



STRATHBOGRIE SHIRE COUNCIL

PLANNING COMMITTEE

AGENDA

MEETING TO BE HELD ON TUESDAY 25 JUNE 2019

AT THE EUROA COMMUNITY CONFERENCE CENTRE

COMMENCING AT 4.00 P.M.

Chair:	Malcolm Little	(Hughes Creek Ward)
Councillors:	Amanda McClaren	(Lake Nagambie Ward)
	Debra Bower	(Lake Nagambie Ward)
	John Mason	(Seven Creeks Ward)
	Kate Stothers	(Honeysuckle Creek Ward)
	Alistair Thomson	(Mount Wombat Ward)
	Graeme (Mick) Williams	(Seven Creeks Ward)

Officers:	Steve Crawcour - Chief Executive Officer
	Phil Howard - Director, Innovation and Performance
	David Roff - Group Manager, Corporate and Community
	Jeff Saker - Group Manager, Community Assets
	Emma Kubeil - Manager, Planning and Investment
	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
4. Confirmation of Minutes of the Planning Committee meeting held on Tuesday 28 May 2019
5. Disclosure of Interests

6. Planning Reports
7. Other Business

Steve Crawcour
CHIEF EXECUTIVE OFFICER

14 June 2019

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 (MANAGER, PLANNING AND INVESTMENT - EMMA KUBEIL)

6. PLANNING REPORTS

**6.1 Planning Permit Application No. P2018-148
- Use and Development of Land for a Function Centre and Group Accommodation ~ 204 Goulburn Weir-Murchison Road, Goulburn Weir**

Application Details:

Application is for:	Use and development of land for a function centre and group accommodation
Applicant's/Owner's Name:	HAMMOND, Anthony James
Date Received:	22 October 2018
Statutory Days:	91
Application Number:	P2018-148
Planner: Name, title & department	Emma Kubeil Manager Planning & Investment Innovation & Performance Directorate
Land/Address:	Lot 2 Plan of Subdivision 624203 204 Goulburn Weir-Murchison Road, Goulburn Weir VIC 3608
Zoning:	Farming Zone
Overlays:	Floodway Overlay, Land Subject to Inundation Overlay
Is a CHMP required?	In Aboriginal Cultural Heritage Sensitivity Area, but no significant ground disturbance
Is it within an Open Potable Catchment Area?	No
Under what clause(s) is a permit required?	Clause 35.07 FZ
Restrictive covenants on the title?	None that affect this proposal
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 use and development of land at 204 Goulburn Weir-Murchison Road for a function centre and associated group accommodation in association with the existing winery (Vines) and group accommodation at the site. However the accommodation component is more accurately described as "caravan and camping park".

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- The proposed function centre will hold private events such as weddings, milestone birthdays, boutique corporate conferences, anniversaries, end-of-year get-togethers for private clients and corporate events for between 60-120 attendees. Events will be held outdoors with the facility providing the option for 3 separate sites adjacent to the Goulburn River. External catering, music and marquees may be used at these events which will typically run from anytime between 2pm-12am (midnight). The venue anticipates holding between 10-15 events per year.
- The group accommodation will be used in association with the function centre and consist of “luxury camping” sites and “glamping” huts with a central amenities building for guests. This accommodation will be provided to the east of the function sites with the provision of a camping area and 4 glamping huts, with a total capacity of 40 guests. A sink, shower and toilet will be provided in the glamping huts while an amenities building will be located to the west of the accommodation area and will contain 4 private shower stalls, a laundry facility, ambulant toilet with shower and basin, male toilet with 2 pans, 3 urinals, 2 basins and female toilet with 4 pans, 2 basins.
- The application was advertised and 2 objections have been received. An additional objection was received, however, due to it being anonymous, this objection cannot be considered.
- The objections raise a number of issues including concerns relating to the generation of traffic, noise, dust and light emissions as well as impacts on land capability, surrounding agricultural uses, the environment and the effects to the Goulburn River, and proximity to existing dwellings.
- The application has not been assessed within the 60 day statutory timeframe due to extensive consideration of relevant matters.
- The application is being heard before Planning Committee due to 2 objections remaining.
- The proposal meets only some of the objectives of the Planning Policy Framework, Local Planning Policy Framework and the relevant particular provisions.
- It is recommended that Council refuse this application in accordance with the Officer’s recommendation.

RECOMMENDATION

That Council

- **having caused notice of Planning Application No. P2018-148 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 Refusal under the provisions of Clause 35.07 Farming Zone of the Strathbogie Planning Scheme in respect of the land known as Lot 2 Plan of Subdivision 624203, 204 Goulburn Weir-Murchison Road, Goulburn Weir VIC 3608, for the use and development of land for a function centre and group accommodation for the following reasons:

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1. The proposed use and development is contrary to the purpose of the Farming Zone and has a high potential to undermine outcomes being pursued under the Farming Zone.
2. The application overall lacked sufficient detail to properly assess the merits of the proposal against the relevant provisions of the planning scheme.
3. While the use of land for tourism purposes is appropriate and encouraged within this region, the subject site is not appropriate for the intensity and siting of the proposed use and development.
4. The application seeks approval for the use and development of land for group accommodation when the proposed land use is actually a caravan and camping park.
5. The proposal has been applied for in association with the existing winery at the site; however the application did not explain how the application would be associated with the winery.
6. The application does not establish how the proposal will support and enhance agriculture at the site.
7. The addition of multiple uses which are not directly associated with the agricultural use of the land may oust the winery as the primary use at the site.
8. The application does not clearly specify whether the new use of the land will operate independently of one another.
9. Should a permit issue, a condition would be placed on any permit that event spaces are sited at least 30 metres from the Goulburn River. The relocation of the event spaces would significantly affect other development and activity the site and transform the nature of the application.
10. The size and scale of the proposed use and development have the potential to compromise agricultural qualities of land; degrade the river environment and have amenity impacts on surrounding land. The application has not satisfactorily addressed how the proposal will affect these factors and so it cannot be assured that the proposal will not have a detrimental impact on these land values, features and agricultural operations.
11. The current Land Capability Assessment was not completed in accordance with the relevant standards and therefore an accurate assessment to determine if the land is capable of the proposed use cannot be determined.

Proposal

The application proposes the use and development of land at 204 Goulburn Weir-Murchison Road for a function centre and group accommodation in association with the existing winery (Vines) and group accommodation at the site.

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The function centre will hold private events such as weddings, milestone birthdays, boutique corporate conferences, anniversaries, end-of-year get-togethers for private clients and corporate events for between 60-120 attendees. Events will be held outdoors with the facility providing for 3 separate sites adjacent to the Goulburn River. External catering, music and marquees may be used at these events with approximately 10-15 events per year typically held from 2pm -12am midnight. No buildings are included but a carpark with 36 spaces and 2 bus spaces is proposed to be constructed for the use of land for a function centre.

The “group accommodation” will be used in association with the function centre and consist of “luxury camping” sites, relocatable “glamping” huts and a central amenities building for guests. This accommodation will be provided to the east of the function sites with the provision of a camping area with a capacity of 16 guests and 4 glamping huts with a capacity of 8 guests, with a total capacity of 24 guests, increasing the total onsite accommodation at the site to 40 guests in combination with the existing group accommodation.

The “glamping” huts are small relocatable buildings with a floor area of approximately 18.5sqm excluding a small front deck. They have removable wheels so that they can be moved via tractor. The huts contain a bed, sink, toilet and shower. Electricity will be provided via solar panels and batteries on each hut which will power 80L hot water tanks. The shower and sink will be connected to greywater and the toilet will be contained in holding tanks or quick released to the effluent plant. The amenities building will be located to the west of the accommodation area and will contain 4 private shower stalls, a laundry facility, ambulant toilet with shower and basin, male toilet with 2 pans, 3 urinals, 2 basins and female toilet with 4 pans, 2 basins. This block will be connected to a new effluent

As this accommodation will be provided in tents requiring separate shared amenities and huts which cannot be classified as dwellings under Clause 73.03, the accommodation component of this application is more accurately defined as a caravan and camping park under Clause 73.03 of the Strathbogie Planning Scheme.

Subject site & locality

The subject site is located at 204 Goulburn Weir-Murchison Road, Goulburn Weir or Hide and Seek Wines, formally known as Lot 2 on Plan of Subdivision 624203. The lot contains a powerline easement running through the western side of the lot. The site is accessed via a carriageway easement through the lot to the west (Lot 1 on Plan of Subdivision 624203) off Goulburn-Weir Murchison Road. Goulburn Weir-Murchison Road is a sealed road.

The subject site is irregular in shape and has an area of 16.19 hectares. The site is, cleared and low-lying with minimal native vegetation which is located around the property boundaries and along the Goulburn River. The subject site currently contains a dwelling, associated shedding, second dwelling used for group accommodation, boat ramp and shed, tennis court and vineyard.

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The site is located approximately 1.8 kilometres southwest of the Goulburn Weir and 5.5 kilometres north of Nagambie. The site is bound by:

- the Goulburn River to the south,
- vacant land known as Lot 1 on Plan of Subdivision 624203 developed with the site's access way to the west,
- Goulburn-Weir Murchison Road to the north
- Public land which is vacant with a large dam to the east.

Within the surrounding area there are approximately 3 dwellings in separate ownership within 500 metres of the site and significant bushland and river environs to the south and east of the site.

Permit/Site History

A search of Council's electronic records results in the following planning permit history:

- P53/98 - Two lot subdivision by boundary realignment
- P149/99 - Construction of a Boat Ramp and Shed on Lake Nagambie Weir Pool
- P157/2002 – Boundary Realignment – application complete
- P2006/099 - Use & Development of Land for a Caretaker's Dwelling
- P2007/030 - Re-Subdivision & Dwelling Use – withdrawn
- P2008/020 – Re-subdivision of Existing Two (2) Titles to create Two (2) Parcels
- P2008/114 - Extension to an Existing Dwelling – application complete
- P2008/136 - Use of Land for a Music Festival (Place of Assembly) – Refused
- P2010/049 - Use and Development of Land for a dwelling
- P2012/042a - Use and development of land for group accommodation
- P2017-088 - Development of land for an extension to a dwelling and second storey addition

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 raised in the objection are:

- Generation of traffic, noise, dust and light emissions.
- Impact on land capability, surrounding agricultural uses, the environment and the Goulburn River.
- Proximity to existing dwellings.
- Impact on farming operations.

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Consultation

Consultation has been undertaken with one objector. The issues raised were not resolved.

The second objection was lodged during the formation of this report and, therefore, consultation was unable to occur.

Referrals

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	None
Section 52 Notices	Ausnet – No objection, no conditions. CFA – No objection, subject to conditions. GBCMA – No objection, subject to conditions. GMW – No objection, subject to conditions.

Internal Council Referrals	Advice/Response/Conditions
Asset Services	No response received within statutory timeframe
Environmental Health	No objection, subject to conditions and LCA approval

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 to use land for a camping and caravan park and function centre (place of assembly) as a Section 2 use at Clause 35.07-1. A permit is required to construct or carry out a building or works associated with a use in Section 2 of Clause 35.07-1 including a car park or a building or works which is within 100 metres of a waterway.

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An assessment of the application against the relevant decision guidelines of FZ is below:

Decision Guideline	Response
<i>The Municipal Planning Strategy and the Planning Policy Framework.</i>	The application is considered to meet some of the relevant clauses at the local and planning policy framework.
<i>Any Regional Catchment Strategy and associated plan applying to the land.</i>	The application is generally consistent with the relevant Regional Catchment Strategy for the site.
<i>The capability of the land to accommodate the proposed use or development, including the disposal of effluent.</i>	The land capability assessment submitted with the application does not provide enough information to determine if the site is capable of sustaining the proposed use.
<i>How the use or development relates to sustainable land management.</i>	The application will intensify both the non-agricultural use of land and the activities on Goulburn River at the site. While events and accommodation will not be constant, they will be of a scale that may impact the qualities of the land and little consideration has been given to the management of this as part of the application.
<i>Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.</i>	The wider locality is suitable for tourism purposes; however this particular proposal is too intensive for the site with regard to the size of the land, the concentration of activities on the river's edge, the proximity to surrounding dwellings and the scale of events and accommodation.
<i>How the use and development makes use of existing infrastructure and services.</i>	Goulburn Weir-Murchison Road is a sealed road capable of accommodating occasional traffic increases. The existing double carriageway driveway to the site can accommodate the proposed traffic movements and emergency access needs.
<i>Whether the use or development will support and enhance agricultural production.</i>	The application for a function centre and accommodation was applied for in association with the existing winery at the site, yet the proposal has not satisfactorily demonstrated how these uses would be meaningfully associated. The application also has the potential to limit the expansion of the vineyard at the site and shift the primary use of the land to tourism rather than agriculture.
<i>Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.</i>	The proposed use and development of the site will occupy a significant portion of the site. Although most development will be temporary or removable, the application will limit the land available onsite for agricultural purposes to the north of the site.

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<i>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</i>	The use of land for a function centre has the potential to impact upon the operation of nearby agricultural uses, particularly animal husbandry, through the emission of light and noise from the events onsite. There are limited measures identified in the application to mitigate these impacts, particularly for the properties located within 500 metres of the event sites.
<i>The capacity of the site to sustain the agricultural use.</i>	The capacity of the site to continue operating the vineyard/winery is not likely to be impacted by this proposal; however it may impact the ability to expand in the future.
<i>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</i>	Despite the smaller lot size in comparison with other agricultural properties in the Shire, the site is suitable for agricultural purposes due to its proximity to the Goulburn River, irrigation infrastructure and lack of topographical limitations.
<i>Any integrated land management plan prepared for the site.</i>	No integrated land management plan exists for the site.
<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>	The proposal is unlikely to lead to a proliferation of dwellings in the area; however it may encourage a proliferation a more intensive scale of development and accommodation uses in the area.
<i>The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.</i>	The application did not provide adequate detail or management measures to ensure soil and water quality at the site would not be detrimentally impacted by the proposal, particularly with consideration of events adjacent to the Goulburn River, rubbish and effluent disposal.
<i>The impact of the use or development on the flora and fauna on the site and its surrounds.</i>	The application does not involve the removal of any vegetation and is unlikely to have a significant impact on Fauna.
<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>	The application will not directly impact upon vegetation and it is acknowledged that biodiversity has been improved at the site through the planting native vegetation however the proximity of the 3 event sites to the Goulburn River is considered to be inappropriate.

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<p><i>The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.</i></p>	<p>On-site effluent disposal areas will be located at least 50 metres from the Goulburn River and well clear of any native vegetation, however further information from a Land Capability Assessment which addresses total numbers will determine appropriate setbacks. To date GMW have stipulated that the wastewater disposal area must be located a minimum of 100 setback from the Goulburn River.</p>
<p><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></p>	<p>The application would see mostly temporary or removable buildings and development generally clustered in the southern portion of the site; yet non-agricultural land use would be conducted close to property boundaries and spread over approximately a quarter of the site (3-4 hectares).</p>
<p><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></p>	<p>The proposed development as part of this application will barely be visible from roads or adjoining sites and the design employed reflects a rural environment and the natural surrounds.</p>
<p><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></p>	<p>The proposed development will not contribute to the existing natural and rural character of the area, due to an increased footprint of temporary accommodation buildings which may be difficult to control the time spent on site.</p>
<p><i>The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.</i></p>	<p>The proposal will utilise the site's existing services and assets through access and solar panels. Additional sewerage facilities would be needed for this proposal and un-reticulated services (power, water, toilets) will be used for events.</p>
<p><i>Whether the use and development will require traffic management measures.</i></p>	<p>Considering the condition of existing access arrangements and the occasional increases of traffic to the site, traffic management measures are not required.</p>

This application can be appropriately serviced, will maintain the general character of the site and is located in an area where rural-based tourism is appropriate. However, the proposal is ultimately inappropriate within the Farming Zone for the reasons specified below:

- The application seeks approval for the use and development of land for a function centre and group accommodation when the proposed land use is actually a caravan and camping park.

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- The use of land for the function centre and caravan and camping park (accommodation) has been applied for in association with the existing winery at the site; however the application did not explain *how* the application would be associated with the winery or demonstrate any meaningful connection between the proposed new land use and agriculture. Therefore, the application does not establish how the proposal will support and enhance agriculture at the site.
- The application cannot be considered as an extension of the existing use of land for group accommodation associated with the winery, as the proposal involves the use of land for a function centre and caravan and camping park, which are not typically associated with group accommodation and can function independently of one another. Beyond this link, no explanation has been provided as to how the winery is associated with the proposed new uses.
- The addition of multiple uses which are not directly associated with the agricultural use of the land may oust the winery as the primary use at the site.
- The application does not clearly specify whether the camping and caravan park or function centre would operate only in association with other uses or whether they would be available exclusive of other uses at the site. The proposed new uses would be of a scale equal to or greater than the existing group accommodation and so have the potential to operate and attract visitors exclusive of one-another.
- Both GBCMA and GMW requested all development be at least 50 metres and that event spaces are sited at least 30 metres from the Goulburn River. Considering the layout of existing development at the site, the relocation of the event spaces would significantly affect other development and activity of the site and transform the nature of the application.
- The size and scale of the proposed use and development have the potential to compromise agricultural qualities of land and degrade the significant features of the river environment. The application has not satisfactorily addressed these matters and therefore the application could have a detrimental impact on these values and features.
- The event management plan does not adequately address the potential impacts of events on surrounding land and the river environment. The plan does not provide site specific measures to mitigate potential amenity impacts or provide any site plans to indicate how land will be used during events, particularly for the location of services such as generators, rubbish disposal and portable toilets. With consideration of the potential size of events at the site (up to 120 people), it cannot be assured that the events at the site will not have a detrimental impact on the operation and amenity of surrounding land.
- The current Land Capability Assessment was not completed in accordance with the relevant standards and therefore an accurate assessment to determine if the land is capable of the proposed use cannot be determined.

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Floodway 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.*

The FO affects a small portion of land along the south of the site. A permit is not required under the FO as there is no development proposed on land contained within the FO as part of this proposal. However the use of land for a function centre will include the construction of temporary structures such as marquees and portable toilets.

The application was referred to the GBCMA who did not object to the application, however noted that the existing plan 2 of the application would need to be amended as the proposed areas for the event area and camping huts are all within the setback areas and therefore the current plan not supported.

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).*

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- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*

The LSIO applies to a portion of land within the central part of the site. A permit is not required under the LSIO as there is no development proposed on land contained within the LSIO as part of this proposal.

The Planning Policy Framework (PPF)

Clause 12.03-1S *River corridors, waterways, lakes and wetlands*

Objective

- *To protect and enhance river corridors, waterways, lakes and wetlands.*

The subject site is directly adjacent to the Goulburn River and associated environs and public land. The application would see the use of land for a function centre directly adjacent to the river, with limited detail on the intensity of temporary development to be installed for events. Activities would not be contained to a single area along the river and GMW and GBCMA have advised that the proposed activities should be sited at least 30m away and buildings at least 50 metres from the Goulburn River. In addition any wastewater disposal area must be at least 100 metres.

Clause 13.05-1S *Bushfire planning*

Objective

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

The site is within a designated bushfire prone area and the application involves the use of land for accommodation and place of assembly. The proposal was referred to the CFA who offered no objection, subject to conditions. Considering the nature of the land use, it is considered that a Bushfire Emergency Management Plan would be required for this site.

Clause 13.03-1S *Floodplain Management*

Objective

- *To assist the protection of:*
 - *Life, property and community infrastructure from flood hazard.*
 - *The natural flood carrying capacity of rivers, streams and floodways.*
 - *The flood storage function of floodplains and waterways.*
 - *Floodplain areas of environmental significance or of importance to river health.*

The application was referred to the GBCMA who did not object to the application, but requested that event areas and “glamping” huts not be within 30 metres and 50 metres respectively from the top bank of the Goulburn River. In consideration of this request, all 3 of the event areas would need to be relocated, which would likely impact the location and arrangements of other aspects of the proposal and the operation of the site.

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Clause 14.01-1S *Protection of agricultural land*

Objective

- To protect the state's agricultural base by preserving productive farmland.

Clause 14.01-2S *Sustainable Agricultural land use*

Objective

- *To encourage sustainable agricultural land use.*

The application does not satisfactorily demonstrate that the proposal will not compromise agricultural activities on adjoining land. While the proposal will not likely impact the current agricultural activities at the land and will see only temporary development, the proposal could limit the expansion of agriculture at the site and may cause amenity impacts such as light and noise emissions on nearby land, not appropriate within a rural location.

Clause 14.02-1S *Catchment planning and management*

Objective

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

Clause 14.02-2S *Water Quality*

Objective

- *To protect water quality.*

The proposed use of land for a function centre has the potential to impact upon the catchment and water quality of the Goulburn River environs. Although the land use will be temporary and occasional, limited information has been provided with regard to siting and arrangements for effluent waste or rubbish disposal during events, which could impact upon the health of the catchment.

Clause 15.01-6S *Design for rural areas*

Objective

- *To ensure development respects valued areas of rural character.*

The design of the glamping huts is considered appropriate within the rural and natural environmental context of the site through the utilisation of appropriate materials such as timber and colourbond roofing in an earthy tone with a shape and design which is similar in shape and roof form to other buildings at the site and in the surrounding area. Services to the hut are neatly and appropriately positioned on the building.

Clause 17.01-1S *Diversified economy*

Objective

- *To strengthen and diversify the economy.*

Clause 17.04-1S *Facilitating tourism*

Objective

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

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Accommodation ~ 204 Goulburn Weir-Murchison Road, Goulburn Weir (cont.)

Clause 17.04-1R *Tourism - Hume*
Strategies

- *Support opportunities for nature-based tourism throughout the region, including in wetlands of national and regional significance, such as the Winton Wetlands, the Barmah Forest and the lower Ovens River.*
- *Support large commercial tourism uses in urban locations or rural areas of lower agricultural value and away from areas identified as strategic agricultural land.*
- *Facilitate rural tourism activities that support agricultural enterprises such as cellar door and farm gate sales and accommodation in appropriate locations.*
- *Support the region's network of tracks and trails and activities that complement and extend their use.*

The proposal will contribute to the region's economy and tourism industry through strengthening and expanding the operation of an existing successful tourism business. While the proposal supports rural tourism, the application has not clearly shown how the proposal supports agricultural enterprises at the land. The location of the site is appropriate with regard to proximity to other tourism activity however the proposed siting and intensity of the proposal is not appropriate for the environmental sensitivities at this site.

Clause 18.02-4S *Car parking*
Objective

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

The site provides for 36 car parking spaces and 2 bus parking spaces which are appropriately located within the site. In accordance with Clause 52.06 the car parking provided is adequate for the proposal.

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

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

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

Objective

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

The building materials used as part of the built features of this proposal are considered to be appropriate within the

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Accommodation ~ 204 Goulburn Weir-Murchison Road, Goulburn Weir (cont.)

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.*

While the proposal will provide economic support for the operation of exiting viticulture at the site, the application is not actively associated with agriculture or protecting the agricultural features of the land.

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 will not significantly impact upon the flooding risk at the site. Proposed development is located outside of flooding overlays and the use of land within this area will be of a temporary nature. There is adequate flood-free land on the site to locate future development as part of the use.

Clause 21.04-7 *Bushfire*

Overview

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

Objective

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

Bushfire risk is relatively low in comparison with other areas of the Shire. The application was referred to CFA who did not object to the application, subject to the preparation of a Bushfire Emergency Plan for the site, required by way of permit conditions.

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- Use and Development of Land for a Function Centre and Group
Accommodation ~ 204 Goulburn Weir-Murchison Road, Goulburn Weir (cont.)

Clause 21.06-3 *Tourism*

Objective

- *To promote the Shire as a tourism destination.*

Strategies

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

The application would see the expansion of an established and successful tourism business which involves key assets of the region; the Goulburn River and associated recreational opportunities. The application would also support and encourage other tourism destinations in the region; however it may support those which are contextually inappropriate. It is not clear whether the proposal has a meaningful association with rural pursuits at the site.

Clause 21.06-2 *Adapting and diversifying agriculture*

Objective

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

The application does not propose any changes to agriculture at the site and would limit the potential for the future use of land for other forms or expansion of agriculture.

Relevant Particular Provisions

Clause 52.06 *Car parking*

Purpose

- *To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the 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.*

This clause applies where there is a new use. The application must supply the number of car parking spaces required under the Table at Clause 52.06-5.

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The number of spaces required is not specified for a function centre so the application must provide the number of spaces for a place of assembly; which is 0.3 car spaces for each patron permitted. Therefore the proposal is required to supply 36 spaces (0.3 x 120 patrons) for this use.

The number of spaces required is not specified for a caravan and camping park or accommodation, therefore the number of spaces required is at the discretion of the responsible authority. Considering the proposed accommodation at the site will be used in association with the function centre, no additional car parking spaces are required to be provided as camping and caravan park patrons are assumed to also be function centre patrons. On occasions where there are no functions, the number of car parking spaces provided can accommodate for the 40 guests capable of staying at the site. The proposal is not required to supply any additional car parking spaces for this use.

The application provides 36 car parking spaces and 2 bus parking spaces at the site. Assuming car parking for the existing group accommodation is unaffected, the proposal provides for the 36 car parking spaces required for this application.

The site can provide car parking to the necessary design standards of Clause 52.06, particularly for emergency vehicle access and movement.

It should be noted that car parking assessment has not been provided in the application documentation and that this assessment has been conducted on the basis that the function centre and camping and caravan park are never used simultaneously by unaffiliated patrons.

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.*

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- Use and Development of Land for a Function Centre and Group
Accommodation ~ 204 Goulburn Weir-Murchison Road, Goulburn Weir (cont.)

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

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 and adopted policies

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: The application has not adequately demonstrated how the application supports agriculture and that the proposal will not cause detrimental impacts on amenity. The proposed use and development is considered

With regard to Car Parking: Car parking has been appropriately provided as part of the proposal.

With regard to Flooding: No permit is triggered under the Overlays at this site. Flooding issues have been considered and while no permanent development is proposed, flooding still poses a risk to the proposed activities at the site.

In summary, the proposal does not meet all of the objectives of the Strathbogie Planning Scheme, particularly the State Planning Policy Framework, the Local Planning Policy Framework and the Farming Zone. The application is generally consistent with Floodway Overlay and Land Subject to Inundation Overlay and relevant particular provisions.

Conclusion

After due assessment of all the relevant factors, it is not considered appropriate to grant a planning permit for this application and it is advised that council refuse to grant a planning permit application for the following reasons assessed against the Zone, PPF and Clause 65:

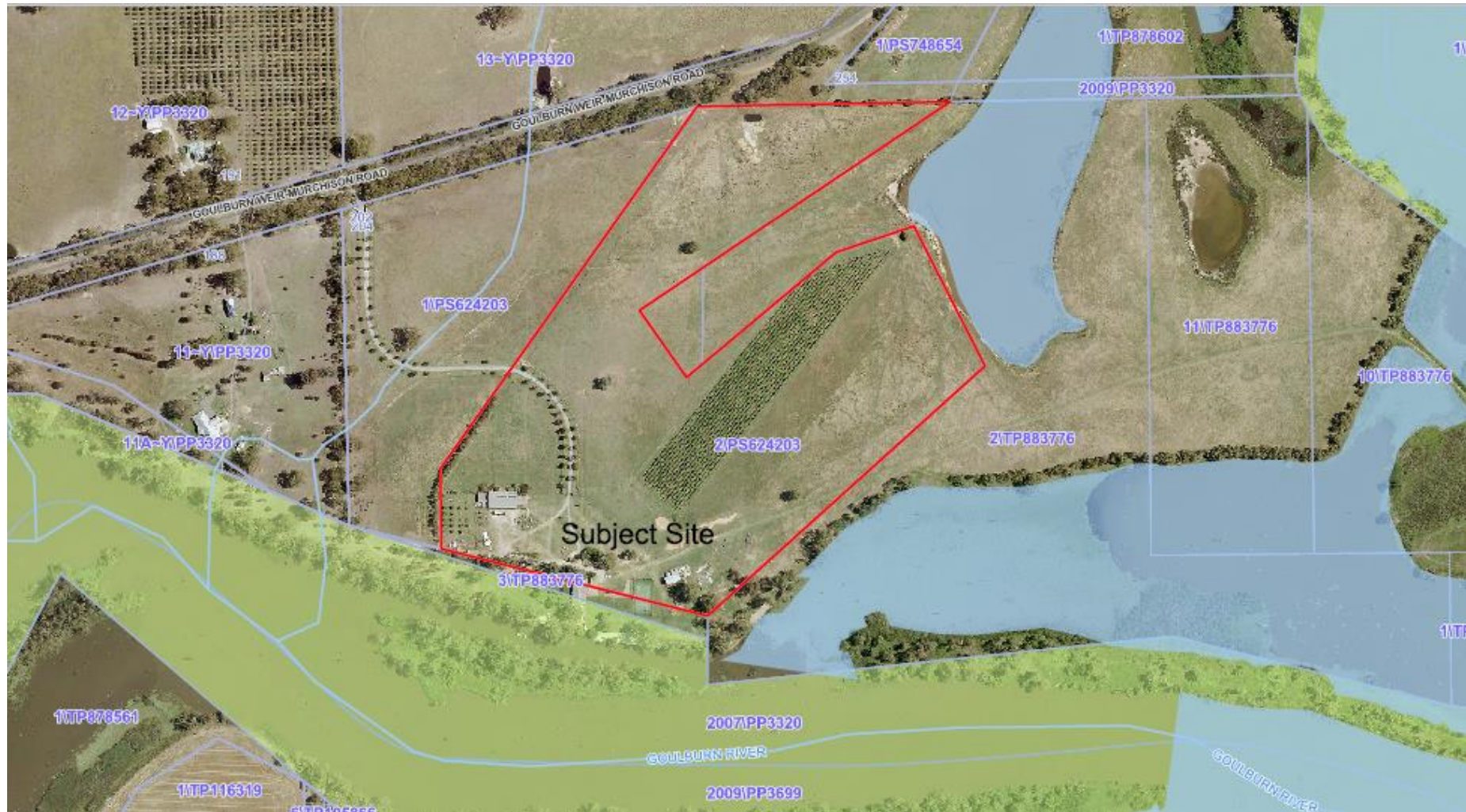
- The application overall lacked sufficient detail to properly assess the merits of the proposal against the relevant provisions of the planning scheme.

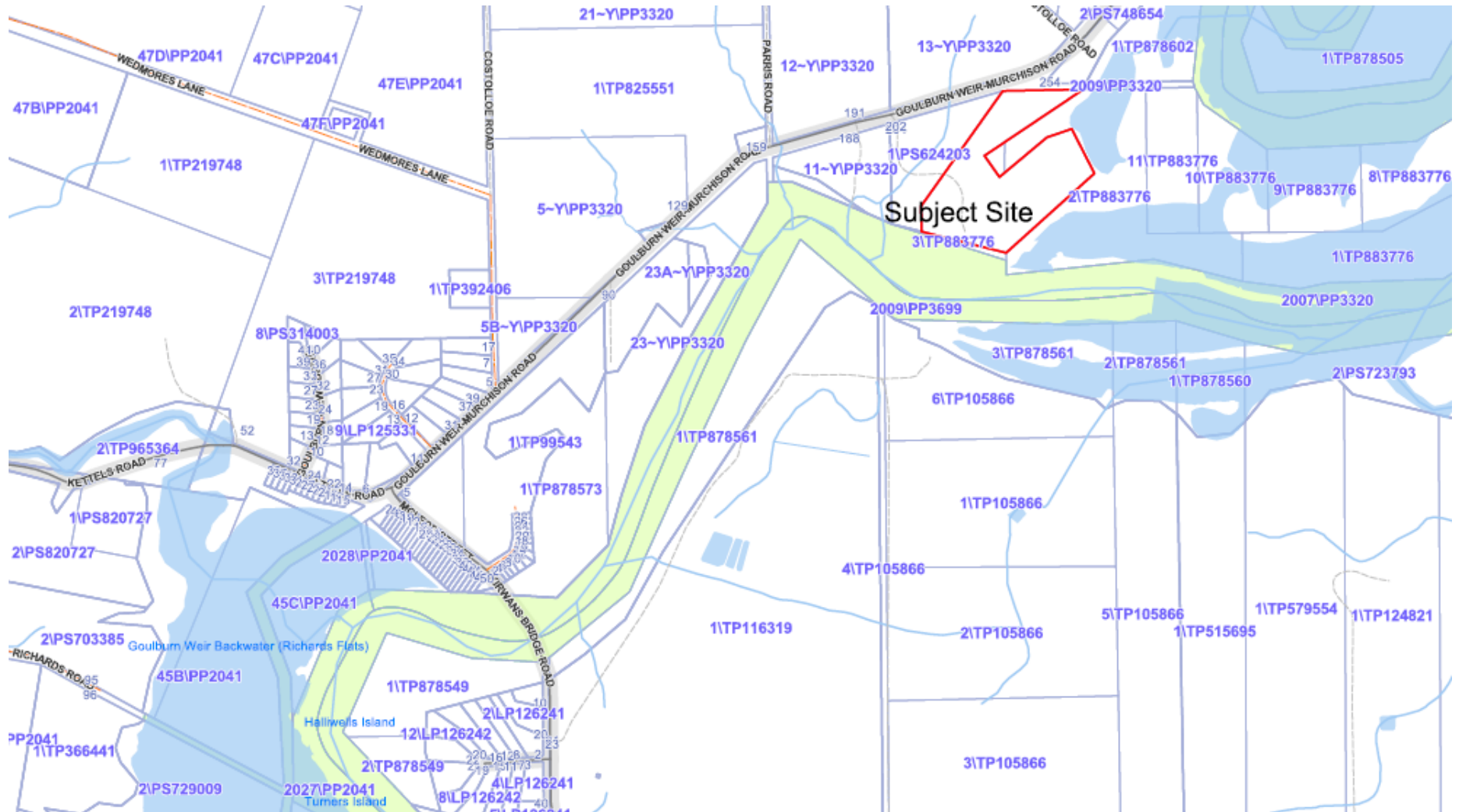
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- While the use of land for tourism purposes is appropriate and encouraged within this region, the subject site is not appropriate for the intensity and siting of the proposed use and development.
- The application seeks approval for the use and development of land for group accommodation when the proposed land use is actually a caravan and camping park.
- The proposal has been applied for in association with the existing winery at the site; however the application did not explain how the application would be associated with the winery.
- The application does not establish how the proposal will support and enhance agriculture at the site.
- The addition of multiple uses which are not directly associated with the agricultural use of the land may oust the winery as the primary use at the site.
- The application does not clearly specify whether the new use of the land will operate independently of one another.
- If the event spaces are sited at least 30 metres from the Goulburn River, which is consider an appropriate control, the relocation of the event spaces would significantly affect other development and activity the site and transform the nature of the application.
- The size and scale of the proposed use and development have the potential to compromise agricultural qualities of land; degrade the river environment and have amenity impacts on surrounding land. The application has not satisfactorily addressed how the proposal will affect these factors and so it cannot be assured that the proposal will not have a detrimental impact on these land values, features and agricultural operations.
- The current Land Capability Assessment was not completed in accordance with the relevant standards and therefore an accurate assessment to determine if the land is capable of the proposed use cannot be determined.

Attachments

- Locality Map/s





PLANNING COMMITTEE REPORT NO. 2 (TECHNICAL OFFICER, PLANNING - TRISH HALL)

**6.2 Planning Permit Application No. P2019-007
- Use and Development of Land for a Dwelling ~ Brookleigh Road, Strathbogie**

Application Details:

Application is for:	Use and development of land for a dwelling
Applicant's/Owner's Name:	Mr Troy Spencer
Date Received:	01 February 2019
Statutory Days:	75
Application Number:	P2019-007
Planner: Name, title & department	Trish Hall Town Planner Planning and Investment Department
Land/Address:	Lot 2 on Plan of Subdivision 203891U, Certificate of Title Volume 9683 Folio 358 Brookleigh Road, Strathbogie VIC 3666
Zoning:	Farming Zone
Overlays:	Erosion Management Overlay
Is a CHMP required?	No The subject site is not within a Culturally Sensitive Area.
Is it within an Open Potable Catchment Area?	Yes The subject site is within the Open Potable Catchment Area for Seven Creeks
Under what clause(s) is a permit required? (include description)	Clause 35.07-1 – Use of land for a dwelling on a small lot Clause 44.01-1 – Buildings and works in the Erosion Management Overlay
Restrictive covenants on the title?	Nil
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*.

6.2 Planning Permit Application No. P2019-007
- Use and Development of Land for a Dwelling ~ Brookleigh Road, Strathbogie
(cont.)

Summary

- The application proposes the use and development of land at Brookleigh Road, Strathbogie for the use and development of land for a dwelling in association with an Equine Agistment property.
- Previously a permit was issued for the site however has since expired.
- A Whole Farm Plan has been submitted with the application showing the proposed layout of the property, area set aside for vegetation protection and indicative costs in relation to agistment fees (income) and expenses incurred. This is not a business plan, however demonstrates how the farm will be established, maintained and managed as part of the proposal.
- The site has an area of approximately 26.92 hectares, and is located in the Farming Zone and is 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 who offered no objection subject to condition.
- The application was referred to Council's Asset Services Department who provided no response within the statutory timeframe, however, general engineering conditions have been applied.
- The application has not been assessed within the 60 day statutory timeframe due to additional information and timing of Planning Committee meeting.
- 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 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. P2019-007 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, and Clause 44.01-1, of the Strathbogie Planning Scheme in respect of the land known as Lot 2 on Plan of Subdivision 203891U, Certificate of Title Volume 9683 Folio 358, Brookleigh Road, Strathbogie VIC 3666, for the use and development of land for a dwelling, in accordance with endorsed plans, subject to the following conditions:

6.2 Planning Permit Application No. P2019-007
- Use and Development of Land for a Dwelling ~ Brookleigh Road, Strathbogie
(cont.)

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.
2. 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.

Section 173 Agreement:

3. 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. 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:

4. Prior to the commencement of construction of the dwelling, plans of a suitable effluent disposal system and its location on the land must be approved in writing by the Responsible Authority.
5. A Land Capability Assessment must be provided for this proposal to determine if wastewater from proposed development can be contained on site before any further comment can be made by the Environmental Health Department. The LCA will also assist in identifying the most suitable system (based on site conditions and soil type) to install as it falls within the Open Potable Water Supply Catchment Area.

6.2 Planning Permit Application No. P2019-007
- Use and Development of Land for a Dwelling ~ Brookleigh Road, Strathbogie
(cont.)

6. All wastewater from proposed dwelling/ buildings 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.
7. 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).

Engineering Conditions:

8. 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.
9. 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.
10. Internal access, including the turn-around areas for emergency vehicles, must be all weather construction with a minimum trafficable width of 4m.
11. 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.
12. 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.

6.2 Planning Permit Application No. P2019-007
- Use and Development of Land for a Dwelling ~ Brookleigh Road, Strathbogrie
(cont.)

13. 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.

Goulburn Murray Water

14. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
15. All wastewater from the kept free must be treated and disposed of using an approved system. The system must have a certificate of conformity issued by the Conformity Assessment Body (or equivalent approval) and be installed, operated and maintained in accordance with the relevant Australian Standard and EPA Code of Practice.
16. The wastewater disposal area must be located at least: 100m from any other waterways, 40m from any drainage lines, 60m from any dams, and 20m from any bores.
17. The wastewater management system must be appropriately designed to manage the potential volume of wastewater generated under full occupancy (based on a minimum 4 bedrooms), including an appropriately sized disposal area, based on the limiting soil layer and a full water balance specific to the proposal and subject land in accordance with the requirements of Council's Environmental Health Officer.
18. The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.
19. No buildings are to be constructed within 30 metres any other waterways or on any drainage lines.

Bushfire Protection Measures:

Water Supply

20. Provide 10,000 litres of effective water supply for fire fighting purposes 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.

6.2 Planning Permit Application No. P2019-007
- Use and Development of Land for a Dwelling ~ Brookleigh Road, Strathbogrie
(cont.)

- 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)

Access

21. Provide access for fire fighting purposes 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.

General Conditions:

22. 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*.
23. 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.
24. The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.
25. 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.

6.2 Planning Permit Application No. P2019-007
- Use and Development of Land for a Dwelling ~ Brookleigh Road, Strathbogie
(cont.)

26. 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.**

Permit Expiry:

27. 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.**

6.2 Planning Permit Application No. P2019-007
- Use and Development of Land for a Dwelling ~ Brookleigh Road, Strathbogie
(cont.)

Proposal

It is proposed to use and develop the land at Brookleigh Road, Strathbogie for a single dwelling. The dwelling is proposed to be sited 196 metres from the western boundary, and 380 metres from Brookleigh Road to the north.

The dwelling, including the double garage and verandahs, will have a total area of 448.84 square metres. The dwelling is proposed to be a three bedroom, single storey, brick veneer home. The dwelling is proposed to be 31.26 metres in length and 20.95 metres wide. In addition to the three bedrooms proposed, it will contain an entry, two bathrooms, laundry, powder room, study, laundry, double car garage, verandah, an open plan living, kitchen, two dining rooms, and family room.

No native vegetation is proposed to be removed in association with the construction of the access or the dwelling.

It is proposed that the dwelling will be constructed to facilitate an equine agistment enterprise. It is proposed the agistment will cater for a maximum of 6 horses. The applicant proposes to fence off 7 individual horse paddocks a holding yard and round yard in the northern section of the subject site. A Whole Farm Plan has been prepared as part of the application material. It is proposed that an area of the subject site to the south will be fenced off as a vegetation protection area. Any stock and agricultural activities would be excluded from this part of the site.

Vehicular access is proposed to be gained via a crossover from Brookleigh Road.

A Land Capability Assessment has been prepared and the subject site is identified as a high risk area. The application has been referred to Environmental Health; a 30 metre by 15 metre effluent area has been sited to the north east of the proposed dwelling, and on the opposite side of the hill & 110 metres from the identified waterway. The nearest dam is 75 metres upslope to the south west.

Subject site & locality

The subject site is located at Brookleigh Road, Strathbogie VIC 3666, formally identified as Lot 2 on Plan of Subdivision 203891U, Certificate of Title Volume 9683 Folio 358.

The site measures approximately 26.92 hectares in area and is generally rectangular in shape. The site is 3 kilometres east of Strathbogie township using the existing road network.

The subject site is gently sloped, falling gradually from the south-east towards Brookleigh Road in the northwest. The subject site contains pastures that are fenced into paddocks and a small number of beef cattle are currently grazing.

A waterway is located at the rear of the site, and a dam in the north western corner.

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

The surrounding land is in the Farming Zone. The lot sizes vary uses are predominantly agricultural and most contain single dwellings and associated infrastructure. Larger undeveloped lots are typically located to the south of the subject site.

The site contains an existing shed and access.

The roadside is vegetated and moderately treed. The subject site contains trees, shrubs, grasses and rocky outcrops. The site is heavily treed along the identified waterways to the south. A strip of trees leads up to the shed and appears to be planted. A few paddock trees stand alone on the site.

The site is within the Farming Zone and affected by the Erosion Management Overlay. The land is within the Bushfire Prone Area and the Seven Creeks Open Potable Water Catchment Area.

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. P96/99 was issued on 5 October 1999 and allowed for the erection and use of a house and shed. 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

No consultation has been required.

Referrals

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	Goulburn Murray Water –No objection subject to conditions.
Section 52 Notices	Public Notice – no objections.

6.2 Planning Permit Application No. P2019-007
- Use and Development of Land for a Dwelling ~ Brookleigh Road, Strathbogie
(cont.)

Internal Council Referrals	Advice/Response/Conditions
Asset Services	No response within statutory timeframe – general conditions applied
Environmental Health	No objection, subject to conditions.

Assessment

The zoning of the land and any relevant overlay provisions

Farming Zone

Purpose:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *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.*
- *To provide for the use and development of land for the specific purposes identified in a schedule to this zone.*

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 buildings and works 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 will be used for horse agistment. The site is 26.92 hectares in area and is considered to be capable of accommodating the proposed dwelling in conjunction with the agricultural land use.

The Strathbogie Planning Scheme supports diversification in agricultural production, and the equine enterprise will be consistent with the purpose of the Farming Zone. Given the activities associated with this, the applicant has demonstrated that the construction for a dwelling to allow a permanent resident present on the property is appropriate in this circumstance.

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, and meets the setbacks in the Farming Zone.

6.2 Planning Permit Application No. P2019-007
- Use and Development of Land for a Dwelling ~ Brookleigh Road, Strathbogie
(cont.)

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 Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Planning Strategy and local planning policies.</i>	Yes	Assessment against PPF & LPPF and MPS is provided below.
<i>Any Regional Catchment Strategy and associated plan applying to the land.</i>	Yes	The subject site is located within the Seven Creeks Open Potable Water Catchment Area. The application was referred to Goulburn Murray Water who do not object subject to conditions, these conditions will be included if any planning permit is to be issued. Therefore it is considered 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. The application has been referred to Council's Environmental Health Department who have consented to this application, subject to conditions. A 30 metre by 15 metre effluent area has been sited to the north east of the proposed dwelling. The effluent area is 110 metres from the identified waterway and on the opposite side of the hill. The nearest dam is 75 metres upslope to the south west. It is therefore considered the waste water treatment area is located appropriately on the subject site. In addition the application was referred to Goulburn Murray Water who have also consented subject to conditions. Given the above, it is considered the land is capable of treating effluent waste on site.

6.2 Planning Permit Application No. P2019-007
- Use and Development of Land for a Dwelling ~ Brookleigh Road, Strathbogie
(cont.)

<p><i>How the use or development relates to sustainable land management.</i></p>	<p>Yes</p>	<p>The applicant has advised they will use the land for agistment and seasonal hay cutting. The proposal for equine industry is a legitimate rural enterprise, and requires constant management. However the land does have the ability to be absorbed by other agricultural uses to the south. This would not require the addition of a dwelling in the Farming Zone; however land along Brookleigh Road varies in size and contains single dwellings. 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 26.92 hectares in area. Although the land could be absorbed by other farming practices the development of a dwelling on this lot is unlikely to create a detrimental impact on 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 Brookleigh 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.</p>
<p>Agricultural Issues</p>		
<p><i>Whether the use or development will support and enhance agricultural production.</i></p>	<p>Yes</p>	<p>The proposal will support an agricultural enterprise.</p>

6.2 Planning Permit Application No. P2019-007
- Use and Development of Land for a Dwelling ~ Brookleigh Road, Strathbogie
(cont.)

<p><i>Whether the use or development will permanently remove land from agricultural production.</i></p>	<p>Yes</p>	<p>The land is in the Farming Zone, there are agricultural activities on adjoining parcels of land. The lot measure 26.92 hectares, and would require grazing and continuous maintenance. The equine industry is a legitimate rural enterprise, and is proposed to be carried out in conjunction with the dwelling for management purposes.</p>
<p><i>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</i></p>	<p>Yes</p>	<p>The proposed dwelling does have the potential to limit the expansion of adjoining and nearby agricultural uses; however the proposal for a dwelling includes a legitimate rural enterprise. The equine industry is popular in the Strathbogie Shire, with many residents looking for land to agist their horses for pleasure riding. The dwelling may be affected by amenity issues in relation to noise; use of chemicals, hours of operation and odour, the dwelling is appropriately setback however 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.</p>
<p><i>The capacity of the site to sustain the agricultural use.</i></p>	<p>Yes</p>	<p>The subject site is 26.92 hectares and has the ability to sustain agricultural use.</p>
<p><i>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</i></p>	<p>Yes</p>	<p>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.</p>

6.2 Planning Permit Application No. P2019-007
- Use and Development of Land for a Dwelling ~ Brookleigh Road, Strathbogie
(cont.)

<p><i>Any integrated land management plan prepared for the site.</i></p>	<p>Yes</p>	<p>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.</p>
<p><i>Dwelling Issues</i></p>	<p>Complies</p>	<p>Officers Comment</p>
<p><i>Whether the dwelling will result in the loss or fragmentation of productive agricultural land.</i></p>	<p>Yes</p>	<p>The proposed dwelling is in association with an agricultural use. The land does have the ability to be absorbed by other agricultural uses in the area that doesn't require the addition of a dwelling in the Farming Zone and therefore there is the potential for the fragmentation of agricultural land uses, and the creation of smaller agricultural parcels. However the land is 26.92 hectares and would still require grazing and land management practices to continue. In addition it is recommended 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>

6.2 Planning Permit Application No. P2019-007
- Use and Development of Land for a Dwelling ~ Brookleigh Road, Strathbogrie
(cont.)

<p><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></p>	<p>Yes</p>	<p>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.</p> <p>The dwelling may be affected by amenity issues in relation to noise, use of chemicals, hours of operation and odour; 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.</p>
<p><i>Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.</i></p>	<p>Yes</p>	<p>The proposed dwelling is in association with an agricultural use and will not affect the operation of nearby, or adjoining agricultural uses. However the expansion of adjoining businesses could be impacted, the land does have the ability to be absorbed by other agricultural uses in the area that doesn't require the addition of a dwelling in the Farming Zone. The use of the land for a dwelling will contribute to the creation of smaller agricultural parcels. It is recommended 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>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></p>	<p>Yes</p>	<p>This dwelling is unlikely to contribute to a proliferation of dwellings in the area. There are already scattered dwellings along Brookleigh Road that are in association with agricultural production.</p>

6.2 Planning Permit Application No. P2019-007
- Use and Development of Land for a Dwelling ~ Brookleigh Road, Strathbogie
(cont.)

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.
<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 is heavily treed along the waterway to the south; it is proposed this land will be fenced into a vegetation protection area.
<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. The proposal demonstrates a vegetation protection area which will exclude horses from this area.
<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.

6.2 Planning Permit Application No. P2019-007
- Use and Development of Land for a Dwelling ~ Brookleigh Road, Strathbogie
(cont.)

<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.
<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.

Erosion Management Overlay

Purpose:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development.*

The subject site is affected by the Erosion Management Overlay. A permit is required for the development of land for a dwelling pursuant to Clause 44.01-2 of the Strathbogie Planning Scheme. 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 Planning Policy Framework (PPF)

Clause 13.02-1S, Bushfire planning

Objective

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

It is proposed the dwelling will have access to Brookleigh Road. The road is unsealed. Standard bushfire protection conditions in regards to access and water supply will be included on any planning permit issued.

Clause 13.04-2S 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 will be stabilised to the satisfaction of the Responsible Authority. Exclusion zones have been outlined within the application documentation to alleviate any land degradation processes.

6.2 Planning Permit Application No. P2019-007
- Use and Development of Land for a Dwelling ~ Brookleigh Road, Strathbogie
(cont.)

Clause 14.01-1S Protection of agricultural land

Objective

- *To protect the state's agricultural base by preserving productive farmland.*

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

The applicant has submitted 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 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 outside normal business hours in accordance with the application documentation although the land is not identified as locally or regionally significant.

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

Clause 14.01-2S 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.

In addition it is proposed the land will be used for hay making, which will be fed out during wet months of the year.

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 planning policy as detailed in the Strathbogie Planning Scheme.

Clause 14.02-1S, *Catchment planning and management*

Objective

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

6.2 Planning Permit Application No. P2019-007
- Use and Development of Land for a Dwelling ~ Brookleigh Road, Strathbogie
(cont.)

It is proposed the dwelling and horse yards will be located away from natural drainage lines and the seasonal waterway to the south. The whole farm plan indicates that this area will be fenced and become a vegetation protection area.

The proposed development has been referred internally to the assets and environmental health department who have not objected to the proposal. The subject site is identified within the Open Potable Catchment Area for Seven Creeks and therefore referred to Goulburn Murray Water who have not objected subject to conditions.

The Local Planning Policy Framework (LPPF) - including the Municipal Planning Strategy (MPS) and local planning policies

Clause 21.02-3 Rural Residential

Objective

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

The subject site is not identified as rural residential living in the 2004 Rural Residential strategy, however there are several dwellings on small lots on Brookleigh Road and the subject site is approximately 3 km from the Township centre of Strathbogie. The proposed use for a dwelling is applied for in conjunction with an agricultural use. The dwelling is appropriately setback and it is considered there will not be any adverse impacts on productive agricultural land.

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. It is considered that a dwelling is required to ensure the horses kept on site are safe and cared for adequately.

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.*

6.2 Planning Permit Application No. P2019-007
- Use and Development of Land for a Dwelling ~ Brookleigh Road, Strathbogrie
(cont.)

The dwelling is proposed to be constructed from brick and Colorbond. The materials are unlikely to impact the aesthetic amenity currently enjoyed in the area. A muted tones condition will be included on any planning permit issued. 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.*
 - *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 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. The proposed dwelling is considered to support horse agistment, which is considered to be an agricultural industry.

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.

6.2 Planning Permit Application No. P2019-007
- Use and Development of Land for a Dwelling ~ Brookleigh Road, Strathbogrie
(cont.)

It is generally policy within the Strathbogrie 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. . It is considered appropriate to include the Whole Farm Plan in any such agreement.

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 Municipal Planning Strategy and the Planning Policy Framework.*
- *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.*
- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

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.

6.2 Planning Permit Application No. P2019-007
- Use and Development of Land for a Dwelling ~ Brookleigh Road, Strathbogie
(cont.)

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 consideration the existing development in the area and the proposed equine pursuit.

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 Planning Policy Framework, Local Planning Policy Framework, Farming Zone and Erosion Management Overlay.

Conclusion

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

Attachments

Locality Map/s





PLANNING COMMITTEE REPORT NO. 3 (TECHNICAL OFFICER, PLANNING - TRISH HALL)

7. OTHER BUSINESS

**7.1 Waiver of Planning Application Fees
P2019-054 ~ 403 Forlonge Memorial Road, Euroa VIC 3666
- Two (2) lot subdivision**

Author and Department

Town Planner / Planning and Investment Department

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

This report is presented to Council for decision in relation to a request for the waiver of fees for a planning permit application.

An application has been submitted to Council for the two (2) lot subdivision from Chris Smith and Associates on the behalf of the Taungurung Land and Waters Council.

The 2 lot subdivision is proposed to facilitate the transfer of ownership of historical Aboriginal rock art, currently sited on private land to be placed in the ownership of the Taungurung Land and Waters Council.

As per the application, the applicant has highlighted that the Tuangurung Land and Waters Council can apply for a few waiver under Section 20 of the Planning and Environment Regulations (Fees) 2016: (see further discussion under the Legal/Statutory obligations section of this report).

The request is for a full waiver of the planning application fees for the amount of \$1,286.10.

RECOMMENDATION

For Decision.

Background

403 Forlonge Memorial Road, Euroa is privately owned and not publically accessible. The site is in the Farming Zone and affected by the Bushfire Management and Erosion Management Overlay. The eastern boundary adjoins the Public Conservation and Recreation Zone known as Garden Range Fauna and Flora Reserve. The subject site has an area of 48.26 hectares and currently contains a single dwelling and associated shedding.

7.1 Waiver of Planning Application Fees
P2019-054 ~ 403 Forlonge Memorial Road, Euroa VIC 3666
- Two (2) lot subdivision (cont.)

The Taungurung Land and Waters Council has approached the Land Owners to acquire 20 ha of land with the intent to protect and preserve rock art found on the site. The acquired lot is proposed to be accessed only by the Taungurung for cultural activities.

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 not inconsistent with Council Policies, key strategic documents and the Council Plan.

Best Value / National Competition Policy (NCP) / Competition and Consumer Act 2010 (CCA) implications

The author of this report considers that the report is consistent with Best Value, National Competition Policy and Competition and Consumer Act requirements.

Financial / Budgetary Implications

The author of this report considers that the request, other than the immediate cost of \$1,286.10 in fees which would not be received has no significant financial/budgetary implications for Council or the broader community than a regular application.

Economic Implications

The author of this report considers that the recommendation has no significant economic implications for Council or the broader community.

Environmental / Amenity Implications

The author of this report considers that the recommendation has no significant environmental or amenity implications for Council or the broader community.

Community Implications

The author of this report considers that the recommendation has no significant community or social implications for Council or the broader community.

Victorian Charter of Human Rights and Responsibilities Act 2006

The author of this report considers that the recommendation does not limit any human rights under the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

7.1 Waiver of Planning Application Fees
P2019-054 ~ 403 Forlonge Memorial Road, Euroa VIC 3666
- Two (2) lot subdivision (cont.)

Legal / Statutory Implications

In considering a request to waive fees for an application lodged under Section 47 of the *Planning and Environment Act 1987*, a fee can only be waived in the following circumstances pursuant to Section 20 of the Planning and Environment Regulations (Fees) 2016:

- (a) *an application is withdrawn and a new application is submitted in its place; or*
- (b) *in the opinion of the responsible authority or the Minister the payment of the fee is not warranted because—*
 - (i) *of the minor nature of the consideration of the matter decided or to be decided; or*
 - (ii) *the requested service imposes on the responsible authority or the Minister (as the case may be) no appreciable burden or a lesser burden than usual for supplying that service; or*
- (c) *in the opinion of the responsible authority or the Minister (as the case may be) the application or determination assists—*
 - (i) *the proper development of the State, region or municipal district; or*
 - (ii) *the proper development of part of the State, region or municipal district; or*
 - (iii) *the preservation of buildings or places in the State, region or municipal district which are of historical or environmental interest; or*
- (d) *the application relates to land used exclusively for charitable purposes.*

Consideration for the fee waiver could be made under Sections 20(c)(iii) of the regulations. The application is for a two (2) lot subdivision, if the proposal is successful the subdivision will allow the landowner to divest one parcel of 20 hectares of land to the Taungurung Land and Waters Council who are a Registered Aboriginal Party (RAP).

At a local level RAPs are the voice of Aboriginal people in the management and protection of Aboriginal cultural heritage in Victoria. RAPs provide a wide range of services to the wider community.

The proposal will allow the portion of land containing items of cultural significance (rock art), to be acquired by the Taungurung Land and Waters Council for preservation and cultural activities.

Consultation

The author of this report considers that the matter under consideration did not warrant a community consultation process.

Attachments

Nil

PLANNING COMMITTEE REPORT NO. 4 (MANAGER, PLANNING AND INVESTMENT - EMMA KUBEIL)

7.2 Strathbogie Planning Scheme Review Report

Author & Department

Manager Planning and Investment / Innovation and Performance 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 Strathbogie Planning Scheme sets out the policies and provisions for the use and development of land within the Strathbogie Shire.

Under the *Planning and Environment Act 1987*, a planning scheme must be reviewed regularly to ensure it's up to date. This includes strategic direction, addressing key issues currently facing the municipality, and anticipating any potential challenges into the future.

The purpose of a planning scheme review is to enhance the effectiveness and efficiency of the planning scheme by meeting:

- The objectives of planning in Victoria
- The objectives and strategies of the Strathbogie Planning Scheme, Including the State Planning Policy Framework (SPPF) and Local Planning Policy Framework (LPPF)
- A thorough review of the schemes provisions, such as the local planning policies, zones, overlays and schedules, and whether they facilitate the objectives and strategies of the planning scheme.

To complete this work, we have:

- Identified the major planning issues facing the municipality;
- Demonstrate how the Municipal Strategic Statement implements State Planning Policy;
- Assess the strategic performance of the scheme;
- Document the strategic work that has been completed or carried out since the approval of the previous planning scheme review and any additional work required to strengthen the future strategic direction of the planning scheme;
- Articulate the monitoring and review which has been carried out;
- Outline the consultation process and its outcomes; and,
- Make recommendations arising from the review including:
 - Changes to the objectives and strategies of the LPPF.
 - Changes to the use of Victoria Planning Provisions tools to achieve the strategies and ensure the objectives and desired outcomes are being met;
 - New strategic work necessary to support future policy development or changes to the provisions of the scheme;

7.2 Strathbogie Planning Scheme Review Report (cont.)

- Changes to improve operational and process practices;
- Identifying any data on planning permit applications, or other data, that may need to be collected to inform the next review;
- Audit the application and performance of the zones in the scheme;
- Audit the application and performance of the overlays in the scheme; and,
- Investigate whether or not the schedules in the scheme have been appropriately applied.

These matters have been addressed throughout Strathbogie Planning Scheme Review report (2019), as tabled and circulated.

RECOMMENDATION

That Council formally adopts the Strathbogie Planning Scheme Review (2019), as tabled and circulated.

Background

SD Planning was appointed by the Strathbogie Shire Council to prepare the Strathbogie Planning Scheme Review.

The objective of the Strathbogie Planning Scheme Review is:

- To meet the Requirements of the *Planning and Environment Act 1987* (Section 12B), which stipulates that a planning scheme must be reviewed within one year of the completion of a new Council Plan; and,
- To review how well the Strathbogie Planning Scheme is aligned with the intent of the Council Plan, Liveability Plan and Annual Budget 2017/18.

The Strathbogie Planning Scheme Review does not make changes to the Strathbogie Planning Scheme. It does not introduce new policy or provisions. It is an audit of the scheme, which provides recommendations about what actions need to be taken.

However, the review outlines the background work necessary to clearly establish the needs of future projects, by providing strategic justification for future work programs, budget allocations and planning scheme amendments.

This report provides:

- Recommendations for future strategic work required, as well as a program for action;
- Recommendations for how the local content can be rewritten to improve clarity, performance, include new local directions and respond to State Government changes; and,
- An overview of how well the local content of the Scheme is aligned with the new Planning Policy Framework (PPF), strategic outcomes of the Council Plan and opportunities to provide further support.

7.2 Strathbogie Planning Scheme Review Report (cont.)

Council's Further Work Program:

High Priorities:

- Policy neutral PPF Planning Scheme rewrite and restructure, followed by a Planning Scheme Amendment to implement the rewrite local policy content to align with the new planning policy framework implemented by new Ministerial Direction relating to form and content as well as new provisions introduced through VC148 (August 2018).
- Municipal Planning Statement is that Council; draft a strong (clear) land use vision to inform the MPS Section. This land use vision should include engagement with Councillors and reflect the principals of the Council plan (and other documents as appropriate).
- Implement process improvements that undertake the following:
 - Ensure that 70% of proposals have site inspections that should be undertaken before exempting applications from notification;
 - Formulate a standard template form that assists with observations undertaken onsite during site inspections;
 - Ensure that delegate reports provide the opportunity for digital imagery to be included within the body of the reports, to demonstrate knowledge of site and site visitation;
 - Investigate the better integration of technology and reports including better use of photography within reports.
 - That a pre-application form is utilised to record understanding of any prior pre-application meetings.

Medium Priorities:

- Undertake a program of reviewing and refining Structure Plans/Framework Plan for main townships; many of the Structure Plans and other strategic planning documents, which established settlement boundaries for towns across the municipality, are now more than 5 years old and require updating.

The roll-out of this work has been prioritised as follows:

1. Avenel
2. Violet Town
3. Euroa
4. Nagambie

Note: Work has previously commenced on Euroa and Violet Town prior to the review report.

- Once the state led translation to new PPF has been undertaken, commence a policy based rewrite of the PPF to include specific aspects of the planning that are important to Strathbogie Shire. Mostly this work will be 'filling policy gaps' and working to ensure that the scheme is tailored to Strathbogie Shire's planning requirements.

7.2 Strathbogie Planning Scheme Review Report (cont.)

Low Priorities:

- Triggers and exemption work should be undertaken to provide additional triggers within the follow Clause 44.01 - Erosion Management Overlay
- The Design and Development Overlay should be introduced to deal with two issues, control of development along Goulburn Valley Hwy (from existing PAO) and also Mangalore Airport (from existing ESO) Mangalore Airport if it is controlling design beyond the provisions set out in Airport Environs Overlay.
- Undertake a Landscape Study to ensure areas of significance are protected through the appropriate planning controls.
- Review the Environmental Significance Overlay Schedule 1 with respect to both wording of the overlay as well as mapping of the areas that should be affected by the ESO buffer. This work will include research into when the mapped area ceased to existing within the Planning Scheme.

Alternative Options

The author and other officers providing advice in relation to this report have considered potential alternative courses of action. No feasible alternatives have been identified.

Risk Management

The author of this report considers that there is Risk associated with not proceeding with the adoption and progression of the review report in the form of non-compliance with Section 12B of the *Planning Environment Act 1987*.

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.

Best Value / National Competition Policy (NCP / Trade Practices Act (TPA) implications

The report is consistent with Best Value, National Competition Policy and *Competition and Consumer Act* requirements.

Financial / Budgetary Implications

The author of this report considers that the recommendation has no capital or recurrent budget considerations. However, annual budget bids are made via the Strategic Planning allocations for specific strategic planning projects.

Economic Implications

The author of this report considers that the work undertaken as part of this review process enables Council to consider long term strategic priorities which assist with facilitating considered development and contributing to economic development throughout the Shire.

Environmental / Amenity Implications

The author of this report considers that the review report considers the broader environment in assessing how the planning scheme assists with guiding development to consider our environment.

7.2 Strathbogie Planning Scheme Review Report (cont.)

Community Implications

The author of this report considers that the recommendation assists in providing direction with recommendations for guiding development through land use planning for the community.

Victorian Charter of Human Rights and Responsibilities Act 2006

The report does not limit any human rights under the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

Legal / Statutory Implications

The author of this report considers that the review report has been complicated in accordance with our legal and statutory obligations.

Consultation

The purpose of the consultation was to identify issues relating to the performance of the Strathbogie Planning Scheme. As well as to understand stakeholder's expectations, how they understand the planning scheme and its processes, and how they think it can be improved.

In developing the Review, general and targeted consultation has taken place with the following stakeholders:

• Councillors;

Council Officers including:

- Community Development Officers
- Environmental Health/Social Planners
- Strategic Planners & Statutory Planners
- Executive Management Team
- Environment
- IT
- Infrastructure

Agencies:

- DELWP
- Goulburn Murray Water
- CFA
- Other stakeholders including frequent applicants to Strathbogie Shire Council.
- Goulburn Broken CMA
- EPA

The consultation process included:

- Two workshops with Strathbogie Shire Council. The first was held on 15 May 2018 with Councillors and another on 18 June 2018 with council officers.
- Three one-on-one meetings with Agencies including DELWP, CFA and Goulburn Broken CMA.
- Internet survey was sent to a range of stakeholders and agencies for completion.

From the internal and external consultation five key themes were identified, they are as follows:

- Rural Land Use
- Environment, including environmental management, sustainability and climate change
- Built Environment and Residential Development
- Economic
- Managing Growth and Infrastructure

7.2 Strathbogie Planning Scheme Review Report (cont.)

Attachments

As tabled and circulated

PLANNING COMMITTEE REPORT NO. 4 (DIRECTOR, INNOVATION AND PERFORMANCE - PHIL HOWARD)

7.3 Planning Applications Received
- 16 May to 12 June 2019

Following are listings of Planning Applications Received for the period 16 May to 12 June 2019.

RECOMMENDATION

That the report be noted.

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

PLANNING APPLICATIONS RECEIVED

Friday, 17 May 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
354 Goulburn Weir-Murchison Road, Goulburn Weir VIC 3608	P2019-050	Development of land for a retaining wall, gangplank and jetty	Andrew Roberts	\$12,000.00

Monday, 20 May 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
415 Seven Creeks Estate Road, Euroa VIC 3666	P2019-051	Development of land for a shed	Ross Carrington	\$12,350.00

Wednesday, 22 May 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
356 Polly McQuinns Road, Strathbogie VIC 3666	P2019-053	Development of land for a shed	PETERS, Helen Joy	\$9,500.00
42 Creek Drive, Euroa VIC 3666	P2018-169 - 1	Two (2) lot subdivision	DAVIDSON, James Hamilton	\$0.00*

Thursday, 23 May 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
325 Aerodrome Road, Mangalore VIC 3663	P2019-049	Development of land for a aircraft storage hanger	Warren Blyth	\$76,477.27

Friday, 24 May 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
168 Sugarloaf Road, Sheans Creek VIC 3666	P2019-052	Development of land for an extension to a dwelling	Helen Jackel	\$140,899.00

Monday, 27 May 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
478 Creightons Creek Road, Creightons Creek VIC 3666	P2019-055	Development of land for cattle yards and loading ramp	FRASER, Cameron John	\$5,000.00
796 Killeens Hill Road, Gooram VIC 3666	P2019-056	Development of land for an agricultural shed, composting toilet and two (2) rainwater tanks	Simone Spence	\$30,000.00

Tuesday, 28 May 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
7-9 Queen Street, Avenel VIC 3664	P2019-042	Use of land to amend a liquor licence	Avenel Bowling Club Inc	\$0.00*

Thursday, 30 May 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
301 Sheans Creek Road, Sheans Creek VIC 3666	P2019-058	Use and development of land for a dwelling and shed	Troy Spencer	\$280,000.00

Monday, 3 June 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
201 Goulburn Weir Road, Goulburn Weir VIC 3608	P2019-060	Development of land for a shed	MUNRO, Kevin Michael	\$35,000.00

Tuesday, 4 June 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
18 Armstrong Avenue, Strathbogie VIC 3666	P2017-069 - 1	Three (3) lot subdivision	BRODZIK, Jon Mark	\$0.00*
27 Hughes Street, Avenel VIC 3664	P2019-061	Development of land for a shed	Kristy Gunn	\$34,605.00

Wednesday, 5 June 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
25 Kettels Road, Kirwans Bridge VIC 3608	P2019-057	Development of land for a jetty, landing and boat ramp	Shane DeAraugo	\$25,000.00
590 Zocks Road, Arcadia South VIC 3631	P2019-059	Use of land for boarding kennels (30 cats & 30 dogs)	Kristel Van der Zwaan	\$60,000.00

Thursday, 6 June 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
Hay Street, Euroa VIC 3666	P2019-064	Development of land for a storage shed	Gavin Crosbie	\$24,480.00

Friday, 7 June 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
82 Worland Road, Euroa VIC 3666	P2019-062	Two (2) lot subdivision (boundary realignment), use of land for a dwelling and shed	MERCER, Erica	\$450,000.00

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

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