



STRATHBOGIE SHIRE COUNCIL

PLANNING COMMITTEE

AGENDA

MEETING TO BE HELD ON TUESDAY 22 MAY 2018
AT THE EUROA COMMUNITY CONFERENCE CENTRE
COMMENCING AT 4.00 P.M.

Chair: Malcolm Little (Hughes Creek Ward)

Councillors: Amanda McClaren (Lake Nagambie Ward)
John Mason (Seven Creeks Ward)
Debra Swan (Lake Nagambie Ward)
Alistair Thomson (Mount Wombat Ward)
Graeme (Mick) Williams (Seven Creeks Ward)

Officers: Steve Crawcour - Chief Executive Officer
Phil Howard - Director, Innovation and Performance
Roy Hetherington - Director, Community Assets
David Roff – Director, Corporate and Community
Emma Kubeil – Manager, Planning and Investment
Cameron Fraser – Principal Planner
Trish Hall - Technical Officer, Planning

Business:

1. Welcome
2. Acknowledgement of Traditional Land Owners

*'I acknowledge the Traditional Owners of the land on which we are meeting.
I pay my respects to their Elders, past and present'*
3. Apologies

Councillor Kate Stothers (Honeysuckle Creek Ward)
4. Confirmation of Minutes of the Planning Committee meeting held on Tuesday 24 April 2018
5. Disclosure of Interests

6. Planning Reports
7. Other Business

Steve Crawcour
CHIEF EXECUTIVE OFFICER

11 May 2018

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

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PLANNING COMMITTEE REPORT NO. 1 (TECHNICAL OFFICER, PLANNING - TRISH HALL)

6. PLANNING REPORTS

6.1 Planning Permit Application No. 2017-064 - Use and Development of Land for a Dwelling ~ 274 Euroa-Strathbogrie Road, Euroa

Application Details:

Application is for:	Use and development of land for a dwelling
Applicant's/Owner's Name:	T & C Developments-Troy Spencer
Date Received:	28 June 2017
Statutory Days:	243
Application Number:	P2017-064
Planner: Name, title & department	Trish Hall Technical Officer – Planning Sustainable Development Department
Land/Address:	Crown Allotment 8 Section D1 Parish of Euroa, Certificate of Title Volume 09369 Folio 392 274 Euroa-Strathbogrie Road, Euroa VIC 3666
Zoning:	Farming Zone
Overlays:	Erosion Management Overlay (Part)
Is a CHMP required?	No The proposal is for a single dwelling, and the parcel of land is not affected by cultural sensitivity.
Is it within an Open Potable Catchment Area?	No
Under what clause(s) is a permit required?	Clause 35.07-1 to use the land for a dwelling Clause 35.07-4 to construct a building and to carry out works in association with a section 2 use. Clause 44.01-1 to construct a building within the Erosion Management Overlay.
Restrictive covenants on the title?	No
Current use and development:	Agriculture

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*.

6.1 Planning Permit Application No. 2017-064
- Use and Development of Land for a Dwelling ~ 274 Euroa-Strathbogie Road, Euroa (cont.)

Summary

- The application is for the use and development of the land at 274 Euroa-Strathbogie Road, Euroa VIC 3666 for a dwelling.
- The site has an area of approximately 8 hectares. is located in the Farming Zone and is partly affected by the Erosion Management Overlay.
- The application was advertised to adjoining owners and a sign placed on site, no objections have been received to date.
- The application was referred internally to Council's Health Officer and Asset Services Department who offered no objection subject to conditions.
- The application has not been assessed within the 60 day statutory timeframe due to changes to bushfire planning provisions and due to site constraints the request for the preparation of a Land Capability Assessment.
- The application is being presented to Planning Committee as the application proposes a dwelling on a lot under the minimum lot size for the area, i.e. 40 hectares.
- The proposal meets the objectives of the State and Local Planning Policy Framework, the Farming Zone and the Erosion Management Overlay.
- It is recommended that Council resolve to grant a permit in accordance with the Officer's recommendation.

RECOMMENDATION

That Council

- **having caused notice of Planning Application No. P2017-064 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme, and**
- **having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Grant a Permit under the provisions of Clause 35.07-1, Clause 35.07-4 and Clause 44.01-1 of the Strathbogie Planning Scheme in respect of the land known as Crown Allotment 8 Section D1 Parish of Euroa, Certificate of Title Volume 09369 Folio 392, 274 Euroa-Strathbogie Road, Euroa VIC 3666, for the Use and development of land for a dwelling, in accordance with the endorsed plans, subject to the following conditions:**

Endorsed Plans:

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

- 6.1 Planning Permit Application No. 2017-064
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Section 173 Agreement:

2. 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 which increases the number of lots including house lot excision.
 - (b) Acknowledges and accepts that the possibility of some amenity impacts from adjoining and/or nearby land uses including agriculture, pistol club and nearby airstrip. The possible off site impacts might include but are not limited to dust, noise, odour, waste, vibration, soot, smoke or the presence of vermin, from animal husbandry, animal waste, spray drift, agricultural machinery use, pumps, trucks and associated hours of operation.
 - (c) Ensure that the use will be carried out in association with the Whole Farm Plan endorsed as part of this permit and the endorsed plan will be implemented and complied with to the satisfaction of the Responsible Authority.

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

Environmental Health Conditions:

3. All wastewater from the proposed dwelling must be treated and contained within the property boundaries in accordance with the current EPA Code of Practice – Onsite Wastewater Management: Guidelines for Environmental Management, Australian Standards 1547 and Council requirements.
4. All waste water and liquid is to be contained and treated on site by an approved septic tank system or equivalent. The system must be at least 100 metres from waterways (Potable water supply) and 60 metres from any watercourse and/or dam (non-potable water supply), on the subject or neighbouring properties, and must meet the Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management 891. 4 (2016).
5. Prior to the commencement of construction of the dwelling or shed, plans of a suitable effluent disposal system and its location on the land must be approved in writing by the Responsible Authority.

Engineering Conditions:

6. Prior to the commencement of buildings and works new or otherwise vehicular entrances to the subject land from the road shall be constructed at a location and of a size and standard satisfactory to the Responsible Authority.

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Euroa (cont.)

7. **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. The final location of the crossing is to be approved by the Responsible Authority via a Vehicle Crossing Permit. Refer to Clause 12.9.2 "Rural Vehicle Crossings" of the Infrastructure Design Manual and to standard drawing SD255.**
8. **Internal access, including the turn-around areas for emergency vehicles, must be all weather construction with a minimum trafficable width of 4m.**
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 or dissipated within the site boundaries. 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. Driveway to access roadway perpendicular and at a suitable location to ensure adequate site distance in both directions.**

General Conditions:

12. **Prior to the commencement of works for the dwelling, evidence must be provided to the satisfaction of the Responsible Authority that works detailed in the endorsed Whole Farm Plan have commenced.**
13. **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 *Environmental Protection Act 1970*.**
14. **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.**
15. **The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.**

6.1 Planning Permit Application No. 2017-064
- Use and Development of Land for a Dwelling ~ 274 Euroa-Strathbogie Road, Euroa (cont.)

16. 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.

Bushfire Protection Measures:

Defendable Space

17. An area of defendable space must be managed for a distance of 33 metres 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.

Water Supply

18. A minimum of 10,000 litres of effective water supply for fire fighting purposes must be provided which meets the following requirements:
- Be stored in an above ground water tank constructed of concrete or metal.
 - Have all fixed above ground water pipes and fittings required for fire fighting purposes made of corrosive resistant metal.
 - Include a separate outlet for occupant use.
 - Be readily identifiable from the building or appropriate identification signage to the satisfaction of the relevant fire authority.
 - Be located within 60 metres of the outer edge of the approved building.
 - The outlet/s of the water tank must be within 4 metres of the accessway and unobstructed.
 - Incorporate a separate ball or gate valve (British Standard Pipe (BSP 65 millimetre) and coupling (64 millimetre CFA 3 thread per inch male fitting).
 - Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling)

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Access

19. Access for fire fighting purposes must be provided which meets the following requirements:

- All weather construction.
- A load limit of at least 15 tonnes.
- Provide a minimum trafficable width of 3.5 metres
- Be clear of encroachments for at least 0.5 metre on each side and at least 4 metres vertically.
- 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.
- Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.

Permit Expiry:

- 20. 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.
- 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.
- Prior to installation works commencing on the septic tank system, a Permit to install must be obtained from Council.

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- Use and Development of Land for a Dwelling ~ 274 Euroa-Strathbogie Road,
Euroa (cont.)

Proposal

It is proposed to use and develop the land at 274 Euroa-Strathbogie Road, Euroa for a single dwelling. The dwelling is proposed to be sited 81 metres from the northern boundary on the subject site and 149 metres from the eastern boundary. The proposed dwelling will be setback approximately 100 metres from the Euroa Strathbogie Road.

The dwelling, including the carport and outdoor living area, will have a total area of approximately 415 square metres. The dwelling is proposed to be a 4 bedroom, single storey, brick veneer home with a colorbond pitched roof. The dwelling is proposed to be 34 metres in length and 12.5 metres wide, at the widest point. In addition to the 4 bedrooms proposed, it will contain two bathrooms, an open plan living kitchen and dining space, separate living area, study, laundry, double car garage and an alfresco area.

No native vegetation will be required to be removed in association with the construction of the access or the dwelling and outbuilding.

A whole farm plan has been prepared as part of the application material and proposes that an area of the land along the gully to the east will be managed as an area for revegetation to create a shelter belt. Any stock and agricultural activities would be excluded from this part of the site. The dwelling will be constructed to facilitate an equine agistment enterprise.

Vehicular access is proposed to be gained via a crossover from Euroa-Strathbogie Road.

A Land Capability Assessment has been prepared and an effluent area has been sited appropriately from the dwelling and the waterways on site.

Subject site & locality

The subject site is located at 274 Euroa-Strathbogie Road, Euroa, formally identified as Crown Allotment 8 Section D1 Parish of Euroa, Certificate of Title Volume 09369 Folio 392.

The site measures approximately 8 hectares in area and is generally triangular in shape. From the northern boundary the land slopes downwards towards the southern boundary and Euroa Strathbogie Road.

The site contains an existing shed and water tank. The roadside is vegetated and moderately treed. The subject site contains trees, shrubs, grasses and rocky outcrops. The site is heavily treed in the north western corner. The north eastern corner has scattered trees and shrubs. Two gullies and identified waterways cross the property flowing from the north to the south. One waterway is in the south eastern corner and the other in the north western corner.

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Electricity is available on the subject site, associated infrastructure is setback approximately 35 metres inside the properties southern boundary. The power lines and poles run parallel to Euroa Strathbogie Road and the southern boundary.

Located approximately 1.5 km from the town boundary of Euroa, the land is typically within an area of farming with a mix of agricultural uses including stock grazing and equine. There are scattered rural dwellings and agricultural industry (Boadles Chaff) within the area. The site is located approximately 750 metres to the east of the Hume Freeway.

The site is within the Farming Zone and is partially affected by the Erosion Management Overlay.

Permit/Site History

A search of Council's electronic records showed that one planning permit has been issued previously for the subject site.

- Planning Permit No. P2006/086 was issued on 12 September 2006 and allowed for the use of the land for a 4 wheel drive get together involving vehicle competitions and camping. This permit has since expired.

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 no objections to date.

Consultation

Consultation has been required to determine the soil has capacity to treat waste on site as a result of the proposed development. Due to the size and terrain of the land it has been determined a High Level Land Capability Assessment was required and this assessment has been completed. The Land Capability Assessment suggests the disposal field should be downslope and southwest of the proposed building envelope. This information was requested in August 2017 and was not received until March 2018

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- Use and Development of Land for a Dwelling ~ 274 Euroa-Strathbogie Road, Euroa (cont.)

Referrals

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	Nil
Section 52 Notices	Public Notice

Internal Council Referrals	Advice/Response/Conditions
Asset Services	No objection, subject to conditions.
Environmental Health	No objection, 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 a dwelling, pursuant to Clause 35.07-1 and Clause 35.07-4 of the Strathbogie Planning Scheme as the site is less than 40 hectares in area.

The documentation provided with the application demonstrates that the land is used for horse agistment. The site is 8 hectares in area and is considered to be capable of accommodating the proposed dwelling in conjunction with the agricultural land use.

It is considered the proposed activities represent an appropriate utilisation of the agriculture potential of the land and will result in an improvement to the agricultural and environmental value of the site. Given the activities associated with this, the applicant has demonstrated that the construction for a dwelling to allow a permanent manager present on the property is appropriate in this circumstance.

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- Use and Development of Land for a Dwelling ~ 274 Euroa-Strathbogie Road,
Euroa (cont.)

Having regard to the parcel size and the terrain of the land, consideration has been given to the capacity of the site to sustain any large scale agricultural use, therefore the construction of a dwelling on the land, is considered reasonable and required to support the use of the land for the proposed agricultural use and will enhance and support the agricultural land.

Clause 35.07-6 of the scheme provides decision guidelines to be considered when assessing an application in the Farming Zone, and include a number of matters in relation to the development of a lot in this zoning including agricultural, environmental, design and siting issues and other general issues.

It is considered that the proposal adequately responds to the decision guidelines of the Farming Zone, as the proposal will result in the sustainable management of the land by supporting a long term agricultural use. The dwelling will not result in conflicts with adjoining land use activities as the property will be used for a horse agistment business.

Whilst the lot is smaller than the 40 hectare minimum lot size for this area of the municipality, for an 'as of right use', it is considered the proposal is representative of an appropriate utilisation of an agricultural land parcel in this instance.

The application is considered to be consistent with the purpose and decision guidelines of the Farming Zone.

General Issues	Complies	Officers Comment
<i>The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</i>	Yes	Assessment against SPPF & LPPF is provided below.
<i>Any Regional Catchment Strategy and associated plan applying to the land.</i>	Yes	The proposal will not have any adverse impact on local water catchment.
<i>The capability of the land to accommodate the proposed use or development, including the disposal of effluent.</i>	Yes	A Land Capability Assessment has been prepared for the site. Due to the slope of the land and some rocky terrain the report has identified a suitable effluent location towards the south western corner of the site adjacent Euroa Strathbogie Road. The application has been referred to Council's environmental health department who have consented to this application, subject to conditions. Given this, it is considered the land is capable of treating effluent waste on site.

6.1 Planning Permit Application No. 2017-064
- Use and Development of Land for a Dwelling ~ 274 Euroa-Strathbogie Road,
Euroa (cont.)

<p><i>How the use or development relates to sustainable land management.</i></p>	<p>Yes</p>	<p>The nature of the subject site including its size, adjoining land uses, topography and location limit the capacity for agricultural production. However, in the application documentation, the applicant has advised they will use the land for agistment and participate in environmental improvements for the land. The whole farm plan could be attached to the Title of land through an agreement under Section 173 of the <i>Planning and Environment Act 1987</i>.</p>
<p><i>Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.</i></p>	<p>Yes</p>	<p>The subject site is approximately 8 hectares in area and constrained by its size and terrain. Surrounding land uses are mixed, and include agriculture, agricultural businesses (Boadle Chaff, Wignell's tractors including private airstrip), the Hume Freeway, Balmattum Hill Reserve including Goulburn Valley Water treated water supply facility, Euroa Pistol Club, and bushland reserve. Lot sizes vary and some contain single dwellings including the parcels opposite and to the west. The development of a dwelling on this lot is unlikely to create a detrimental impact on these adjoining land uses.</p>
<p><i>How the use and development makes use of existing infrastructure and service.</i></p>	<p>Yes</p>	<p>Access is proposed via the Euroa-Strathbogie Road. A condition should be included on any planning permit issued that the vehicle crossing shall be constructed at a location and of a size and standard satisfactory to the Responsible Authority. Access to electricity is available on site.</p>

6.1 Planning Permit Application No. 2017-064
- Use and Development of Land for a Dwelling ~ 274 Euroa-Strathbogie Road,
Euroa (cont.)

Agricultural Issues		
<i>Whether the use or development will support and enhance agricultural production.</i>	Yes	The proposal will support proposed environmental improvements of the land, whilst continuing to be used for agricultural purposes.
<i>Whether the use or development will permanently remove land from agricultural production.</i>	Yes	The area of land where the building will be sited already has limited agricultural production due to its soil type. The land is in the Farming Zone, there will be agricultural activities on adjoining parcels of land which may cause amenity issues in relation to noise, use of chemicals, hours of operation and odour. It is considered that they will not be unreasonable given the siting of the dwelling, considerable noise from the freeway and mix of uses in the area. Should a permit be issued, it is considered appropriate that a requirement for a Section 173 Agreement be included which acknowledges that any such amenity impacts could be expected in this location.
<i>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	It is considered the proposed use and development will not limit the operation of adjoining and nearby agricultural uses. The subject site is considered to have a limited agricultural benefit given the rocky and undulating terrain and the amount of vegetation on the site. The siting of the dwelling and mix of uses in the area (which does include some dwellings on smaller lots further east, south and west) means that this proposal is acceptable in this location
<i>The capacity of the site to sustain the agricultural use.</i>	Yes	The rocky and undulating terrain limits the agricultural productivity of the land.

6.1 Planning Permit Application No. 2017-064
- Use and Development of Land for a Dwelling ~ 274 Euroa-Strathbogie Road,
Euroa (cont.)

<i>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</i>	Yes	The land is not identified as a significant piece of farming land. The proposed use and development will enable the land to operate a low impact agricultural pursuit that will assist in the ongoing agricultural management and maintenance of the site.
<i>Any integrated land management plan prepared for the site.</i>	Yes	A land management plan has been integrated into the whole farm plan application documentation. This will be endorsed and form part of any permit issued for this proposal. Implementation of this plan will be required to have commenced prior to the construction of the dwelling proposed as part of this application.
Dwelling Issues	Complies	Officers Comment
<i>Whether the dwelling will result in the loss or fragmentation of productive agricultural land.</i>	Yes	The proposed dwelling is in association with an agricultural business and will not result in the loss or fragmentation of productive agricultural land, as the site is considered to have limited agricultural production capacity due to its size, surrounding land uses, terrain, vegetation and rocky outcrops. The siting of the dwelling and mix of uses in the area (which does include some dwellings on smaller lots further east, south and west) and land form means that this proposal is acceptable in this location and should not result in 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 use of the land for a dwelling is unlikely to impact on the surrounding agricultural properties. The dwelling has been sited on the lot away from the boundaries to ensure little to no impact is made to the adjoining agricultural properties from the dwelling.

6.1 Planning Permit Application No. 2017-064
- Use and Development of Land for a Dwelling ~ 274 Euroa-Strathbogie Road,
Euroa (cont.)

<i>Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	The use of the land for a dwelling is very unlikely to limit the expansion of adjoining agricultural entities which are similarly constrained by surrounding development. Given the site's terrain and vegetation, the site is unlikely to be viable for high impact agricultural productivity in the future.
<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	This dwelling is unlikely to contribute to a proliferation of dwellings in the area. There are already scattered dwellings along Euroa-Strathbogie road that are in association with agricultural production, rural living and other land uses.
Environmental issues		
<i>The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.</i>	Yes	The dwelling has been sited appropriately on the site. The proposal does not include the removal of any vegetation to construct access or the proposed dwelling. In addition, the applicant has put forward information regarding the improvements intended for the environmental values of the land.
<i>The impact of the use or development on the flora and fauna on the site and its surrounds.</i>	Yes	The proposal does not include the removal of any vegetation. The subject site has scattered vegetation which through the application documentation submitted for this application will be improved by the on-going occupants on the land.
<i>The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.</i>	Yes	The proposal does not include the removal of any vegetation.

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Euroa (cont.)

<i>The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.</i>	Yes	On site effluent disposal will be carried out in accordance with the requirements of the Responsible Authority.
Design and siting issue		
<i>The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.</i>	Yes	The proposed dwelling is located appropriately on site, away from the boundaries and in a clear area away from significant vegetation.
<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 is considered appropriate. Should a permit be issued, a condition will be placed on the permit requiring muted tones on the exterior of the dwelling.
<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 detract from the existing character and amenity values of the area. Conditions on the permit require that muted materials are used. This will ensure that the buildings do not cause any unreasonable adverse visual impacts.
<i>The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.</i>	Yes	The proposed building is considered to be appropriately located on the site away from significant vegetation, and significant features. The proposal utilises the existing road and is to the north of exiting power lines located on the site.
<i>Whether the use and development will require traffic management measures.</i>	Yes	As the proposal is for a single dwelling, it is deemed not necessary for there to be traffic management measures implemented.

6.1 Planning Permit Application No. 2017-064
- Use and Development of Land for a Dwelling ~ 274 Euroa-Strathbogie Road,
Euroa (cont.)

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 the development of land for a dwelling, and associated buildings and works pursuant to Clause 44.01-1 of the Strathbogie Planning Scheme. The subject site is partially affected by the Erosion Management Overlay. Proposed building and works are to occur across the site and some will be mitigated by proposed land management measures. The septic envelopes and the crossover will be located outside of the Erosion Management Overlay. However the house site, part of the driveway, and some fencing is within the Erosion Management Overlay. It is proposed the gully to the south east will be revegetated and fenced to provide an exclusion zone for horses, any fencing is exempt from requiring a planning permit and therefore is not assessed as part of the application. Standard conditions will be included on any planning permit issued to ensure all disturbed soils are retained on site and stabilised to the satisfaction of the Responsible Authority.

The State Planning Policy Framework (SPPF)

Clause 13.05-1, Bushfire planning strategies and principles

Objective

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

The applicant has addressed Clause 13.05-1. The dwelling will be constructed to a 12.5 BAL standard. It is proposed the defendable space is in accordance with AS 3959. The site is located on the southern side of the hill.

It is proposed the dwelling will have access to Euroa Strathbogie Road. The road is sealed and proposed driveway will be all weather and allow for emergency vehicle access.

The proposed dwelling will provide 10,000 litres of water for fire fighting purposes as identified under AS3959.

The applicant proposes to maintain defendable space around the proposed dwelling through regular maintenance including regular mowing, slashing, with grass being maintained at no more than 10 cm. No trees or shrubs will be allowed to grow within this space.

Stock movements will be monitored around the site to keep grass heights to a minimum to reduce any fuel loads in the paddocks set aside for horse agistment. The paddocks will also be slashed in peak growth periods. The other areas will be maintained through running sheep on the property to reduce fuel loads.

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- Use and Development of Land for a Dwelling ~ 274 Euroa-Strathbogie Road,
Euroa (cont.)

Horse feed will be kept outside the defensible space within the existing shed.

The inclusion of trees on the land for the use as shelter or screening will not be located on the north western side of the property to ensure they do not increase the fuel load. The horse paddocks will be planted with deciduous species to enable sunlight during winter and shade in summer.

Standard bushfire protection conditions regarding defensible space, water supply and access will be included on any planning permit issued.

Clause 14.02-1, Catchment planning and management

Objective

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

The dwelling is located 79 metres from the waterway to the south, 81 metres from the waterway to the east. Standard drainage conditions will be included on any planning permit issued. The waterways will be fenced and the gully to the east will be revegetated to create a shelter belt.

Clause 13.03-2 Erosion and landslip

Objective

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

The site is subject to erosion, however no vegetation is proposed to be removed, and any works required for the construction of the dwelling or ancillary services will be stabilised to the satisfaction of the Responsible Authority. Exclusion zones and revegetation works have been outlined within the application documentation to alleviate any land degradation processes.

Clause 14.01-1 Protection of agricultural land

Objective

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

The proposal is considered to be consistent with this State planning policy as detailed in the Strathbogie Planning Scheme.

The applicant has submitted comprehensive documentation which demonstrates that a dwelling is required to facilitate the proposed horse agistment operation. The land will continue to be used for agricultural production in accordance with the relevant policies within the State Planning Policy Framework.

In addition, the use of the land for a dwelling is considered appropriate to support ongoing management of the land and equine business in accordance with the application documentation although the land is not identified as locally or regionally significant. Improvement of the subject site in terms of land management will likely be of greater benefit to surrounding land owners.

6.1 Planning Permit Application No. 2017-064
- Use and Development of Land for a Dwelling ~ 274 Euroa-Strathbogie Road, Euroa (cont.)

Given this, it is considered that the proposal meets this objective of the Strathbogie Planning Scheme.

Clause 14.01-2 *Sustainable agricultural land use*

Objective

- *To encourage sustainable agricultural land use.*

The use of the land for a dwelling in conjunction with an agricultural use and ongoing land management as proposed is considered an appropriate land use for the site.

The land will be continually managed in accordance with the submitted documentation, it is considered unlikely that a conflict over residential versus agricultural land uses is likely to result from the proposal. A dwelling is required to be constructed on this lot to allow for ongoing maintenance and care of the horses.

The ongoing land management practices outlined in the application documentation is a sustainable use and will endeavour to protect the biodiversity of the site from stock, by appropriate fencing.

Given this, the proposal is considered consistent with this State planning policy as detailed in the Strathbogie Planning Scheme.

Clause 14.02-1, *Catchment planning and management*

Objective

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

It is proposed the dwelling and horse yards will be located away from natural drainage lines that are located in the north west and south east corners of the site. The whole farm plan indicates these areas will be fenced and native vegetation encouraged to grow. The gully located towards the south eastern corner of the site will be included in a horse exclusion zone and revegetated to create a shelter belt.

Clause 19.03-2 *Water supply, sewerage and drainage*

Objective:

- *To plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet State and community needs and protect the environment.*

The proposed development has been referred internally to the assets and environmental health department who have not objected subject to conditions. Potable and fire fighting water supplies can be provided on site. The proposal will have all of the above utilities and these can be required by way of condition on any permit issued.

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- Use and Development of Land for a Dwelling ~ 274 Euroa-Strathbogrie Road,
Euroa (cont.)

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

Clause 21.02-3 Rural Residential

Objective

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

It is considered that the proposed use for a dwelling with limited agricultural component is consistent with this objective, in that there will not be any adverse impacts on productive agricultural land and a better environmental outcome overall. Further, the site is constrained in such a way that it has only limited agricultural potential itself.

Clause 21.02-4 Rural Zones

Objective

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

The proposal is consistent with these objectives and will not affect established farming areas. The use of land for agriculture can be undertaken in a manner which is suitable for the constraints of the site however given the nature of this use; it is considered that a dwelling is required.

21.02-6 Building Material – Muted Tones

Overview

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

Objective

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

The dwelling is proposed to be constructed of muted tones. The materials are unlikely to impact the aesthetic amenity currently enjoyed in the area. As such, this proposed is considered to be consistent with this Local planning policy within the Strathbogrie Planning Scheme.

Clause 22.01-3 Dwellings on small lots in the Farming Zone

Policies:

- *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.*
 - *Emergency ingress and egress is at an appropriate standard.*

6.1 Planning Permit Application No. 2017-064
- Use and Development of Land for a Dwelling ~ 274 Euroa-Strathbogie Road,
Euroa (cont.)

- *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 Strathbogie Shire Rural Residential Strategy, 2004 as rural residential; implying that that there is an historic use and development pattern. Consideration should be given to the recommendations in the Strategy.*
 - *The applicant is proposing to consolidate one or more lots in the same ownership with the subject land prior to the construction of the dwelling.*

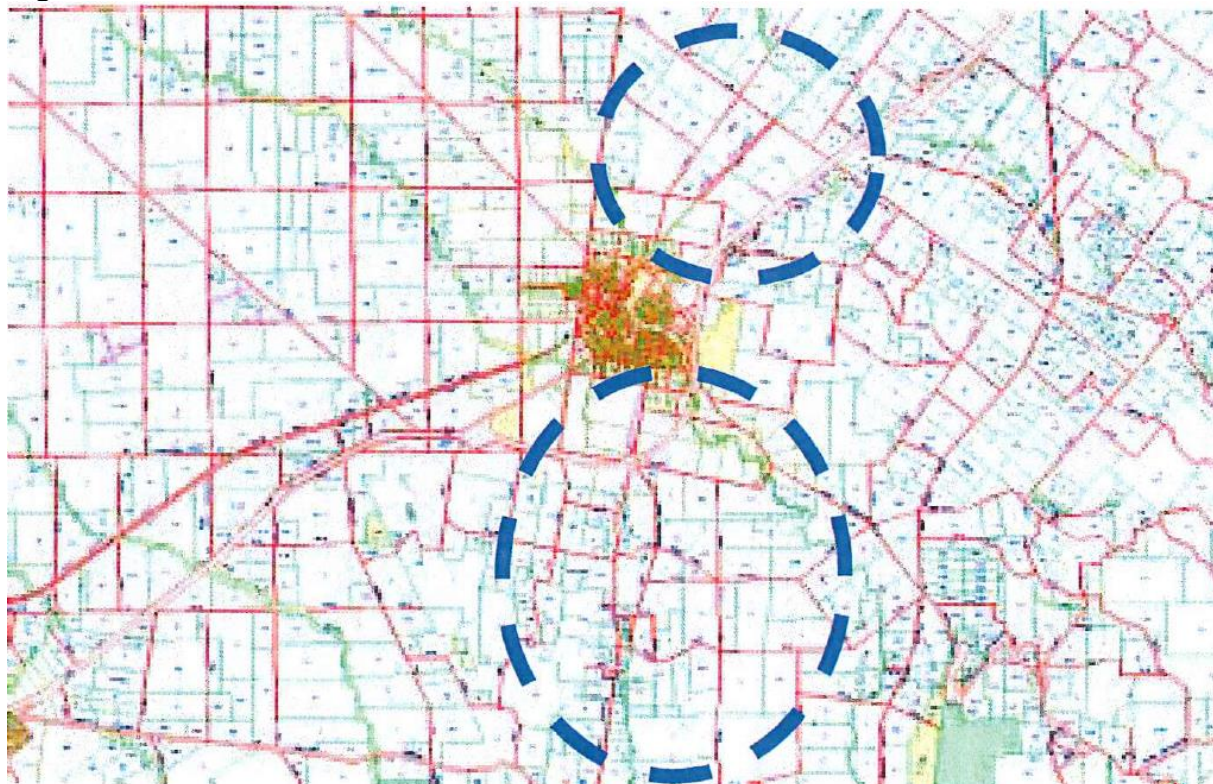
Although this dwelling is proposed to be on a lot less than 40 hectares, there is a need for a dwelling on this site to support the proposed agricultural pursuit of this site. It is considered the subject land has limited agricultural value due to it undulating topography and rocky out crops. The proposed agistment will provide a low impact agricultural pursuit that will assist in the ongoing agricultural management and maintenance of the site.

It is proposed the dwelling can be accessed by emergency vehicles via a suitably constructed all weather road allowing for ingress and egress. A condition will be included on any permit issued that this is completed to the satisfaction of the Responsible Authority.

As detailed below in Figure 1, the lot was included as part of the evaluation process of the Strathbogie Shire Residential Strategy 2004, however this road was not specifically highlighted.

6.1 Planning Permit Application No. 2017-064
- Use and Development of Land for a Dwelling ~ 274 Euroa-Strathbogie Road,
Euroa (cont.)

Figure 1



It is generally policy within the Strathbogie Planning Scheme that any permit issued for the use and development of a dwelling on a lot under the minimum size requires the permit holder enter into an agreement under Section 173 of the *Planning and Environment Act 1987* which prohibits further subdivision of the land. This is considered appropriate in this instance.

Relevant Particular Provisions

There are no particular provisions considered applicable to this planning permit application.

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.*

6.1 Planning Permit Application No. 2017-064
- Use and Development of Land for a Dwelling ~ 274 Euroa-Strathbogie Road, Euroa (cont.)

- *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.

Summary of Key Issues

With regard to the Farming Zone: Although the lot is under the minimum lot size for a dwelling in the Farming Zone in this area of the Strathbogie Shire, the application is considered suitable when taking into account the topography of the land, the surrounding land uses and the limited viability of the land to withstand extensive agricultural practices.

With regard to the Erosion Management Overlay: The dwelling is not likely to contribute to erosion issues or be impacted by them.

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

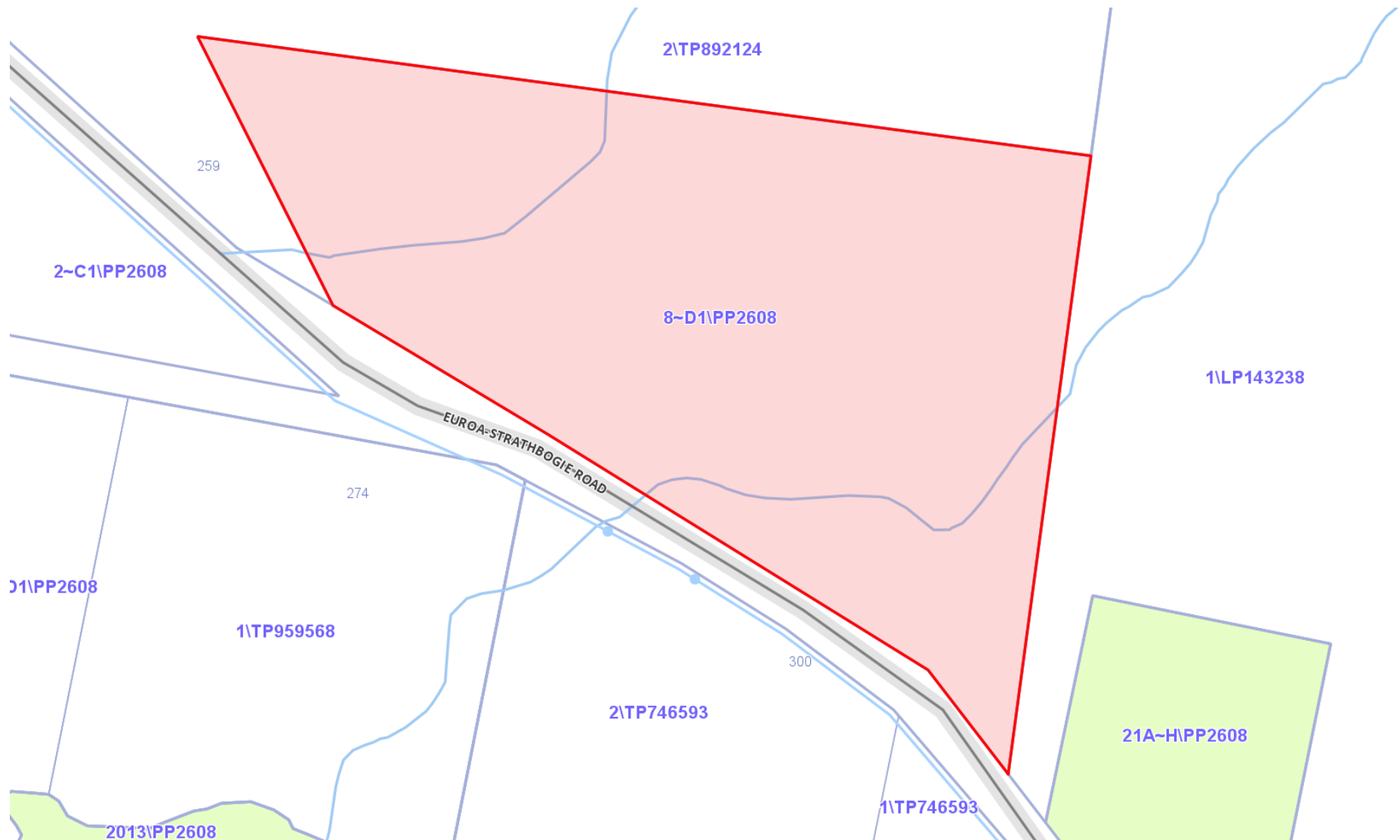
- 6.1 Planning Permit Application No. 2017-064
- Use and Development of Land for a Dwelling ~ 274 Euroa-Strathbogie Road,
Euroa (cont.)

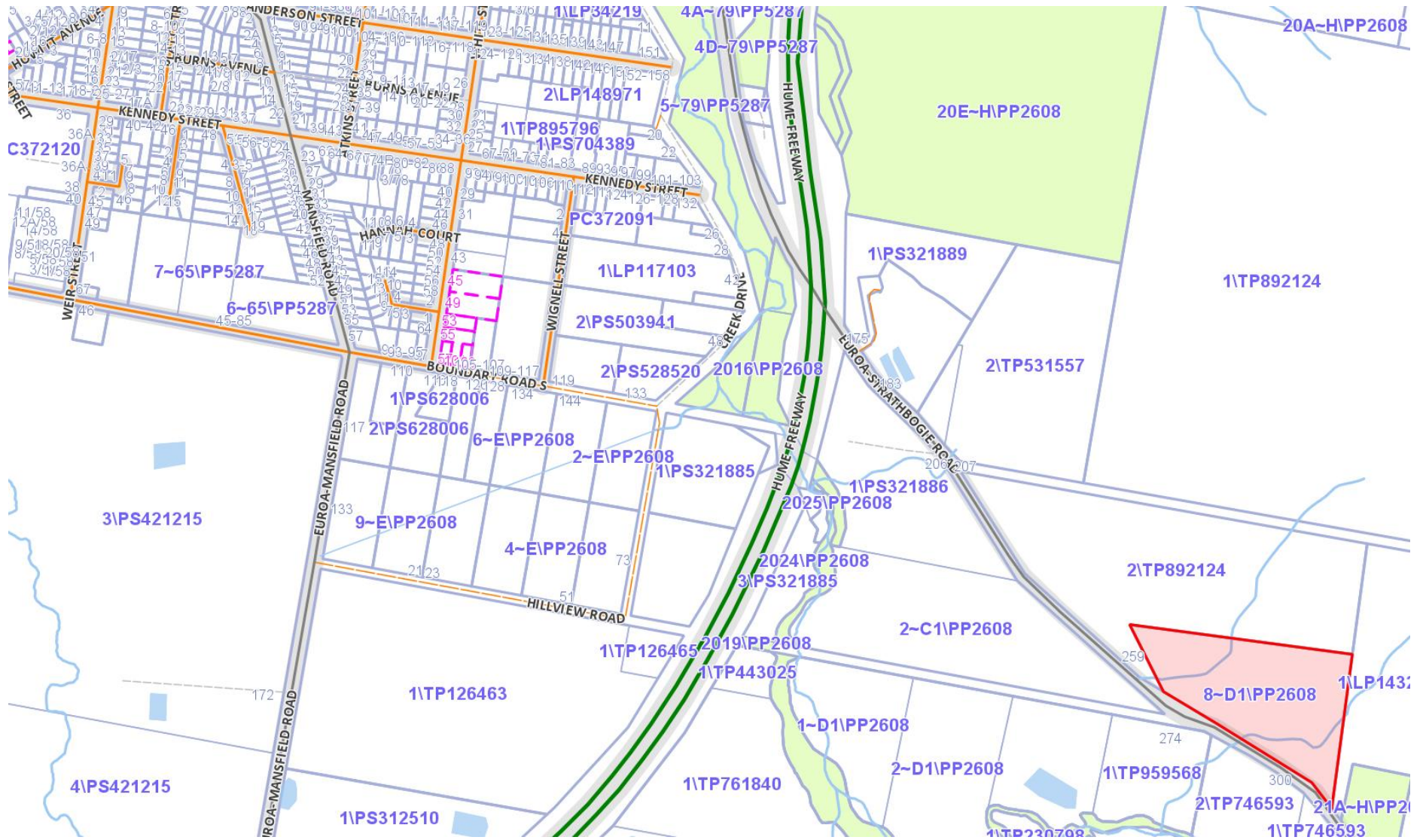
Conclusion

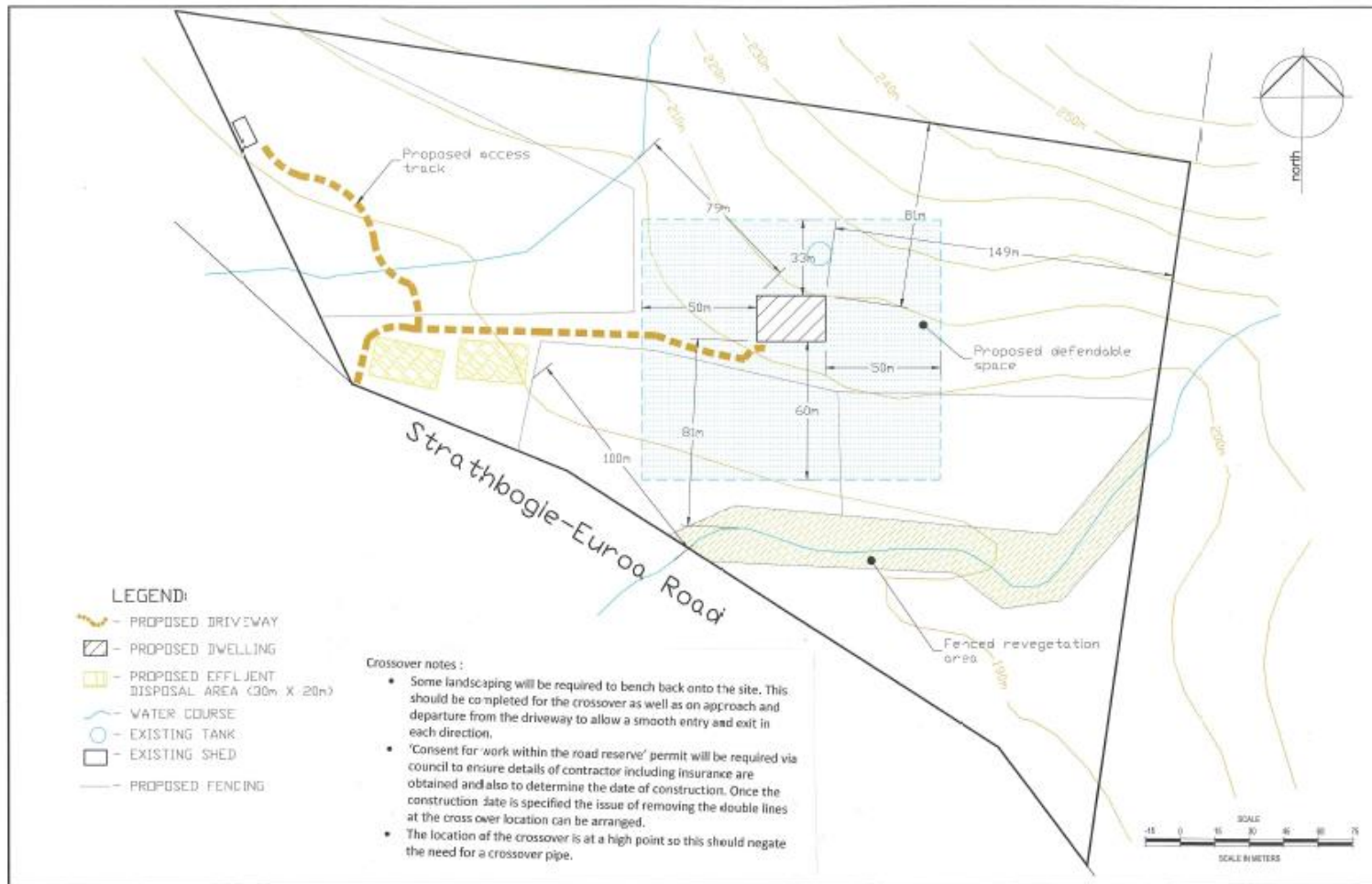
After due assessment of all the relevant factors, it is recommended that Council resolve Grant a Permit, in accordance with the officers recommendation.

Attachments

Site Plans







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

Site Plan
 -
 Crown Allot 8 Sec. D1
 Euroa-Strathbogie Road
 Euroa

JOB REF: 17033 REVISION: 03
 SCALE: 1 : 1500 SIZE: A3
 SHEET NO. 1

DRAWN: CR DATE: 26/08/2017
 DESIGNED: CR DATE: 26/08/2017
 CHECKED: - DATE: -

PLANNING COMMITTEE REPORT NO. 2 (DIRECTOR, INNOVATION AND PERFORMANCE - PHIL HOWARD)

7. OTHER BUSINESS

7.1 Planning Applications Received
- 12 April to 9 May 2018

Following are listings of Planning Applications Received for the period 12 April to 9 May 2018.

RECOMMENDATION

That the report be noted.

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

Planning Applications Received

Thursday, 12 April 2018

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
18 Granite Court, Euroa VIC 3666	P2018-043	Use and development of land for a dwelling	Mr Troy Spencer	\$320,000.00

Tuesday, 17 April 2018

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
210 Bartons Lane, Creightons Creek VIC 3666	P2018-046	Development of land for the lengthening of a sand-based track	Mark Arrowsmith	\$85,000.00
367-371 High Street, Nagambie VIC 3608	P2018-045	Development of land for refurbishment and extension of school administration building	Ken Woodman	\$600,000.00

Wednesday, 18 April 2018

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
1532 Euroa-Strathbogie Road, Kelvin View VIC 3666	P2018-044	Use and development of land for a dwelling, two (2) sheds and three (3) water tanks	Pamela Walker	\$50,000.00

Thursday, 19 April 2018

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
1070 Sheans Creek Road, Balmattum VIC 3666	P2018-051	Development of land for an extension to a dwelling	MCKERNAN, Helen Margaret	\$85,000.00
127 Vickers Road, Nagambie VIC 3608	P2018-048	Use and development of land for a dwelling and shed	Jim Verge	\$450,000.00
29 Magiltan Drive, Strathbogie VIC 3666	P2018-050	Use and development of land for a dwelling	Trevin Barrie	\$60,000.00
69 Vickers Road, Nagambie VIC 3608	P2018-049	Use and development of land for a dwelling and shed	Jim Verge	\$450,000.00
75-89 Hill Street, Longwood VIC 3665	P2018-047	Five (5) lot subdivision	Caroline Vass	\$0.00 *

Thursday, 26 April 2018

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
6 Carrick Crescent, Nagambie VIC 3608	P2018-052	Two (2) lot subdivision	Siv Onley	\$0.00 *

Friday, 27 April 2018

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
21 Grenada Road, Mangalore VIC 3663	P2018-054	Development of land for a shed	Patrick O'Connor	\$10,000.00
964 Harrys Creek Road, Boho VIC 3669	P2018-053	Creation of a carriageway easement	LIDDLE, Ewen Sutcliffe	\$0.00 *

Tuesday, 1 May 2018

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
240 High Street, Nagambie VIC 3608	P2016-037 - 1	Two (2) lot subdivision	Tracy McKenzie	\$0.00 *

Wednesday, 2 May 2018

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
113 Carters Lane, Longwood VIC 3665	P2018-016	Two (2) lot subdivision	Troy Spencer	\$0.00 *

Friday, 4 May 2018

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
77 Kettels Road, Bailieston VIC 3608	P2018-055	Two (2) lot subdivision	Stephen Circosta	\$0.00 *

Monday, 7 May 2018

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
1350 Geodetic Road, Molka VIC 3666	P2018-004 - 1	Development of land for earthworks	Pell Meola	\$0.00 *
34 Ferguson Lane, Avenel VIC 3664	P2018-056	Development of land for the extension of a barn to provide eight (8) additional stables	Katherine Wilcox	\$110,000.00
9 Tulip Street, Violet Town VIC 3669	P2018-057	Use and development of land for a dwelling	Paul Urquhart	\$406,198.00

*NB – '\$0.00 in Cost of Works means either no development, endorsement of plans or amendment to the original permit

Example Legend	Description
P2014-001	Planning permit application
P2014-001-1	Proposed amendment to a planning permit