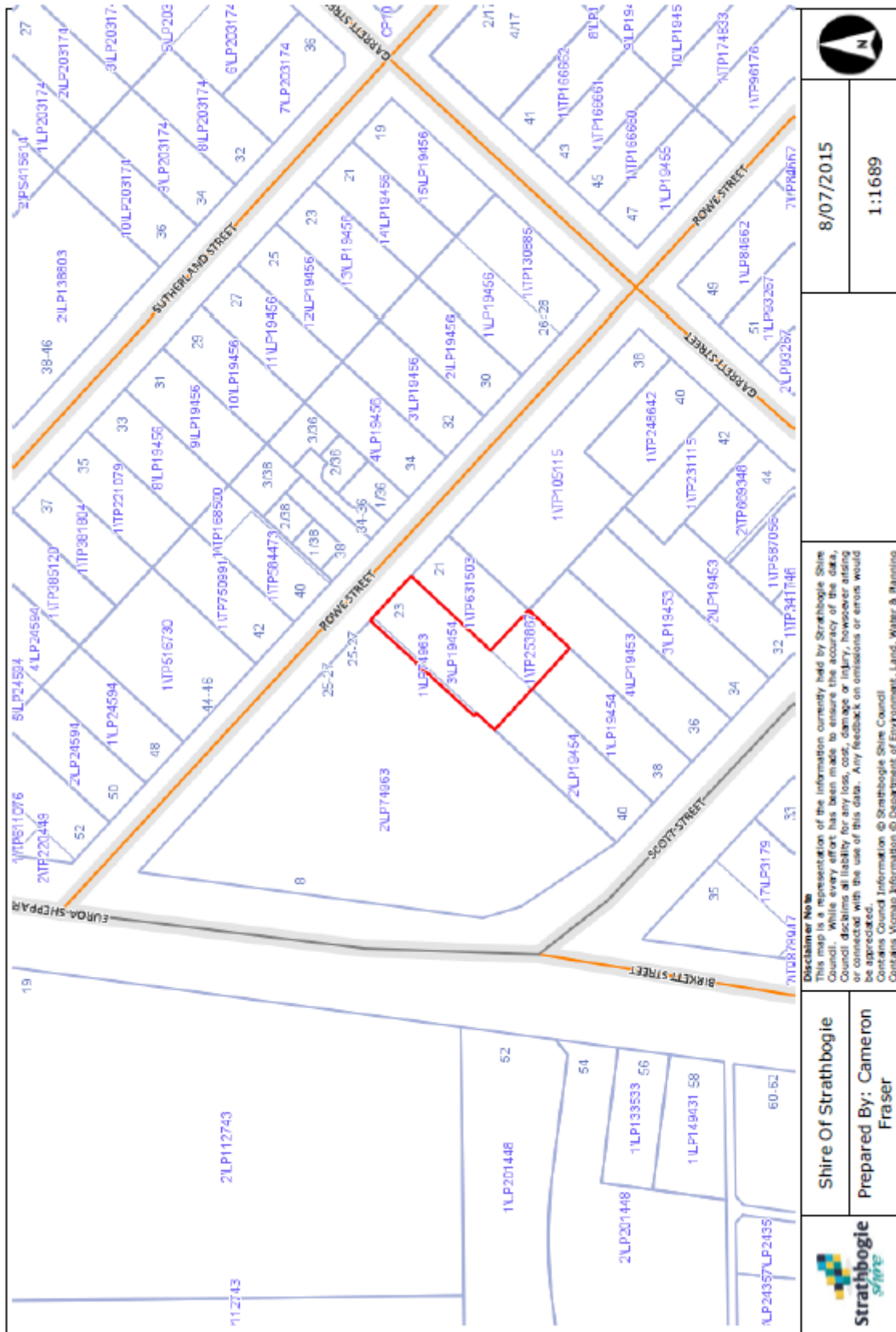
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**Conclusion**

After due consideration of all relevant matters, it is recommended that Council resolve to Issue a Notice of Decision to grant a permit in accordance with the Officer's recommendation.

**Attachments**

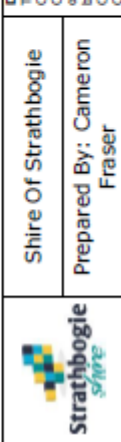
Site Plan



8/07/2015  
 1:1689

Shire Of Strathbogie  
 Prepared By: Cameron Fraser

**Disclaimer Note**  
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**PLANNING COMMITTEE REPORT NO. 3 (ASSISTANT MANAGER, SUSTAINABLE DEVELOPMENT – JENNIFER DOWLING)**

**6.3 Planning Permit Application No. P2015/020  
- Buildings and Works (Telecommunications Facility) ~ 21 Industrial Crescent, Nagambie**

**Application Details:**

Application is for:	Buildings and Works (telecommunications facility)
Applicant's/Owner's Name:	Metasite PTY LTD
Date Received:	20 February 2015
Statutory Days:	52 Statutory Days
Application Number:	P2015-020
Planner: Name, title & department	Jennifer Dowling Assistant Manager Sustainable Development Sustainable Development Department
Land/Address:	Lot 21 on Plan of Subdivision 131075, Certificate of Title Volume 09356 Folio 279, 21 Industrial Crescent, Nagambie VIC 3608
Zoning:	Industrial 1 Zone
Overlays:	No Overlay
Under what clause(s) is a permit required?	Clause 52.19-2
Restrictive covenants on the title?	Nil
Current use and development:	Industry and warehouse

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

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

**Summary**

- The application is for the development of land at 21 Industrial Crescent, Nagambie for buildings and works associated with a telecommunications facility.
- The telecommunications facility will contain a 40m monopole and associated infrastructure.
- The purpose of the facility is to improve telecommunications in the Nagambie area.
- The application was advertised and one (1) objection was received. The objection relates to property values, health and the ability to rent out an existing dwelling.
- The application has been assessed within the 60 day statutory timeframe.
- The application was not required to be referred, however standard conditions are recommended in relation to drainage.

6.3 Planning Permit Application No. P2015/020  
- Buildings and Works (Telecommunications Facility) ~ 21 Industrial Crescent,  
Nagambie (cont.)

- The application is being heard before Planning Committee due to one (1) unresolved objection.
- The proposal meets the objectives of the State Planning Policy Framework, Local Planning Policy Framework as well as the relevant particular provision and code.
- It is recommended that Council resolve to issue a Notice of Decision to grant a permit in accordance with the officers recommendation.

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## RECOMMENDATION

### That Council

- having caused notice of Planning Application No. P2015-020 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme

and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to Grant a Permit under the provisions of Clause 52.19-2 of the Strathbogie Planning Scheme in respect of the land known as Lot 21 on Plan of Subdivision 131075, Certificate of Title Volume 09356 Folio 279, 21 Industrial Crescent, Nagambie VIC 3608, for the Development of land for works to install a Telecommunications Facility, in accordance with endorsed plans, subject to the following conditions:

1. The telecommunication tower must comply with the “Code of Practice for Telecommunications Facility in Victoria”.
2. Any external lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
3. The telecommunications facility hereby permitted must be designed and installed so that the maximum human exposure levels to radio frequency emissions comply with Australian Standard AS/NZS 2772.1:1999.
4. All stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge drains to the satisfaction of the Responsible Authority/Goulburn Murray Water or dissipated within the site boundaries. No effluent or polluted water of any type may be allowed to enter the stormwater drainage system.

6.3 Planning Permit Application No. P2015/020  
- Buildings and Works (Telecommunications Facility) ~ 21 Industrial Crescent,  
Nagambie (cont.)

5. **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.**
6. **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.**
7. **The 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.**
8. **The monopole and any other external surfaces must be constructed of new materials of muted colours to reduce the impact on the aesthetic amenity of the area. Material having a highly reflective surface must not be used.**
9. **The amenity of the area must not be detrimentally affected by the development, through the:**
  - (k) **Appearance of any building, works or materials;**
  - (l) **Transport of materials, goods or commodities to or from the land;**
  - (m) **Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil;**
  - (n) **Presence of vermin, and;**
  - (o) **Others as appropriate.**
10. **This permit will expire if one of the following circumstances applies:**
  - (e) **The development is not started within two (2) years of the date of this Permit,**
  - (f) **The development is not completed within four (4) years of the date of this Permit.**

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

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

38/15 **CRS SWAN/STORER** : *That the Recommendation be adopted.*

**CARRIED**

6.3 Planning Permit Application No. P2015/020  
- Buildings and Works (Telecommunications Facility) ~ 21 Industrial Crescent,  
Nagambie (cont.)

**Proposal**

It is proposed to develop the subject site for a telecommunications facility which will be primarily utilised to provide mobile telephone coverage. The proposed works include installing:

- A 40 metre monopole;
- Six new panel antennas (not longer than 2.8 metres) on a hexagonal head frame, attached to a monopole at an elevation of 41 metres;
- Associated ancillary equipment including fifteen remote radio units, amplifiers, combiners, mounts etc;
- A 2.4 metres high security fence around the perimeter of the compound area, and;
- Associated equipment shelter at the base for the facility.

The facility including the monopole and associated equipment and infrastructure will be clustered together into a 'compound' which will be separately leased by the permit holder from the land owner. The proposed telecommunications facility compound area will be located 3.5 metres from both the southern and western site boundaries.

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**Subject site & locality**

The subject site is located at 21 Industrial Crescent, Nagambie and is located in the Industrial 1 Zone, with no overlay. The area of the site is approximately 5132 metres squared and is rectangular in shape. The proposed location is within an established industrial area.

The land is flat and currently has a large warehouse that is used for storage. There is a gravel access way on the eastern side of the warehouse and a cleared gravel space at the southern (rear) end of the property where the telecommunications facility is proposed. The gravelled space at the rear of the property is currently used as temporary storage.

There is direct access via Industrial Crescent and along the exiting gravel access way. The surrounding area to the north, east and west form part of an industrial area containing a range of different land uses with a small number of dwellings scattered throughout Industrial Crescent. Beyond Industrial Crescent, land is generally used for agricultural purposes. Approximately 150 metres to the west is a train line, beyond that is the township of Nagambie.

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**Permit/Site History**

A search of Council's electronic records results in two previous planning permit applications.

- P7/2003 Development of land for a warehouse
- P2010/023 Extension of existing wine storage shed

6.3 Planning Permit Application No. P2015/020  
- Buildings and Works (Telecommunications Facility) ~ 21 Industrial Crescent,  
Nagambie (cont.)

**Public Notification**

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

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

The notification has been carried out correctly.

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

- Health concerns due to radiation from tower
- Decreased value of house
- Reduced prospects of future rental

It is noted that limits are imposed on electromagnetic energy radiated (EME) from the towers to prevent negative impacts on the health of the wider community. This is enforced by a strict code of practice that all operators must comply with. The impact of a proposal on the value of surrounding property or the ability to rent a dwelling is unable to be considered as part of an application under the provisions of the *Planning and Environment Act 1987*.

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**Consultation**

A copy of the objection was forwarded to the applicant who provided a response.

This response was then forwarded to the objector who was given the opportunity withdraw their objection if the applicants correspondence satisfied their concerns. No response has been received from the objector. As such it is assumed this objection remains in place.

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**Referrals**

External Referrals/Notices required by the Planning Scheme:

<b>Referrals/Notice</b>	<b>Advice/Response/Conditions</b>
Section 55 Referrals	N/A
Section 52 Notices	Public notice

<b>Internal Council Referrals</b>	<b>Advice/Response/Conditions</b>
Asset Services	Not required – standard drainage conditions should be applied to any permit issued

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**Assessment**

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

**Industrial 1 Zone**

Purpose:

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

6.3 Planning Permit Application No. P2015/020  
- Buildings and Works (Telecommunications Facility) ~ 21 Industrial Crescent,  
Nagambie (cont.)

- *To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.*

A planning permit is not required for the use or development of a telecommunications facility on land within the Industrial 1 Zone provided the requirements of Clause 62.01 (Uses not requiring a permit) are met.

Clause 62.01 of the *Strathbogie Planning Scheme* requires that the use and development of a telecommunications facility meets the requirements of *Clause 52.19 (Telecommunications Facility)*.

As the proposed development complies with the requirements of this clause, no assessment is required under the provisions of the Industrial 1 Zone.

**The State Planning Policy Framework (SPPF)**

*Clause 15.01-1, Urban Design*

*Objective*

- *To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.*

*Clause 17.02-2, Design of industrial development*

*Objective*

- *To facilitate the sustainable development and operation of industry and research and development activity.*

*Clause 17.02-4, Innovation and research*

*Objective*

- *To create opportunities for innovation and the knowledge economy within existing and emerging industries, research and education.*

*Clause 19.03-4, Telecommunications*

*Objective*

- *To facilitate the orderly development, extension and maintenance of telecommunication infrastructure.*

When considering an application for a telecommunications facility, consideration must be given to the impacts of such a development on the amenity of the surrounding area as well as the orderly installation of infrastructure.

It is considered that the proposed telecommunications tower will not impact on the amenity of surrounding land users. The proposed tower has been sited in an existing industrial estate that is over 150m from the nearest residentially zoned. Although the height of the proposed tower is large (40m), it is considered that the distance from any residential or community uses will offset the height. The construction of a telecommunications facility will ensure that modern telecommunications facilities are widely accessible to business, industry and the community throughout the Nagambie township and wider area.

6.3 Planning Permit Application No. P2015/020  
- Buildings and Works (Telecommunications Facility) ~ 21 Industrial Crescent,  
Nagambie (cont.)

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

*Clause 21.02-6, Building Material – Muted Tones*

*Objective*

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

The proposed materials to be used are mostly of a standard low reflective grey. The equipment shelter located at ground level will be a Pale Eucalypt colour with a low reflective finish.

*Clause 21.05-3, Social services and infrastructure*

*Objective*

- *To provide networked communities*

Telecommunications infrastructure should be considered when planning for growth in Nagambie. The installation and upgrade of significant telecommunications infrastructure is supported in the Local Planning Policy Framework.

**Relevant Particular Provisions**

*Clause 52.19, Telecommunications Facility*

*Purpose*

- *To ensure that telecommunications infrastructure and services are provided in an efficient and cost effective manner to meet community needs.*
- *To ensure the application of consistent provisions for telecommunications facilities.*
- *To encourage an effective statewide telecommunications network in a manner consistent with the economic, environmental and social objectives of planning in Victoria as set out in Section 4 of the Planning and Environment Act 1987.*
- *To encourage the provision of telecommunications facilities with minimal impact on the amenity of the area.*

In considering an application for the construction and use of a telecommunications tower, Clause 52.19 requires that consideration is given to the affect of the development or use on adjacent land as well as the principles for the design, siting, construction and operation of a Telecommunications facility set out in A Code of Practice for Telecommunications Facilities in Victoria. The principles set out in *A Code of Practice for Telecommunications Facilities in Victoria* are set out below:

- Principle 1 - A Telecommunications facility should be sited to minimise visual impact.
- Principle 2 - Telecommunications facilities should be co-located wherever practical.

6.3 Planning Permit Application No. P2015/020  
- Buildings and Works (Telecommunications Facility) ~ 21 Industrial Crescent,  
Nagambie (cont.)

- Principle 3 - Health standards for exposure to radio emissions will be met.
- Principle 4 - Disturbance and risk relating to siting and construction should be minimised.

Principle 1 – Siting the facility to minimise visual impact

The applicant proposes to erect a 40m high monopole structure within an Industrial 1 Zone. The proposed location of the facility within this zone is considered satisfactory, given the industrial and agricultural nature of the adjoining land uses.

It is considered that a monopole at an overall height of 40m and with associated equipment will not have an unreasonable visual impact on adjoining and surrounding use and development.

Principle 2 - The facility should be co-located wherever practicable.

Within this area of Nagambie, there are no other telecommunications towers capable of co-location. The applicant has been advised that this development has been sited to meet its coverage objectives. The development of the proposed facility on the subject land will provide greater coverage and capacity to the area and alleviate the need for other telecommunications facilities in this area in the future.

Principle 3 - Health Standards for exposure to radio emissions will be met.

The Tribunal in a number of decisions, including a decision of Deputy President Gibson in *Heland Pty Ltd v Kingston City Council* P3620/2004 (3 March 2005), has ruled that the health impact of telecommunications towers is not a relevant planning consideration, given the requirement by the Code for compliance with ARPANSA (Australian Radiation Protection and Nuclear Safety Agency) Standards.

The proposal will be designed and installed to satisfy the requirements contained with *Radiation Protection Standard – Maximum Exposure Levels to Radiofrequency Fields – 3kHz to 300 GHz, Arpana, May 2002*. The maximum cumulative EME level at ground level is estimated to be 0.65% of the ARPANSA public exposure limits.

Principle 4 - Disturbance and risk relating to siting and construction should be minimised.

Construction of the facility is unlikely to cause any disruption to any adjoining land or public access areas. An extension of the existing accessway is proposed to obtain exclusive vehicles access to the facility. No vegetation is proposed to be removed as part of the application.

With regard to the above, it is considered that the proposal is consistent with the principles of *A Code of Practice for Telecommunications Facilities in Victoria*.



6.3 Planning Permit Application No. P2015/020  
- Buildings and Works (Telecommunications Facility) ~ 21 Industrial Crescent,  
Nagambie (cont.)

**The decision guidelines of Clause 65**

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

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

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

There are no relevant adopted State policies.

**Relevant incorporated, reference or adopted documents**

A Code of Practice for Telecommunications Facilities in Victoria, July 2004 (VC26)

**Relevant Planning Scheme amendments**

There are no relevant planning scheme amendments.

**Risk Management**

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

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

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

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**Summary of Key Issues**

With regard to the Industrial 1 Zone: The location of the proposed telecommunications facility within the Industrial 1 Zone is considered to be a suitable use and does not trigger a permit.

6.3 Planning Permit Application No. P2015/020  
- Buildings and Works (Telecommunications Facility) ~ 21 Industrial Crescent,  
Nagambie (cont.)

With regard to Clause 52.19: The location of the facility is appropriately separated from sensitive uses and complies with the relevant health and safety standards. The proposal does not require the removal vegetation and is not considered to have an adverse effect on the environment and amenity. The proposal complies with the principles in *A Code of Practice for Telecommunications Facilities in Victoria*.

In summary, the proposal meets the objectives of the State Planning Policy Framework, Local Planning Policy Framework and Clause 52.19.

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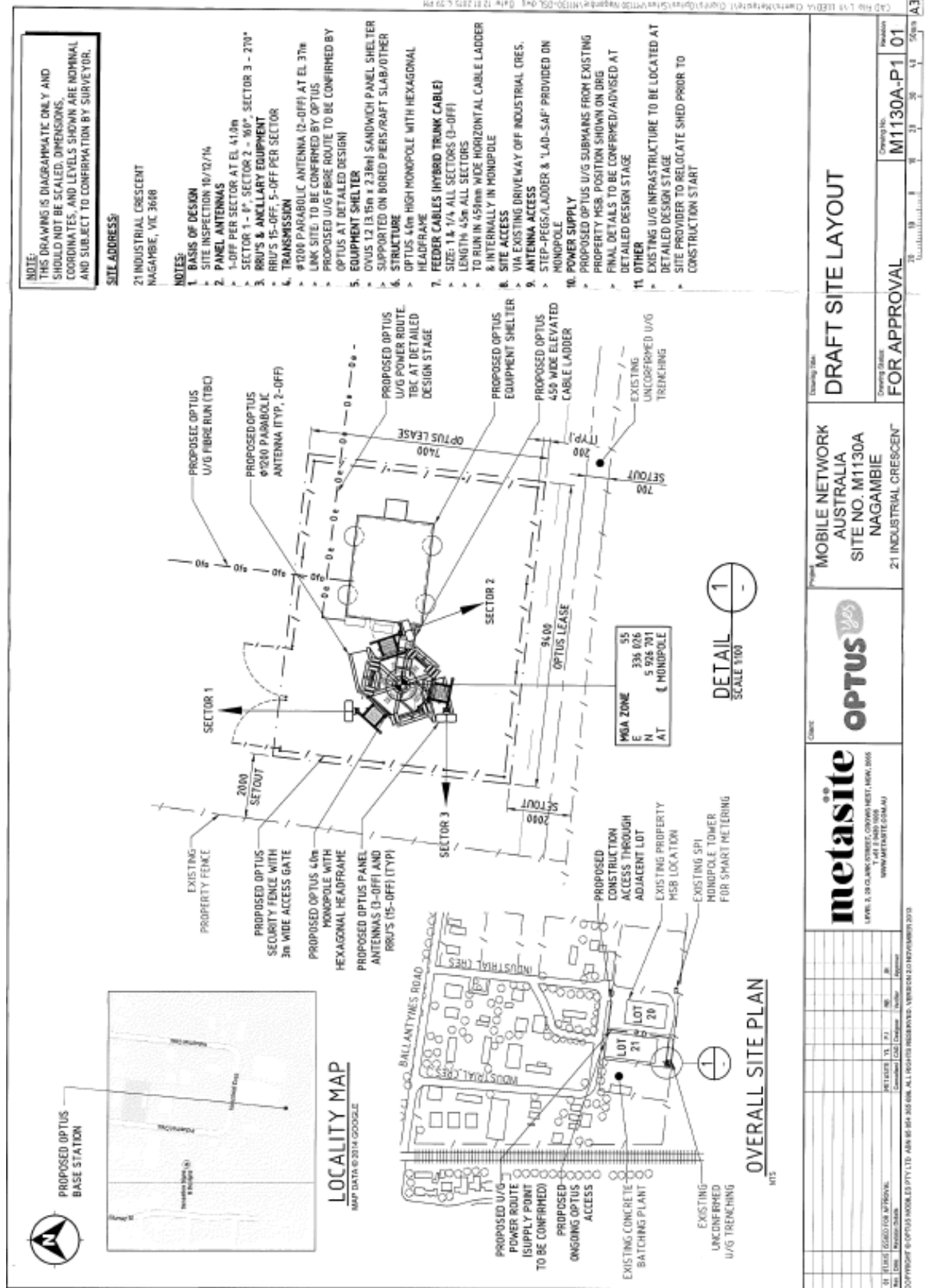
**Conclusion**

After due consideration, it is recommended that Council resolve to issue a Notice of Decision to Grant a Permit.

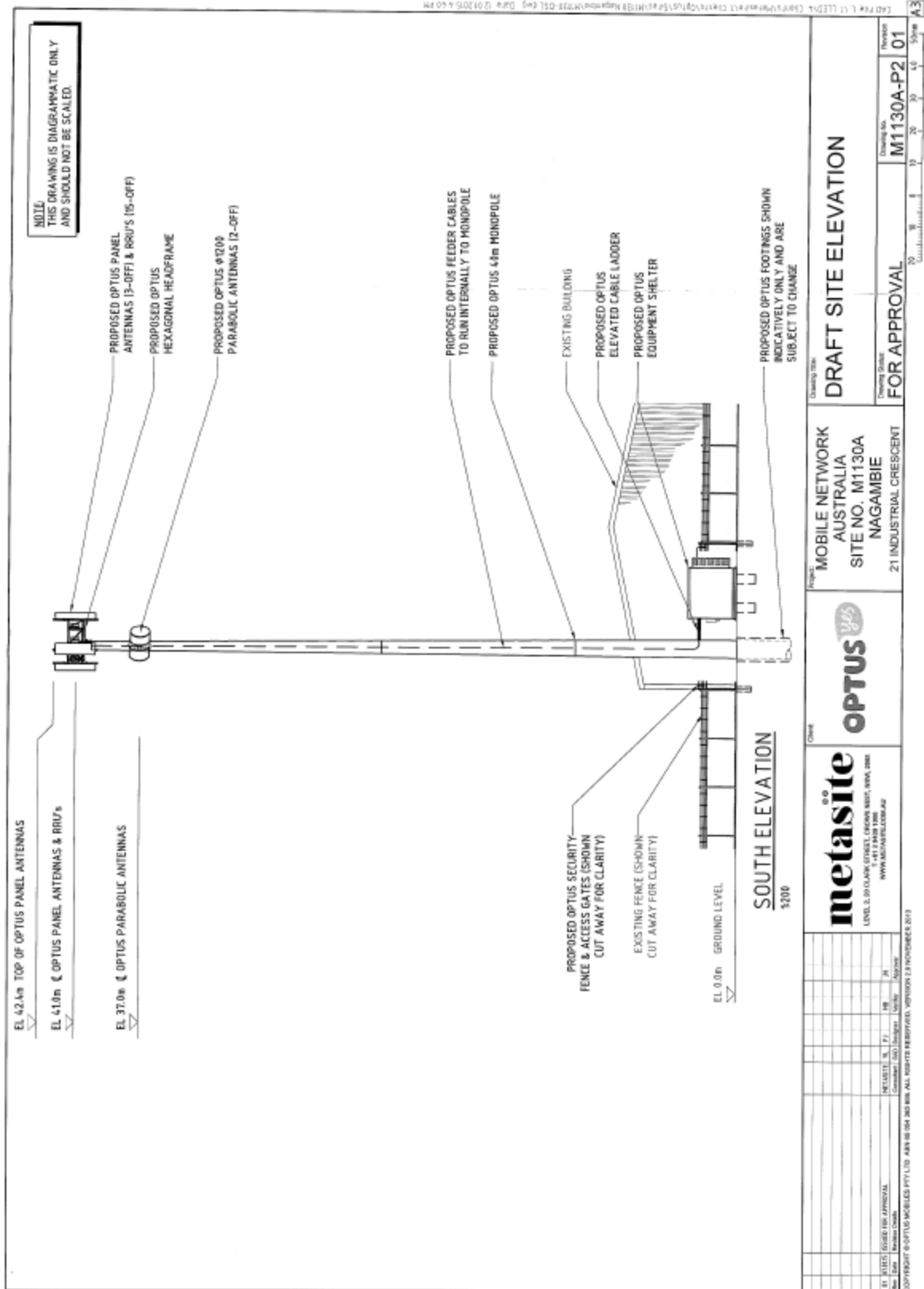
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**Attachments**

- Draft Site Layout
- Draft Site Elevation



CAD File: L:\S\LEEDY\Drawings\Project\Optus\21IndustrialCrescent\M1130A-P1.dwg Date: 12/11/2015 13:39



<p>Project: <b>MOBILE NETWORK AUSTRALIA</b>                  SITE NO. M1130A                  NAGAMBIE                  21 INDUSTRIAL CRESCENT</p>		<p>Client: <b>metasite</b>                  LEVEL 2, 20 CLARA STREET, GEORGETOWN, VIC, 3216                  WWW.METASITE.COM.AU</p>		<p>Company Title: <b>optus</b></p>		<p>Drafting Title: <b>DRAFT SITE ELEVATION</b></p>	
<p>Drawing No: <b>M1130A-P2</b></p>		<p>Revision: <b>01</b></p>		<p>Scale: 1:200</p>		<p>Sheet No: <b>01</b></p>	
<p>FOR APPROVAL</p>				<p>DATE: 14/07/15</p>			

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**PLANNING COMMITTEE REPORT NO. 4 (MANAGER, SUSTAINABLE DEVELOPMENT – EMMA KUBEIL)**

**7. OTHER BUSINESS**

**7.1 Strathbogie Planning Scheme Amendment C04**

**Author & Department**

Manager, Sustainable Development / Sustainable Development Directorate

**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 purpose of this report is to progress Strathbogie Shire Planning Scheme Amendment C04 (the amendment) which has recently been publicly exhibited.

The report recommends that Council 'split' Amendment C04 into two parts, to be completed in three stages.

The amendment seeks to apply the Heritage Overlay (HO) to 57 individual properties and nine precincts throughout the Shire.

At the time of this report, 63 submissions had been received. Three are submissions of support for the amendment, whilst 60 object to some aspect of the proposed Amendment.

The objecting submissions were typically concerned about:

- Property values and sales
- Constraints on future development
- Implications on character and upkeep
- The planning process
- The use of precincts and incorrect descriptions of significance

In response to these objections and having consulted with Council's Heritage Advisory Committee, this report proposes to split the amendment into the following staged process:

- *Stage A: Part 1 of the amendment*  
Proceed promptly to protect individual sites which do not have objections raised against them. There are 55 of such properties.
- *Stage B: Part 2 of the amendment - Strategic work*  
Separate elements of the amendment which are in dispute; being the nine precincts and two individual properties. Further strategic work is recommended, including the production of an incorporated document to reduce the planning controls applied to certain properties in certain circumstances.
- *Stage C: Part 2 of the amendment - Panel Hearing*  
Any outstanding objections to the amendment, should be reviewed by an independent panel.

## 7.1 Strathbogie Planning Scheme Amendment C04 (cont.)

Unanimous support has been given by the advisory committee and the Department of Environment, Land Water and Planning.

### **Land affected by the amendment**

The amendment applies to nine precincts across the municipality and 57 individual sites identified as:

- Avenel Precinct
- Euroa Central Precinct
- Euroa Public & Residential Precinct
- Longwood Precinct
- Nagambie Central Precinct
- Nagambie Residential & Public Precinct
- Violet Town Central Precinct
- Violet Town Memorial & Recreation Reserve Precinct
- Violet Town Residential & Public Precinct
- Osage trees (*Maclura pomifera*) x15 - 34 Livingstone Street, Avenel
- Avenel Primary School - 39 Livingstone Street, Avenel
- Former Teacher's Residence - 41 Livingstone Street, Avenel
- Former Balmattum State School - 207 Balmattum Church Road, Balmattum
- Former Willis House - 217 Balmattum Church Road, Balmattum
- Springside - Outbuildings & House - 154 Barn Lane, Balmattum
- Hawthorn House (Former Duck Ponds Hotel) - 1070 Sheans Creek Road, Balmattum
- Violet Town Reservoir - Harrys Creek Road, Boho
- Former Boho South School (No. 3150) - 467 Bonnie Doon Road, Boho South
- Boho South Uniting Church - 560 Boundary Hill Road, Boho South
- Boho South Public Hall - 562 Boundary Hill Road, Boho South
- Waldara - 54 Chapman's Road, Boho South
- Beaton's Dry Stone Wall - 151 Creightons Creek Road, Creightons Creek
- Lochgardie - 236 Walls Road, Earlston
- Broad Gauge Rail Bridges (2 No.) at Euroa Between Boundary Road North and Railway Street, and over Charles Street, Euroa
- North-Eastern Hotel - 2 De Boos Street, Euroa
- Shearing Shed at Drysdale - 838 Drysdale Road, Euroa
- Mountain Hut Weir (off) Euroa-Strathbogie Road, Euroa
- Eliza Forlonge & Janet Templeton Memorial - 527 Forlonge Memorial Road, Euroa
- Moreton Bay Fig Trees (*Ficus macrophylla*) x8 at Euroa Showgrounds- 16 Frost Street, Euroa
- Seven Creeks Hotel - 2 Tarcombe Street, Euroa
- Fermoy (former Euroa Inn) 43-45 Tarcombe Street, Euroa
- Clontarf - 62-64 Tarcombe Street, Euroa
- House - 33 Templeton Street, Euroa
- Goulburn Weir - Goulburn Weir Road, Goulburn Weir
- Former Presbyterian Church - 18 Scouler Road, Goulburn Weir

7.1 Strathbogie Planning Scheme Amendment C04 (cont.)

- Graytown Cemetery - Graytown Cemetery Road, Graytown
- Graytown POW Forest Camp 6 - Polkinghorne Street, Graytown
- Kelvin View Hall (former School no. 3480) - 40 Kelvin View School Road, Kelvin View
- Shandon Park Cottage - 2339 Grimwade Road, Longwood
- Longwood East Soldiers' Memorial - Allan Street, Longwood East
- St Helena - 133 Faithfull Street, Longwood East
- Former Longwood Telegraph Station - 147 Faithfull Street, Longwood East
- Longwood East Cemetery- 10 Symon Street, Longwood East
- Railway Hotel - 848 Seymour-Avenel Road, Mangalore
- Former Miepoll School (no. 2480) - 37 Miepoll School Road, Miepoll
- Mitchellstown Bridge - Mitchellstown Road, Mitchellstown & Tabilk
- Mitchelton Winery - 468-470 Mitchellstown Road, Mitchellstown
- Moglonemby Hall - 270 Moglonemby Hall Road, Moglonemby
- Nagambie Cemetery - 4 Cemetery Lane, Nagambie
- Narina - 20-24 Goulburn Street, Nagambie
- Nagambie State School No. 1104 - 31-33 Goulburn Street, Nagambie
- Former Goulburn Valley Common School (Pine Lodge) - 202 High Street, Nagambie
- St John's Anglican Church - 262 High Street, Nagambie
- Tobacco Drying Kiln - 17 Armstrong Avenue, Strathbogie
- (Former) Strathbogie Saleyards - Euroa-Strathbogie Road, Strathbogie
- Strathbogie WWI Memorial - (Central Island) Main Street Strathbogie
- (Former) Strathbogie Protestant Hall - 14 Main Street, Strathbogie
- Baldavan Park Outbuilding - 1678 Merton-Strathbogie Road, Strathbogie
- Polly McQuinn's Weir - Polly McQuinns Road, Strathbogie
- Kiora - 70 Nagambie-Locksley Road, Tabilk
- Terrara - 13 Terrara Lane, Tabilk
- The Gorge - 440 Harrys Creek Road, Violet Town
- Honeysuckle (Station) - 110 Hayes Road, Violet Town
- Oaklands - 179 High Street, Violet Town
- Boundary Park - 926 Dargalong Road, Wahring
- Shewgile & Glencoe 132 Gorys Road, Whroo

A copy of the Strategic Enterprise Development (SED) Advisory report is tabled for identification and information purposes.

7.1 Strathbogie Planning Scheme Amendment C04 (cont.)

**RECOMMENDATION**

**That Council;**

1. Approve Amendment C04 be split into two parts, to be undertaken in three anticipated stages:
  - a. Seek approval of the amendment (part one) of non-contentious items to:
    - i. Amend Clause 21.08 Reference Documents to include reference to Strathbogie Heritage Study Part Two: Volume 1 -4.
    - ii. Amend the Schedule to Clause 43.01 Heritage Overlay to add 55 individual sites to the schedule.
    - iii. Amend and introduce various Planning Scheme Maps identifying the site where the overlay is to be applied.
    - iv. Amend the existing Heritage Overlay Map within the Strathbogie Planning Scheme of HO18 to HO19, to reflect to correct property (Mrs Kissocks Grave, Tames Road, Strathbogie)
  - b. Authorise the Manager, Sustainable Development, to investigate outstanding submissions further by:
    - i. Engaging a Heritage Advisor to review selected properties.
    - ii. Developing an incorporated document.
  - c. Seek review of amendment (part two) if required by an independent panel i.e. Planning Panels Victoria.

39/15 **CRS WILLIAMS/STORER** : *That the Recommendation be adopted.*

**CARRIED**

**Background**

A summarised version of the amendment process, its submissions and a detailed recommendation is found below.

A more robust review of the amendment background, process, a summary of submissions and justification of recommendations can be found in the accompanying attachment, produced by SED Advisory, *Planning Scheme Amendment C04: Planning report, May 2015.*

**Basis**

The strategic basis of the proposed amendment, including the selection of sites and precincts, is the Strathbogie Heritage Study (the heritage study), completed by RBA Architects and Conservation Consultants. The heritage study was funded by the Victorian State Government via the Victorian Heritage Fund, and supported by the Strathbogie Shire Council (Council).

The heritage study made a range of recommendations regarding the preservation of heritage sites throughout the shire. This was largely done by way of identification of individual sites and 'precincts'. These sites and precincts have been deemed, through site inspection and detailed research, to have a level of local heritage significance. Their inclusion in the planning scheme would allow for the conservation and enhancement of places of heritage significance within the shire.



## 7.1 Strathbogrie Planning Scheme Amendment C04 (cont.)

### ***Proposal***

The proposed amendment takes on some of the recommendations stated in the heritage study and, in its current form, seeks to amend the following:

- Amends Clause 21.03 Land Use Plan to delete the implementations of introducing the recommendations of the Heritage Study.
- Amend Clause 21.04 Sustainable Environment to delete the implementation of introducing the recommendations of the Heritage Study.
- Amends Clause 21.08 Reference Documents to include reference to the Strathbogrie Shire Heritage Study Part Two (in full).
- Amends the Schedule to Clause 43.01 Heritage Overlay to add 57 individual sites and 9 precincts to the schedule.
- Amends and introduces various Planning Scheme Maps identifying the sites and precincts where the overlay is to be applied.

### ***Process***

Council resolved to prepare an amendment to enact the above, and this was exhibited for public comment 22 October 2014.

The amendment was authorised by the Department of Transport, Planning and Local Infrastructure (now within the Department of Environment Land Water and Planning) and was exhibited until the 19 December 2014.

This was done in accordance with the requirements of the Planning and Environment Act 1987 (the Act) and its related regulations.

Under Section 23 of the Act, after considering a submission that requests a change to an amendment, the planning authority (the Council) must satisfy the submission doing one of the following:

- Change the amendment in the manner requested
- Refer the submission to an independent panel
- Abandon the amendment or part of the amendment

### ***Consultation***

A total of 63 submissions were received in relation to the amendment.

Three submission of support were received from the public in relation to four properties. Goulburn Valley Water and EPA Victoria also responded to say they had no objections to the proposed amendment.

A total of 60 submissions of objection were made by the owners of properties throughout the shire, by either individual letter or signature to the petition. These objections were made up of the following:

- 17 objections were made against properties which are not directly affected by the amendment, ie: the Heritage Overlay is not proposed to be imposed on these properties.
- 41 are located within one of the proposed precincts
- Two are related to individual sites (of the 57 identified individual sites)

## 7.1 Strathbogie Planning Scheme Amendment C04 (cont.)

### ***Submissions in relation to individual properties***

Of the 57 properties which are identified as individual properties to be subject to the Heritage Overlay, only two had objections against them.

This is considered to be a high level of 'success' and reflects that the heritage consideration regarding these properties is appropriate.

The two objections regarding individual sites did not object to the use of the Heritage Overlay on their property, but rather disputed the extent in which this is applied (the entire site being considered 'Significant' as opposed to specific parts). They request a review of the statement of significance (found within the RBA heritage study).

### ***Submissions in relation to the precincts or the amendment in general***

The largest portion of objections had concerns regarding either the precincts or the amendment in general.

The main concern was surrounding uncertainty of the practical implications of the HO and the 'grading' of properties. Additionally there was broad scale objection to the use of precincts, being seen as an imprecise tool in some areas.

### ***Recommendation***

Given the above detail, it is recommended that the amendment is split into two parts, which will take course in the following three stages:

- ***Stage A: Part 1 of the amendment***  
There are 55 individual sites which have been nominated for a HO as a part of the amendment and received no objection. These 55 properties can be submitted to the Minister of Planning for approval. Approval by the Minister would formally apply the HO to these sites.
- ***Stage B: Part 2 of the amendment - Strategic work***  
The second stage would first involve further strategic work and consultation to address objections and elements of the amendment which are in dispute. Specifically, this would involve separating the nine precincts and two individual sites for which there were objections, review such sites by a heritage advisor, and producing an incorporated document.  
An incorporated document is one that is 'essential to the proper functioning of the planning scheme and decision-making'. In this case, it would guide the extent of the application of the HO. This document would provide clarity in the use of precincts. An incorporated document holds statutory weight.
- ***Stage C: Part 2 of the amendment - Panel Hearing***  
If there are still outstanding objections to the amendment, it is recommended that Part B of the amendment be reviewed by an independent panel. It is anticipated that not all submission will be able to be resolved at Part B, so it is appropriate to presume a panel hearing will be required.

## 7.1 Strathbogie Planning Scheme Amendment C04 (cont.)

### **Alternative options**

Council may wish to consider this request as one of the following:

- Not appropriate and choose to not process the Amendment any further.
- Not appropriate and recommend the entire Amendment is referred to an Independent Panel for review and recommendations.
- Not appropriate and recommend that further strategic work is carried out before a decision is taken whether to send the entire amendment to an Independent Panel for review and recommendations.

### **Risk Management**

There are no risk management issues associated with the submission.

### **Strategic links - policy implications and relevance to Council Plan**

This amendment first and foremost reflects a statutory obligation of Council to “conserve and enhance those buildings, areas and other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value” (Planning and Environment Act 1987).

The proposed amendment aligns with the Strathbogie Shire Council Plan 2013-2017 (reviewed 2014/15), in particular the objective to “continue to protect and enhance the natural and built environment for current and future generations” (p6.).

The recommendation contained within this report, to split the amendment, allows council to promptly protect non-contentious heritage places, and produce a higher quality localised response to the Heritage Overlay (by way of an Incorporated Document), ensuring that Council meets its obligations as the Responsible Authority.

### **Best Value/National Competition Policy (NCP)/ Competition and Consumer Act 2010 (CCA) Implications**

The submission is consistent with NCP policy.

### **Financial/Budgetary implications**

Should this amendment be progressed in it's current format without further work being carried out on the Precinct documents, a significant amount of work would be required for Council staff and Heritage advisors to provide guidance to all property owners each time an alteration is proposed to a site within the proposed precincts. Ultimately, this would require staff resourcing to be increased to be able to accommodate the number of enquiries the amendment would generate in it's current format.

### **Economic implications**

The Amendment will provide greater certainty for the Responsible Authority, community members and development proponents. Greater certainty for development activity associated with heritage properties is expected to have a positive economic affect for planning decisions.

## 7.1 Strathbogie Planning Scheme Amendment C04 (cont.)

### **Environmental/Amenity implications**

The amendment will enable the protection of the built environment and historic amenity of the selected sites and precincts. This is a positive outcome for the shire.

### **Community implications**

The proposed amendment implements the objectives of the *Planning and Environment Act 1987* as it will facilitate the fair, orderly, economic and sustainable residential development.

### **Victorian Charter of Human Rights and Responsibilities Act 2006**

The report content is consistent with Council's responsibilities under the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

### **Legal/Statutory implications**

The process to review the Planning Scheme is governed by the *Planning and Environment Act 1987*. Final approval is given by the Minister for Planning.

### **Consultation**

Full public exhibition and notification was undertaken as required under the *Planning and Environment Act 1987*. Notification included:

- Notice in the Government Gazette
- Notice sent to all potential affected land owners
- Notice sent to Referral Authorities
- Notice sent to Prescribed Ministers

### **Attachments**

Nil.

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**PLANNING COMMITTEE REPORT NO. 5 (DIRECTOR, SUSTAINABLE DEVELOPMENT - PHIL HOWARD)**

**7.2 Planning Applications Received**  
**- 17 June to 7 July 2015**

Following are listings of Planning Applications Received for the period 17 June to 7 July 2015.

**RECOMMENDATION**

**That the report be noted.**

*40/15 CRS SWAN/WILLIAMS : That the Recommendation be adopted.*

**CARRIED**

**THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 4.39 P.M.**

Confirmed as being a true and accurate record of the Meeting

.....  
Chair

.....  
Date

## Planning Applications Received

### Wednesday, 17 June 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
270 Wattlevale Road, Mitchellstown VIC 3608	P2015-014 - 1	Use and Development of land for the construction of a dwelling	Ellen Hogan & Associates	\$0.00*

### Thursday, 18 June 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
38 Turnbull Street, Euroa VIC 3666	P2015-071	Development of land for an extension to existing building	John Moore	\$30,000.00
47-65 Weir Street, Euroa VIC 3666	P2015-072	Subdivision three (3) lots	Graeme Schneider - Monger & Tomkinson	\$0.00*

### Friday, 19 June 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
1178 Avenel-Nagambie Road, Tabilk VIC 3607	P2015-073	Use & development of land for the construction of a dwelling	Alfred Camilleri	\$200,000.00

### Thursday, 25 June 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
Longwood-Mansfield Road, Creightons Creek VIC 3666	P2014-083 - PC1	Use and Development of Land for a Dwelling and outbuilding	Patrick & Michelle McMahon	\$0.00*

### Monday, 29 June 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
30 Sevens Avenue, Euroa VIC 3666	P2015-074	Development of land for the construction of a shed	Dale McIntosh	\$15,000.00

Tuesday, 30 June 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
Maggies Lane, Ruffy Victoria 3666	P2013-061 PC1	Development & use of land for a dwelling shed and artist studio associated with a commercial herb farm	Neal Cartledge	\$0.00*

Wednesday, 1 July 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
112 Vearings Road, Avenel VIC 3664	P2015-076	Subdivide land into two (2) lots and boundary realignment (Re - Subdivision)	T & C Developments	\$0.00*
170 Tabilk-Monea Road, Tabilk VIC 3607	P2015-075	Development of land to construct a shed	Frank and Susana Pedrazzoli	\$6,500.00
36 Kennedy Street, Euroa VIC 3666	P2014-098 - 1	Development of land for Residential Age Care Facility	Urbis Pty - Phil Gleeson	\$0.00*

Tuesday, 7 July 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
505 Tarcombe-Ruffy Road, Ruffy VIC 3666	P2014-142 - 1	Two (2) lot Re-Subdivision	Cameron Ross	\$0.00*

\*NB – ‘Not applicable’ 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