

Date Issued 14 January 2021

NOTICE OF AN APPLICATION FOR A PLANNING PERMIT

The land affected by the application is located at: **88-96 Birkett Street, Euroa VIC 3666**

The application is for a Permit for: **Two (2) lot subdivision; Use and development of land for a dwelling.**

The applicant for the Permit is: **Planography Pty Ltd**

The application Reference Number is: **P2021-002**

You may view the application and any documents that support the application on our website at

<https://www.strathbogie.vic.gov.au/development/statutory-planning/planning-permits-currently-advertised>

or at the office of the Responsible Authority during office hours:

Strathbogie Shire Council 409A Binney Street Euroa
Telephone: (03) 5795 0000

Any person who may be affected by the granting of the Permit may object or make other submissions to the Responsible Authority.

An objection must be sent to the Responsible Authority in writing, include the reasons for the objection and state how the objector would be affected.

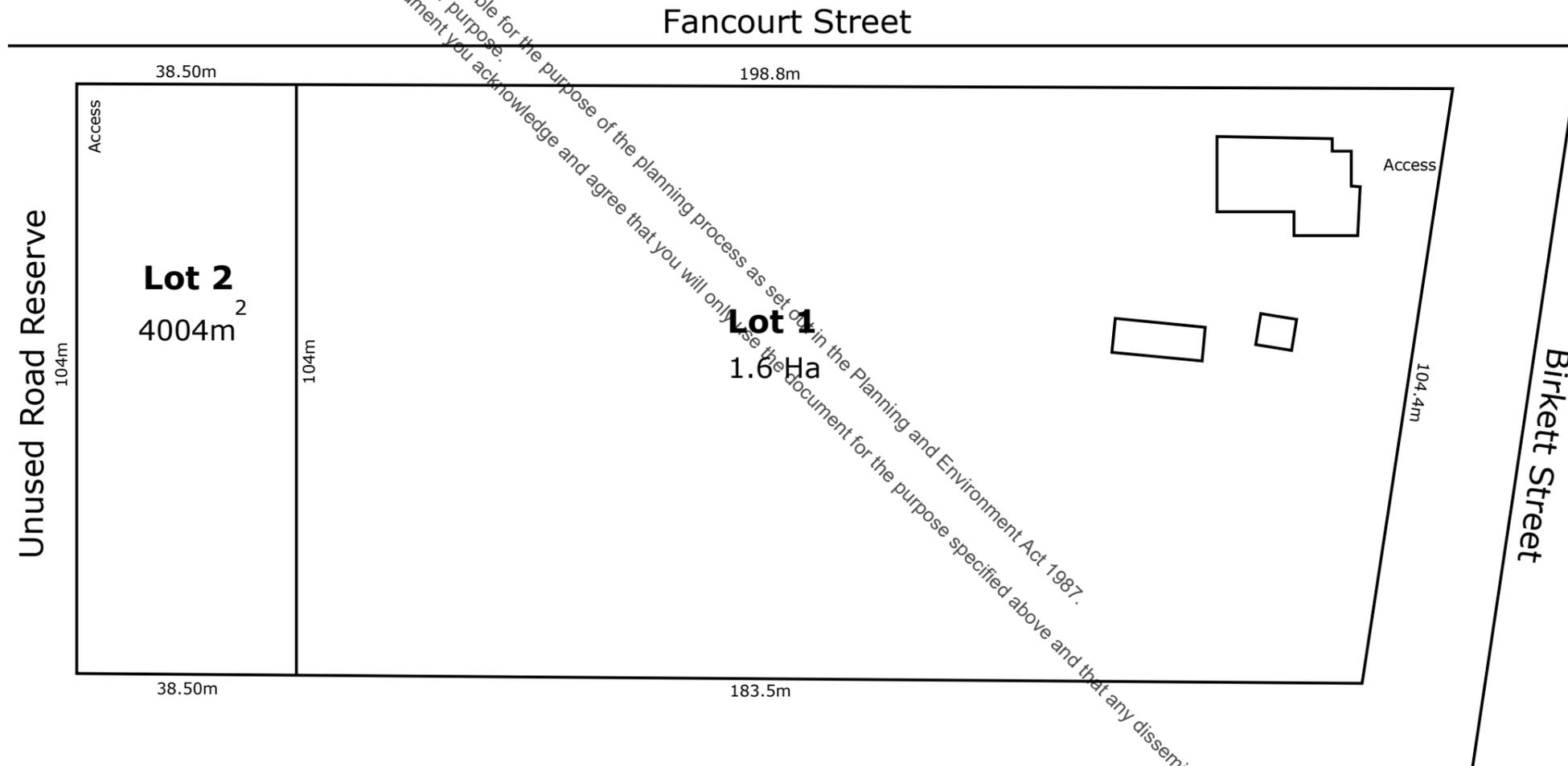
The Responsible Authority will not decide on the application before: 04 February 2021

All objections are placed on the relevant Planning Permit application file, which is publicly available at all times. Objections can therefore be read and used by other parties.

An objection form is available from Strathbogie Shire Council office, by phoning Council on (03) 5795 0000 or at <https://www.strathbogie.vic.gov.au/development/statutory-planning/objections>

If you submit an objection, the Responsible Authority will tell you of its final decision.

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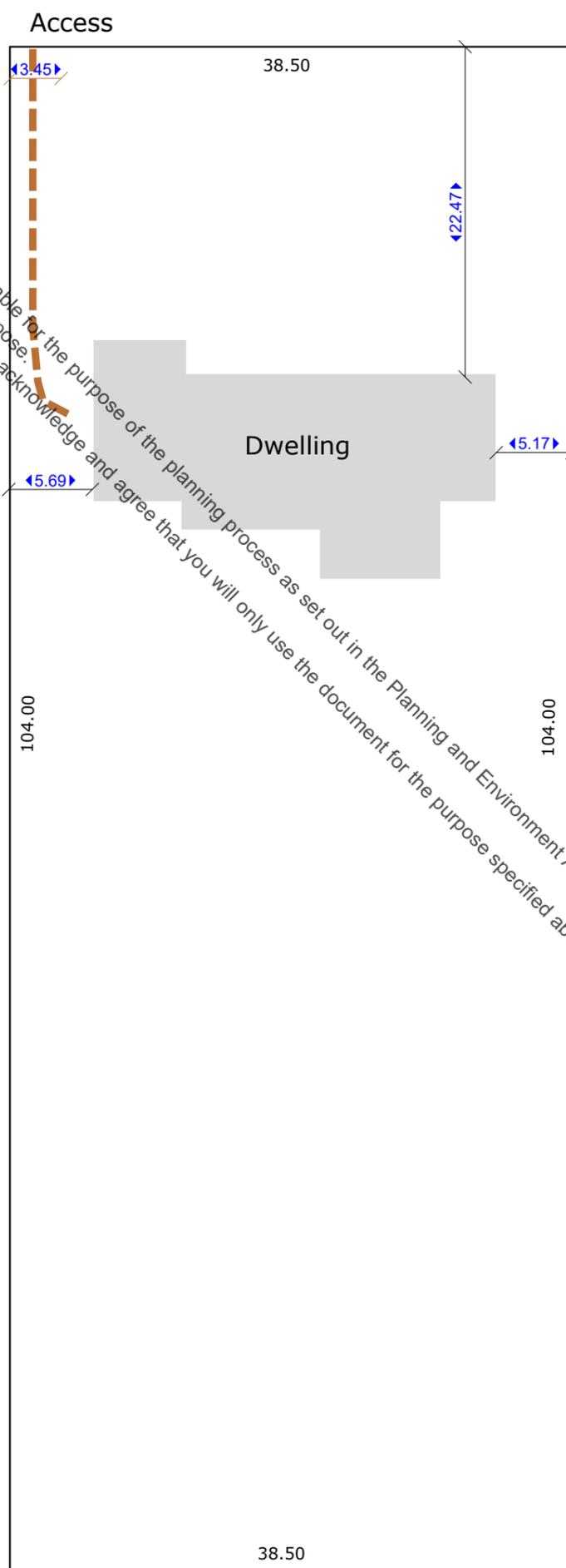


Site	88-96 Birkett Street, Euroa	Drawing	20016-1	Project	20016	Drawn	TS	Planning Applications Farm Plans Feasibility Studies Bushfire Management  Planography admin@planography.com.au	Planography Pty Ltd PO Box 366 6 Binney St Euroa Vic 3666 Ph: 0437620174
Title	Subdivision Layout Plan - Two Lot Subdivision	Scale	1:100	Date	03/12/2020	Rev	A		

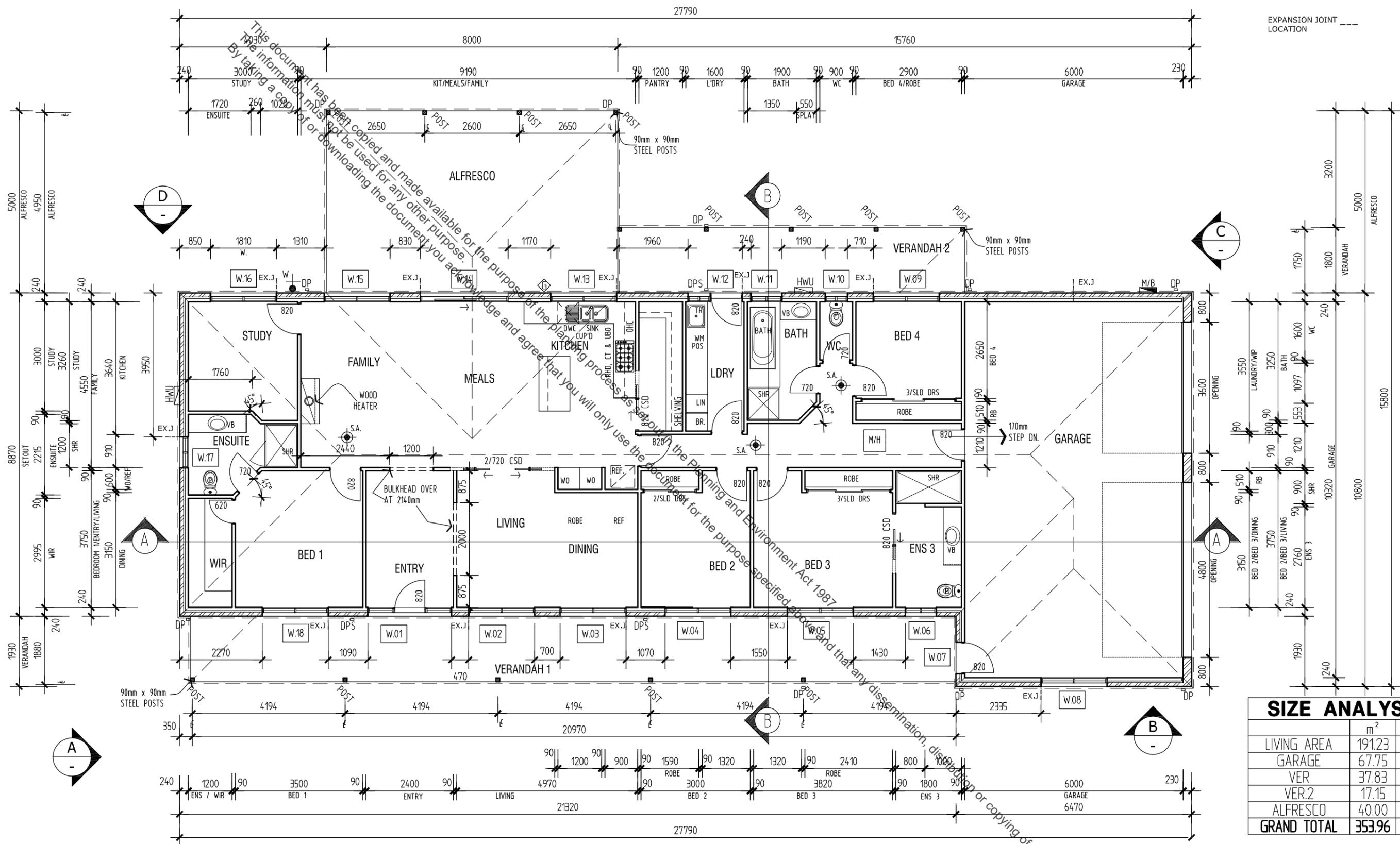


Fancourt Street

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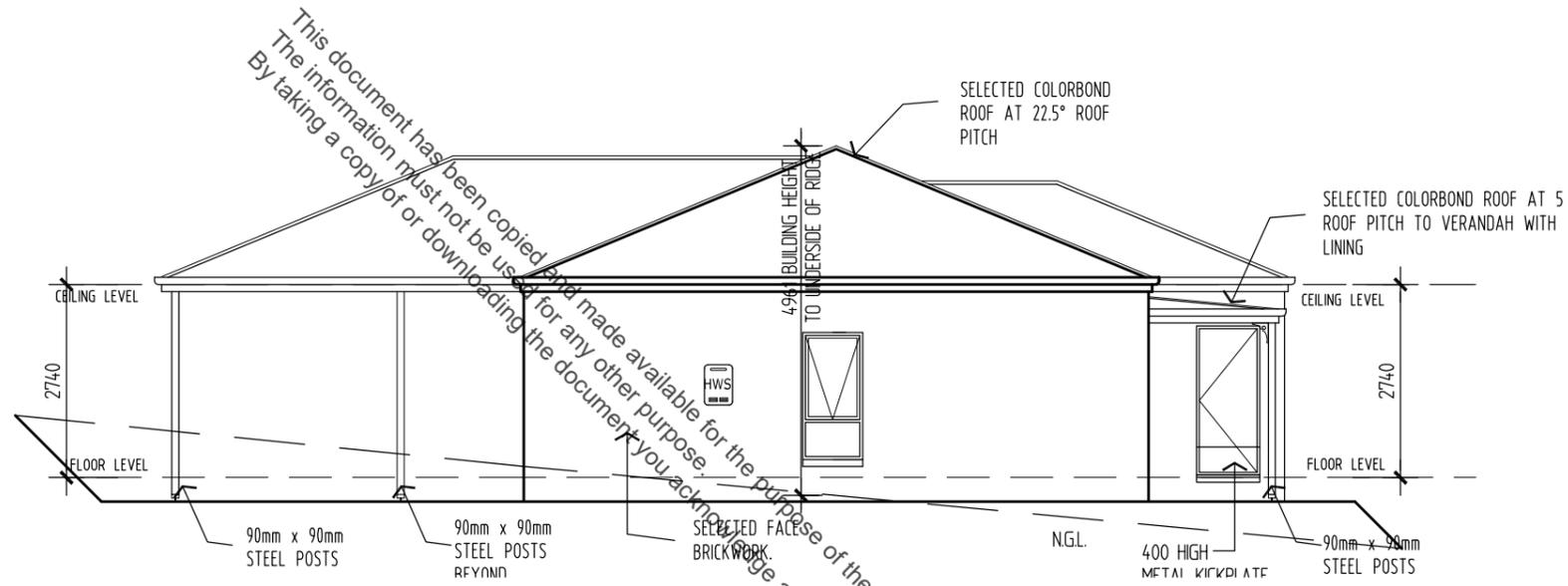
Site	88-96 Birkett Street, Euroa	Drawing	20016-2	Project	20016	Drawn	TS	 Planography	Planography Pty Ltd PO Box 366 6 Binney St Euroa Vic 3666 Ph: 0437620174
Title	Site Plan - Proposed Dwelling	Scale	1:400	Date	14/07/2020	Rev	A		



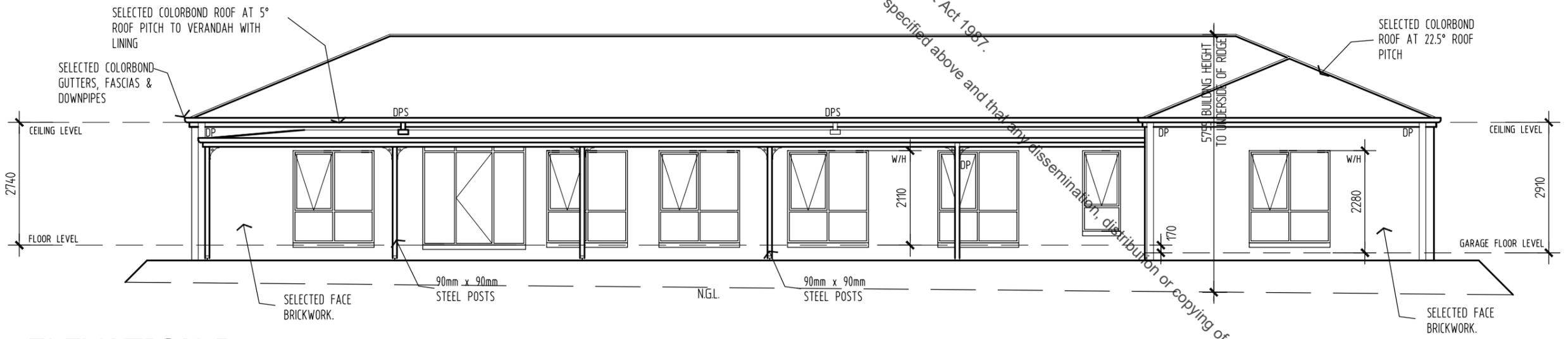
SIZE ANALYSIS		
	m ²	sq
LIVING AREA	191.23	20.58
GARAGE	67.75	7.29
VER	37.83	4.07
VER.2	17.15	2
ALFRESCO	40.00	4.31
GRAND TOTAL	353.96	38.10

FLOOR PLAN SCALE 1:100

CLIENT:	DATE	03/04/20
ADDRESS:	DRAWN	
	JOB NO.	
	SHEET NO.	



ELEVATION A SCALE 1:100
EAST



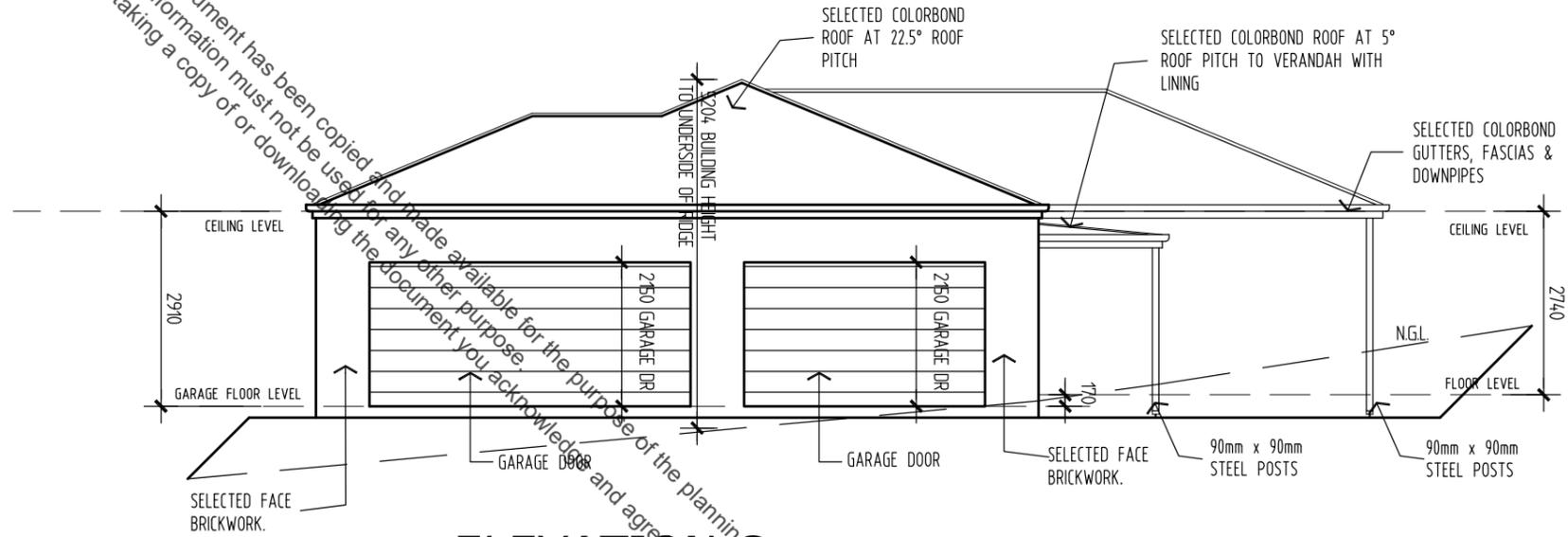
ELEVATION B SCALE 1:100
NORTH

CLIENT:
ADDRESS:

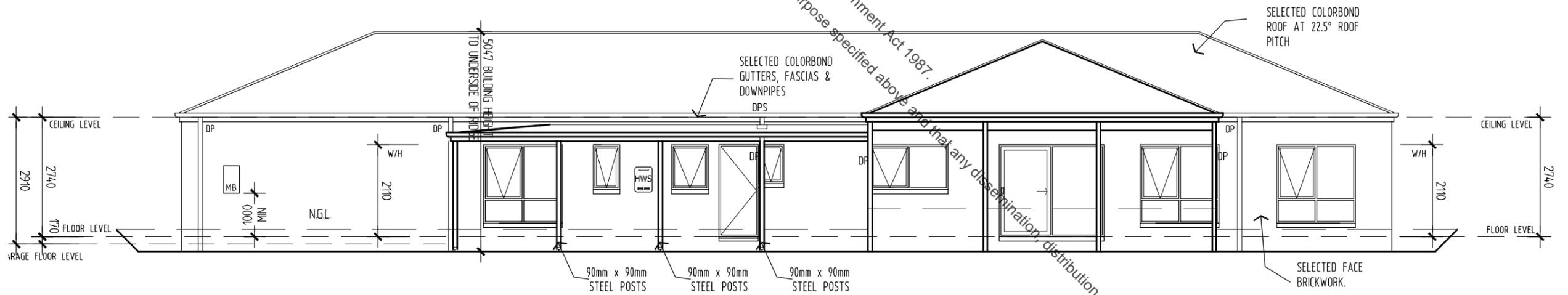
DATE	03/04/20
: DRAWN	
: JOB NO	
SHEET NO	
:	

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ELEVATION C SCALE 1:100
WEST



SOUTH
ELEVATION D SCALE 1:100

CLIENT:

ADDRESS:

DATE	03/04/20
DRAWN	
JOB NO	
SHEET NO	

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Planography

Planning Report

88-96 Birkett Street, Euroa

Lot 1 TP548573

**Two lot subdivision and the use
and development of land for a dwelling**

Planography Pty Ltd
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6 Binney Street
Euroa Victoria 3666
Troy Spencer: 0437620174

admin@planography.com.au

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1 Introduction

This report has been prepared in support of a planning permit application seeking approval for a two lot subdivision and a dwelling. The land is located within the Farming Zone (FZ) and Urban Floodway Zone (UFZ) and is affected by the Land Subject to Inundation Overlay (LSIO).

This report addresses the requirements of the following clauses which are the key provisions for this proposal:

- Clause 22.01 Housing and house lot excision in the Farming Zone
- Clause 35.07 Farming Zone
- Clause 44.04 Land Subject to Inundation Overlay

1.1 Farming Zone

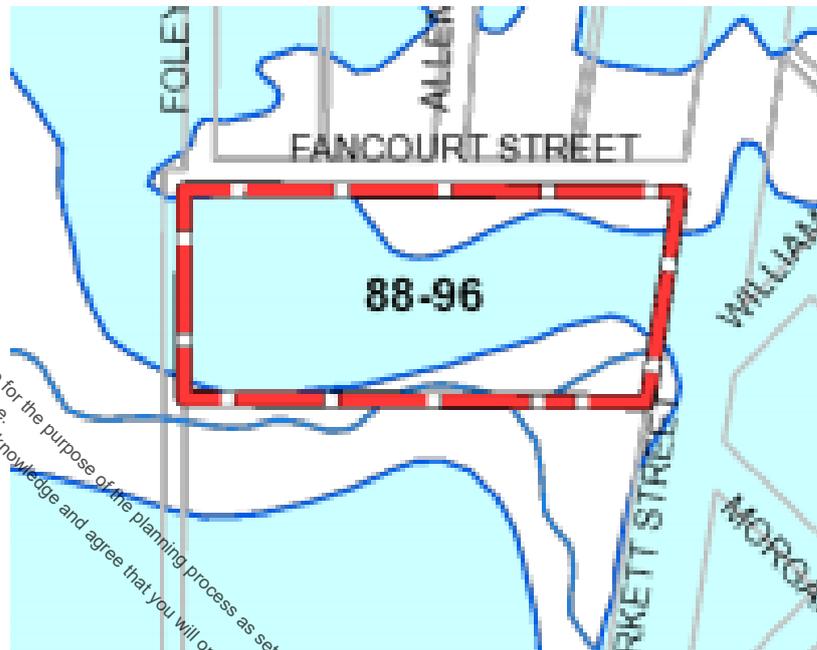
The subject site is located within the FZ of the Scheme. Clause 35.07 provides that a planning permit is required for a two lot subdivision and the use and development of land for a dwelling on land that is less than 80 hectares in area. The land is also located within the Urban Floodway Zone. Clause 37.03 provides that a dwelling and proposed subdivision are prohibited in the UFZ. This proposed subdivision and a dwelling avoids the UFZ.



Farming Zone & Urban Floodway Zone

1.2 Overlays

The land is affected by the LSIO. The proposed two lot subdivision and dwelling require a planning permit under the LSIO in this proposal.



LSIO

1.3 Policy & Provisions

The relevant clauses of the Strathbogie Planning Scheme include:

Planning Policy Framework (PPF)

- Clause 13.02-1S Bushfire Planning
- Clause 14.01-1S Protection of agricultural land
- Clause 14.01-2S Sustainable agricultural land use
- Clause 14.02-1S Catchment planning and management

Local Planning Policy Framework (LPPF)

- Clause 21.02-6 Building Material - Muted Tones
- Clause 22.01 Housing and house lot excisions in the Farming Zone

Zone & Overlays

- Clause 35.07 Farming Zone
- Clause 35.07-6 FZ Decision Guideline
- Clause 37.03 Urban Floodway Zone
- Clause 44.04 Land Subject to Inundation Overlay

Other provisions

- Clause 65.01 Approval of an Application or Plan

2 Overview

The following summarises key points of this proposal and outline the parameters of this report:

- The dwelling requires a planning permit due to the land being less than 80 hectares within the Farming Zone and the site being affected by the Land Subject to Inundation Overlay.
- The shed requires a planning permit due to the site being affected by the Land Subject to Inundation Overlay.
- The property is located within an area considered to be supported by the Shire of Strathbogie Rural Residential Study 2004.

3 The site and surrounding context

3.1 The subject site

The subject land is known as Lot 1 TP548573 88-96 Birkett Street, Euroa. The land is generally flat and drains to the nearby natural drainage system. The access road is a bitumen road.



Subject Land

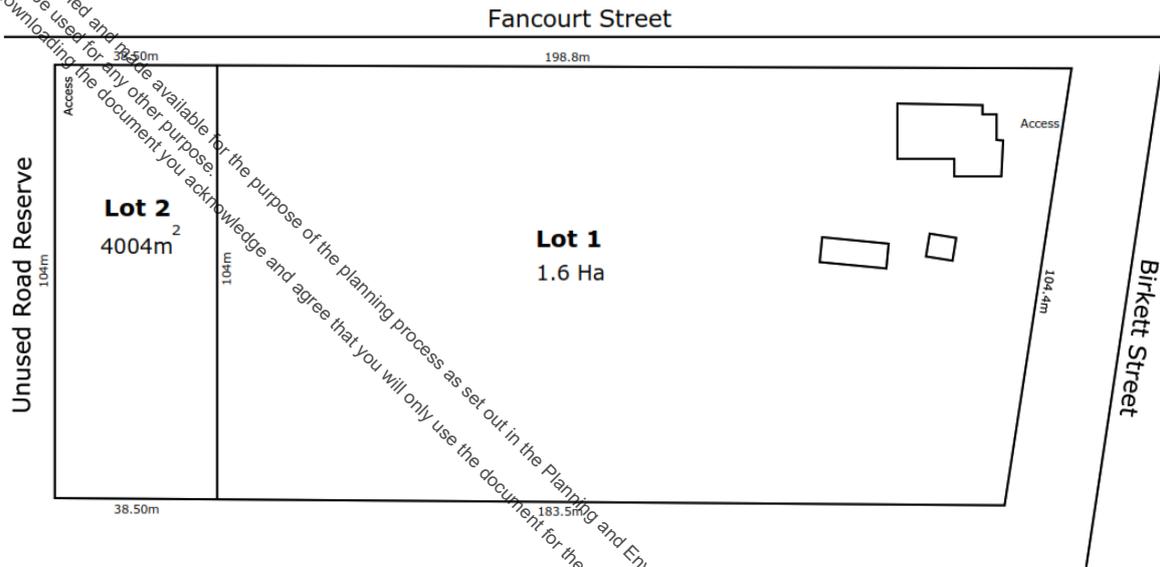
3.2 Immediate neighbours and surrounding area

The property is within a farming precinct and fronts Fancourt Street. The land to the north, south, east and west are generally used for rural residential or residential purposes.

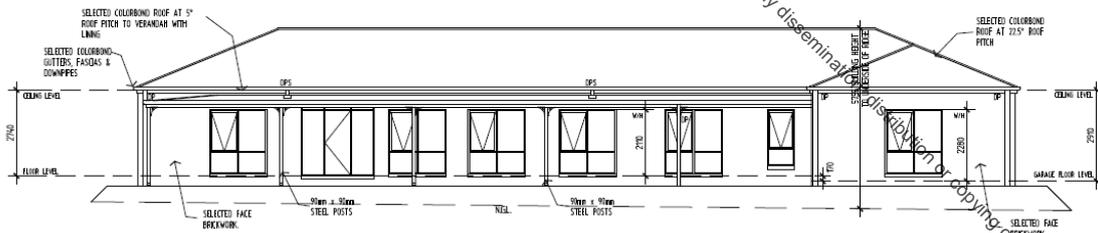
4 The proposal

This application seeks permission for a two lot subdivision and the use and development of land for a dwelling. The land is located within a rural residential precinct and is recognised within the Shire of Strathbogie Rural Residential Study 2004.

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Proposed Two Lot Subdivision



Proposed Dwelling

5 Planning considerations

5.1 Planning Policy Framework (PPF)

Clause 13.02-1S Bushfire Planning

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

The subject land is within a Bushfire Prone Area. The access, water supply and available defensible space to the dwelling is considered to be consistent with the requirements for bushfire management.

Clause 14.01-1S Protection of Agricultural Land

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

The land is being used for Rural Residential purposes. The existing dwelling is connected to reticulated sewer and water. It is identified as being a rural residential precinct between Drysdale Road, Cowells Lane, Siems Road and Birkett Street within the Shire of Strathbogie Rural Residential Study 2004.

Clause 14.02-1S Catchment Planning and Management

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

The site contains a natural water drainage system which runs through the back end of the property that continues through the south side of Foley Street and continues up through Branjee Road.

5.2 Local Planning Policy Framework (LPPF)

Clause 21.02-6 Building Material - Muted Tones

- *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 dwelling will use colours and materials which are sympathetic to the agricultural precinct and greater landscape. Muted tones are proposed to be used.

Clause 22.01 Housing and house lot excision in the Farming Zone

- 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.

The subject land is 2 hectares in size and is being used for rural residential purposes within a recognised rural residential precinct.

It is policy 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:

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

Response: The property is accessed from Fancourt Street, which is a bitumen road. Foley Street services several dwellings between Birkett Street and Foley Street.

Planning Scheme: Emergency ingress and egress is at an appropriate standard.

Response: Access is available to the proposed lot from Fancourt Street.

Planning Scheme: The dwelling will not inhibit the operation of agriculture and rural industries.

Response: The dwelling will not be associated with the operation of agriculture and rural industries.

Planning Scheme: The site must be able to contain and treat onsite effluent and wastewater in accordance with the relevant Code of Practice and Australian Standards.

Response: The property is large enough to treat and contain onsite wastewater for a dwelling. An LCA can be prepared if required.

Meets at least one of the following requirements:

Planning Scheme: *The dwelling should be associated with a sustainable rural pursuit that requires a dwelling on the land to manage that pursuit.*

Response: The dwelling is not associated with a rural pursuit.

Planning Scheme: *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.*

Response: A Whole Farm Plan is not required due to the land being identified as rural residential under the Shire of Strathbogie Rural Residential Study 2004.

Planning Scheme: *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.*

Response: The property is suited to Rural Residential Purposes.

Planning Scheme: *The lot has been identified in the Strathbogie Shire Rural Residential Strategy, 2004 as rural residential; implying that that there is an historic use and development pattern. Consideration should be given to the recommendations in the Strategy.*

Response: The land has been identified within this strategy.

Planning Scheme: *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.*

Response: The landowner does not propose to consolidate lots.

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:

Planning Scheme: *Prevent the excision of the dwelling from the parent lot.*

Response: This is considered appropriate.

5.3 Clause 35.07 Farming Zone

The subject site is contained within the Farming Zone. Clause 35.07 of the Strathbogie Planning Scheme provides that a planning permit is required for the use and development of

land for a dwelling on the farm. In this instance, the land is under 80 hectares, however it is used and developed for Rural Residential Purposes.

Farming Zone Decision Guidelines

Issues	Response
General	
The Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.	<ul style="list-style-type: none"> ▪ This planning report addresses the PPF at section 5.1. ▪ The LPPF, MSS and local planning policies are addressed at 5.2.
Any Regional Catchment Strategy and associated plan applying to the land.	<p>The report has considered the following reports, plans and strategies in its assessment of the proposed amendment:</p> <ul style="list-style-type: none"> ▪ Goulburn Broken Regional Catchment Strategy 2004
The capability of the land to accommodate the proposed use or development, including the disposal of effluent.	A Land Capability Assessment has been prepared.
How the use or development relates to sustainable land management.	The property will be maintained for rural residential purposes.
Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.	The surrounding land is predominantly being used for rural residential purposes.
How the use and development makes use of existing infrastructure and services.	The property is connected to services and gain access from an all-weather road.
Agricultural	
Whether the use or development will support and enhance agricultural production.	The use or development will not impact agricultural production.
Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.	The site is not currently part of the agricultural land base.
The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.	The surrounding land uses include rural residential and residential development. There are no agricultural pursuits being undertaken nearby.
The capacity of the site to sustain the agricultural use.	The land is not considered to be sustainable for agricultural purposes.

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The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.	The land is developed for a dwelling and associated shedding and the property is amongst residential land uses. The site is connected to reticulated water and sewer services.
Any integrated land management plan prepared for the site.	A Whole Farm Plan has not been prepared as this property is identified within the Shire of Strathbogie Rural Residential Study 2004.
Dwelling	
Whether the dwelling will result in the loss or fragmentation of productive agricultural land.	This land is not located within an agricultural precinct.
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.	There are no nearby agricultural enterprises.
Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.	The proposed dwelling will be well setback and will not impact agricultural uses off site.
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.	The dwelling will be located on land that is recognised for its potential for rural residential use and development. It will not be used for farming purposes.
Environmental	
The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.	There are no impacts likely to be caused through the use and development of land for the dwelling. The stormwater will be directed to the legal point of discharge and wastewater will be treated appropriately.
The impact of the use or development on the flora and fauna on the site and its surrounds.	The siting of the dwelling has ensured that native vegetation will not be impacted or removed.
The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.	There are stands of native vegetation within the property that will be maintained.

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The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.	The land is considered large enough to manage wastewater. A Land Capability Assessment has been prepared.
Design and Siting	
The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.	The dwelling setbacks are appropriate for the site and accord with the Strathbogie Planning Scheme.
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.	The dwelling will be constructed to the standards required by the responsible authority. The location is low key, and the building is of a modest size and of materials and colours that respect the environment.
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.	The site is generally flat. The proposed dwelling will be constructed in a location that has considered the surrounding character.
The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.	Where possible utilities will be encouraged to share trenches and to be within existing cleared areas.
Whether the use and development will require traffic management measures.	Access can be achieved via existing roads.

The Strathbogie Planning Scheme supports the use and development of land for a dwelling in the Farming Zone that is identified within the Shire of Strathbogie Rural Residential Study 2004.

5.4 Clause 37.03 Urban Floodway Zone

The land is partly located within the UFZ. The proposed subdivision alignment has traversed the UFZ following consultation with the GBCMA (letter attached).

5.5 Overlays

The land is affected by the LSIO. The proposed dwelling location is affected by the LSIO in this instance. The dwelling will be constructed to accord with the requirements of the Goulburn Broken Catchment Management Authority (GBCMA). The proposed dwelling and access driveway do not require significant excavation, and the stormwater will be directed to the existing point of discharge.

5.6 Clause 65.01 Approval of an Application or Plan

Relevant Issues	Response
The matters set out in Section 60 of the Planning & Environment Act 1987	A review of section 60 did not identify any matters of concern that were considered to prevent this planning application from being approved.
The Municipal Planning Strategy and the Planning Policy Framework	The proposal generally meets all of the objectives of the Planning Scheme in relation to a two lot subdivision and dwelling within a rural residential precinct that is identified for rural residential purposes.
The purpose of the zone, overlay or other provision.	The proposal generally meets the purpose of the Farming Zone and LSIO for a dwelling and subdivision and meets the requirements for a known rural residential locality.
Any matter required to be considered in the zone, overlay or other provision.	The proposal generally meets the purpose of the Farming Zone. The siting of the building has addressed the objectives of the LSIO.
The orderly planning of the area.	The area consists rural residential uses and development.
The effect on the amenity of the area.	The proposed dwelling is not considered to be in a location that will impact on the amenity of the area. The proposed setbacks ensure adequate distance from adjoining properties and the road frontage.
The proximity of the land to any public land.	The land is not located in close proximity to public land.
Factors likely to cause or contribute to land degradation, salinity or reduce water quality.	The proposal has taken into account the need for the protection of soil on the land.
Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.	The stormwater will be managed according to the requirements of the responsible authority.
The extent and character of native	No native vegetation will be removed.

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vegetation and the likelihood of its destruction.	
Whether native vegetation is to be or can be protected, planted or allowed to regenerate.	The site contains some naturally occurring native vegetation which will be maintained.
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.	There are no significant environment concerns for the subject site.
The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.	This proposal is for a two lot subdivision and a single dwelling which is not considered to be a generator of heavy traffic.

6 Planning Assessment

The proposal is considered to be consistent with the intention of the Shire of Strathbogie Rural Residential Study 2004. A meeting was undertaken between Cameron Fraser and the land owner Adrian Hamill to discuss the proposal in 2019. Cameron provided in-principle support of the proposed subdivision and dwelling. A Land Capability Assessment has been prepared to address the treatment of wastewater for the proposed dwelling. The required setbacks have been met, and an assessment against Clause 22.01 has been satisfied.

7 Conclusion

This report leads to the following conclusions:

- The proposal generally meets the requirements of the Strathbogie Planning Scheme for a two lot subdivision and a dwelling.

It is therefore requested that a permit issue, granting approval for the proposal outlined in this report.