



## STRATHBOGRIE SHIRE COUNCIL

### PLANNING COMMITTEE

# AGENDA

MEETING TO BE HELD ON TUESDAY 12 JULY 2016

AT THE EUROA COMMUNITY CONFERENCE CENTRE

COMMENCING AT 4.00 P.M.

<b>Councillors:</b>	Malcolm Little (Chair)	(Hughes Creek Ward)
	Colleen Furlanetto	(Seven Creeks Ward)
	Alister Purbrick	(Lake Nagambie Ward)
	Patrick Storer	(Honeysuckle Creek Ward)
	Debra Swan	(Lake Nagambie Ward)
	Robin Weatherald	(Mount Wombat Ward)
	Graeme (Mick) Williams	(Seven Creeks Ward)

<b>Officers:</b>	Steve Crawcour - Chief Executive Officer
	Phil Howard - Director, Sustainable Development
	Emma Kubeil – Executive Manager, Sustainable Development
	Kathryn Pound – Manager, Planning
	Cameron Fraser – Senior Planner
	Roy Hetherington - Director, Asset Services
	David Woodhams – Director, Corporate and Community

#### **Business:**

1. Welcome
2. Acknowledgement of Traditional Land Owners  
  
*'I acknowledge the Traditional Owners of the land on which we are meeting.  
I pay my respects to their Elders, past and present, and the more recent  
custodians of the land'*
3. Apologies
4. Confirmation of Minutes of the Planning Committee meeting held on  
Tuesday 28 June 2016
5. Disclosure of Interests

6. Planning Reports
7. Other Business

Steve Crawcour  
**CHIEF EXECUTIVE OFFICER**

7 July 2016

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 (SENIOR PLANNER – CAMERON FRASER)**

**6. PLANNING REPORTS**

**6.1 Planning Permit Application No. P2015-153  
- Use and Development of Land for Dog Breeding and Racing Dog Keeping  
(up to 25 Greyhounds) ~ 222 Faithfull Road, Longwood East**

*This application was heard at the 14 June 2016 Planning Committee meeting. At the meeting, Council determined to defer the application to enable Councillors to conduct a site visit. A site visit was conducted on 29 June 2016 by Cr Williams, Cr Swan and Cr Little, and attended by the permit applicant and Council Officers.*

Application Details:

Application is for:	Use and development of land for dog breeding and racing dog keeping (up to 25 greyhounds)
Applicant's/Owner's Name:	Michael Barry
Date Received:	7 December 2015
Statutory Days:	119
Application Number:	P2015-153
Planner: Name, title & department	Cameron Fraser Senior Planner Sustainable Development Department
Land/Address:	Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 of Title Plans 159824A Certificate of Title Volume 09249 Folio 963 222 Faithfull Road, Longwood East VIC 3666
Zoning:	Farming Zone
Overlays:	Erosion Management Overlay (part)
Under what clause(s) is a permit required?	Clause 35.07-1 Clause 35.07-4 Clause 44.01-1
Restrictive covenants on the title?	No
Current use and development:	Dwelling, Animal Keeping and Breeding (this is a retrospective application for buildings and works associated with animal keeping and breeding)
Is a CHMP required?	No – The site is not located in an area of cultural heritage sensitivity.

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

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

6.1 Planning Permit Application No. P2015-153  
- Use and Development of Land for Dog Breeding and Racing Dog Keeping (up to 25 Greyhounds) ~ 222 Faithfull Road, Longwood East (cont.)

**Summary**

- The proposal is for the Use and development of land for the purpose of breeding and keeping up to 25 greyhounds.
- Up to three litters of dogs are proposed to be bred per year.
- Retrospective approval is sought for the works which have been constructed during the application process which includes the construction of an outdoor dog run and alterations to an existing approved shed.
- The site has an area of approximately 4 hectares and is located in the Farming Zone.
- The application was referred internally to Council's Health Officer and Asset Services Department who offered no objection subject to conditions.
- The EPA were notified of the application and have advised that they have no objections to the proposal, subject to conditions.
- Goulburn-Murray Water were notified of the application and have advised that they have no objections.
- The application was advertised to adjoining land holders, one objection in three parts has been received.
- The objection raises issues in relation to noise, impact on adjoining agricultural uses, impact on rural residential properties, impact on waterways, property values and amenity.
- It is considered that the issues raised can be managed where relevant by conditions on the permit.
- The applicant has previously operated a larger greyhound facility (up to 100 dogs) on a nearby property without complaint.
- An assessment against the Farming Zone, Erosion Management Overlay, State and Local Policies indicates the proposal is consistent with these provisions of the Strathbogie Planning Scheme.
- The application is being presented to Planning Committee as one objection has been received.
- The application has been assessed outside the 60 day statutory time period due to detailed assessment and consultation with the objector and the applicant.
- It is recommended that Council resolve to issue a Notice of Decision to Grant a Permit in accordance with the Officer's recommendation.

- 6.1 Planning Permit Application No. P2015-153  
- Use and Development of Land for Dog Breeding and Racing Dog Keeping (up to 25 Greyhounds) ~ 222 Faithfull Road, Longwood East (cont.)

## **RECOMMENDATION**

### **That Council**

- **having caused notice of Planning Application No. P2015-153 to be given under Section 52 of the *Planning and Environment Act 1987***

**and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to Grant a Permit under the provisions of Clause 35.07-1, Clause 35.07-4 and Clause 44.01-1 of the Strathbogie Planning Scheme in respect of the land known as Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 of Title Plans 159824A Certificate of Title Volume 09249 Folio 963, 222 Faithfull Road, Longwood East VIC 3666, for the Use and development of land for dog breeding and racing dog keeping (up to 25 greyhounds), in accordance with endorsed plans, subject to the following conditions:**

### **Consolidation**

1. **Within three months of the issue of the planning permit, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 on Title Plan 159824A must be consolidated into one title.**

### **Amended Plans**

2. **Within three months of the date of the permit except with written consent of the Responsible Authority, an Environmental and Risk Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must detail:**
  - (a) **Waste management of both solid and liquid waste produced by the dogs and during the wash down and cleaning of kennels and other dog areas.**
  - (b) **Stormwater management to ensure no water contaminated with waste be discharged beyond the boundary of the premises.**
  - (c) **Noise control measures in place, including any sound proofing or other measures that are to be taken for noisier dogs and/or times.**
  - (d) **Measures to be in place for the management of Dust, Lighting, Odour, Litter etc.**

### **Monitoring of Compliance**

3. **Every year before 30 June, the permit holder must provide to Council a written report on compliance with the Environmental and Risk Management Plan as well as Conditions 7, 8, 9, 11, 13 and 14 of this permit to the satisfaction of the Responsible Authority.**

- 6.1 Planning Permit Application No. P2015-153  
- Use and Development of Land for Dog Breeding and Racing Dog Keeping (up to 25 Greyhounds) ~ 222 Faithfull Road, Longwood East (cont.)

**Engineering Conditions**

4. Prior to the commencement of the use all internal access roads must be constructed, formed and drained to avoid erosion and to minimise disturbance to natural topography of the land to the satisfaction of the Responsible Authority. Internal access, including the turn-around areas for emergency vehicles, must be all weather construction with a minimum trafficable width of 4m.
5. All stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge drains to the satisfaction of the Responsible Authority/Goulburn Murray Water or dissipated within the site boundaries. No effluent or polluted water of any type may be allowed to enter the stormwater drainage system.
6. 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.
7. 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.

**EPA Conditions:**

8. Noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.
9. Deposit of animal or organic wastes must not adversely affect the land.
10. There must be no discharge or seepage of animal or organic wastes from the premises to the land or water (including stormwater) environments.

**Goulburn Murray Water Conditions:**

11. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
12. Provision must be made on the land for the storage of solids waste. The waste must be regularly removed from the site to the satisfaction of the Responsible Authority.

**General Conditions**

13. At all times during the operation of the animal breeding and keeping of greyhounds at the subject site, no more than 25 Greyhounds may be kept on the land at any given time.

6.1 Planning Permit Application No. P2015-153  
- Use and Development of Land for Dog Breeding and Racing Dog Keeping (up to 25 Greyhounds) ~ 222 Faithfull Road, Longwood East (cont.)

14. No more than three (3) litters of dogs may be bred on the site per year.
15. At all times the operation must be in accordance with the Code of Practice for the Operation of Greyhound Establishments to the satisfaction of the Responsible Authority.
16. 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.
17. The external cladding of the buildings and works, including the roof, must be maintained in materials of muted colours to enhance the aesthetic amenity of the area. Material having a highly reflective surface must not be used.
18. 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.
19. This permit will expire if one of the following circumstances applies:
  - (a) The requirements of permit conditions are not satisfied within six months of the date of the permit unless with the written consent of the Responsible Authority.
  - (b) The use is not started within two (2) years of the date of this Permit,
  - (c) The development is not completed within two (2) years of the date of this Permit.
  - (d) The use ceases for a period of (2) years.
  - (e) Failure to meet the audit requirements in Condition 3 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 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.



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- Use and Development of Land for Dog Breeding and Racing Dog Keeping (up to 25 Greyhounds) ~ 222 Faithfull Road, Longwood East (cont.)

**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 has been issued subject to a number of strict, ongoing requirements. The compliance with these conditions by the permit holder will be closely monitored by Council. Should three breaches be recorded, the Responsible Authority may undertake to cancel the permit.**
- **For the purpose of defining the number of 'greyhounds', this applies to all dogs over the age of six (6) months.**

**Proposal**

This application proposes the use and development of the subject land for keeping and breeding greyhounds. Clause 75, Nesting Diagrams of the Strathbogie Planning Scheme nests Racing dog keeping and Dog breeding under Agriculture. The facility is proposed to have the capacity for up to 25 greyhounds at any one time. Up to three litters are proposed to be bred on the site per year.

The proposed use of the land for greyhound breeding and keeping will occur within an existing shed and in an outdoor dog run which was recently constructed. The existing shed will contain eight kennels, each with access to an outside exercise area. The outside training area is already constructed however as part of the proposed use, an additional 8 kennels have been placed within this area.

The facility will be managed by a resident on the subject site who currently lives in an existing dwelling on the property.

Animals will be fed during daylight hours between 7:30am and 5:00pm. Formal training is expected to occur only within daylight hours however the size of the pens will allow for continual exercise opportunities.

It is noted that in addition to requiring planning approval, the facility must be managed in accordance with the requirements of the Code of Practice for the Operation of Greyhound Establishments. Greyhound Racing Victoria is the regulatory body in charge of ensuring compliance with this code.

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- Use and Development of Land for Dog Breeding and Racing Dog Keeping (up to 25 Greyhounds) ~ 222 Faithfull Road, Longwood East (cont.)

**Subject site & locality**

The subject site is located near the intersection of Faithfull Road and Longwood-Mansfield Road and is made up of 20 individual parcels of land with a total area of approximately 4 hectares. The site is part of the original survey plan of the Longwood East Township and adjoins unmade road reservations on all sides except the north eastern side where Faithfull Road is constructed.

The land is generally flat in topography however has a slight downward slope in the southern corner of the site. A watercourse runs through the site along the south eastern boundary of the site where an existing dog pen is constructed. Native Vegetation is scattered throughout the site however is more dense within the unmade road reserves surrounding the site.

The land is currently developed with a single dwelling and associated outbuildings. Infrastructure already constructed on the site in relation to the proposed existing dog breeding and keeping facility includes:

- Outdoor dog runs in southern corner of site
- Existing shed to be used for kennels (shown on site plan as Shed 2).

Access to the subject site is available to the north west of the site from Faithfull Road.

Land adjoining the site to the southwest is currently used and developed for a dog boarding/breeding/training facility for up to 100 dogs (P2007-143 –Use and development of land for animal boarding (Boarding Establishment for 100 dogs) issued 23 January 2012). Other properties immediately adjoining the site are currently vacant. North of the site is vacant land and the Hume Freeway. Land further east is developed with vineyards and associated uses and various other agricultural uses. West of the land beyond the adjoining dog facility is the old Longwood East township area which is developed with dwellings and shedding.

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**Permit/Site History**

A search of Council's electronic records system shows that the following planning permits have previously been issued for the subject site:

- P2013-130 was issued on 27 February 2014 for the Use and development of land for a dwelling. The dwelling has been constructed. Plans endorsed as part of this permit show the location of two sheds one of which has been modified as part of this proposal to provide kennel facilities (shown as Shed 2 on submitted plans).

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**Public Notification**

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

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

The notification has been carried out correctly.

6.1 Planning Permit Application No. P2015-153  
- Use and Development of Land for Dog Breeding and Racing Dog Keeping (up to 25 Greyhounds) ~ 222 Faithfull Road, Longwood East (cont.)

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

- Noise
- Impact on waterways
- Property Values
- Proposed use should have been included in original application for dwelling
- Impacts on adjoining agricultural uses
- Land is within a rural residential area and will impact on amenity
- Removal of trees along boundaries

Officers Response:

The subject site has an area of 4 hectares and is located within the Farming Zone. The purpose of the Farming Zone is “to provide for the use of land for agriculture”. The proposed use is defined in the Strathbogie Planning Scheme as an agricultural use. Given the size of the lot conventional farming is not considered a likely use for this site. The proposed use can be accommodated on a smaller site.

The land has been identified within the Strathbogie Shire Rural Residential Strategy (2004) as part of a residential area. It is considered that this does not preclude this land from being used for agricultural purposes in the Farming Zone. It is considered the proposed use is appropriate for the subject site.

With regard to issues of noise and odour measures, conditions can be put in place to ensure these issues are managed. The applicant will be required to comply with relevant codes of practice and Greyhound Racing Victoria requirements. The level of noise and odour must be appropriate to the zoning of the land, in this instance the Farming Zone.

The impact of a proposal on property values for adjoining parcels of land is not a relevant consideration under the provisions of the *Planning and Environment Act 1987*.

Removal of native vegetation along the boundaries of the site is not included in this application and has not been considered as part of the assessment of this application.

As part of the assessment of the application, the application has been referred to both Goulburn Murray Water and the Environment Protection Authority who have provided conditions in relation to the management of the watercourse on the property. It is considered that compliance with these conditions will ensure the proposal does not impact on the health of the waterway.

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**Consultation**

A copy of the first two parts of the objection was forwarded to the applicant who has provided response to each objection.

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These responses were forwarded to the objector who has not withdrawn their objection.

The third part of the objection was provided to the applicant. The applicant does not intend to respond to this.

**Referrals**

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	Nil
Section 52 Notices	Goulburn Murray Water – No objection, subject to conditions EPA – No objection, subject to conditions

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

**Assessment**

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

**Farming Zone**

Purpose:

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

A permit is required for the use and development of the land for racing dog keeping and dog breeding.

The use of the land for racing dog training does not require a planning permit under the provisions of the Farming Zone. It is noted that 'training' of animals, as defined by the Victoria Planning Provisions does not include accommodation or any other activities. Animal Training is defined under Clause 74 of the Strathbogie Planning Scheme as:

- *Land used to train animals.*

When assessing an application for animal husbandry including keeping and breeding under the provisions of the Farming Zone, consideration must be given to the agricultural capacity of the land as well as a number of environmental and amenity impacts. An assessment of the proposal against the relevant decision guidelines of the Farming Zone is tabled below:

6.1 Planning Permit Application No. P2015-153  
- Use and Development of Land for Dog Breeding and Racing Dog Keeping (up to 25 Greyhounds) ~ 222 Faithfull Road, Longwood East (cont.)

<b>General Issues</b>	<b>Complies</b>	<b>Officers Comment</b>
<i>The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</i>	Yes	Assessment against SPPF & LPPF is provided below.
<i>Any Regional Catchment Strategy and associated plan applying to the land.</i>	N/A	There is no relevant regional catchment strategy.
<i>The capability of the land to accommodate the proposed use or development, including the disposal of effluent.</i>	Yes	The application was referred to Councils Health Officer as well as the EPA who did not object subject to conditions being included on the permit.
<i>How the use or development relates to sustainable land management.</i>	Yes	The site is approximately 4 hectares in area and is considered inappropriate for more traditional broad acre agricultural practices. The proposal provides a more economically sustainable use of the land.
<i>Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.</i>	Yes	<p>The subject site is considered to be a small lot suitable for the proposed animal husbandry use. Some land surrounding the subject site is developed for rural residential purposes however adjoining the site is an existing greyhound facility for up to 100 dogs and vineyards. The application proposes an agricultural land use in an agriculturally zoned area. Consideration has been given to surrounding land uses including dwellings. Conditions relating to noise attenuation and management of the facility should ensure the proposal integrates well with surrounding land uses.</p> <p>The nearest dwelling to the site is located approximately 180 metres from the site. This dwelling is located on Scobie Road. This property adjoins an existing greyhound facility (100 dogs). The dwelling constructed as part of the adjoining dog facility is the next closest to the site and is approximately 200 metres from the site.</p> <p>A greyhound establishment for up to 25 dogs is considered to be a relatively small facility. This will limit the extent of noise from the property. It is considered the most noise will be generated around feeding times which are proposed between 7:00am and 5:00pm. This will be enforced by way of condition.</p>

		<p>The applicant has previously operated the adjoining facility which held up to 100 dogs at any one time. During this time, to the knowledge of officers, no complaints have been received in relation to the operation of this facility.</p> <p>The impact of noise from surrounding agricultural uses, including traffic movement and the use of scare guns has been considered. The impact of surrounding noise on animals kept on the facilities will need to be managed appropriately by the owner. The use of a scare gun must be carried out in accordance with the relevant guidelines of the EPA.</p>
<i>How the use and development makes use of existing infrastructure and service.</i>	Yes	The site is currently developed with a single dwelling and associated shedding and is connected to all available services. The site is proposed to be accessed by an existing crossover from Faithfull Road into the site.
<b>Agricultural Issues</b>		
<i>Whether the use or development will support and enhance agricultural production.</i>	No	Racing dog keeping and Dog breeding are nested under 'Agriculture' pursuant to Clause 74 of the Strathbogie Planning Scheme. The use of the land for this purpose is consistent with the purpose of the zone.
<i>Whether the use or development will permanently remove land from agricultural production.</i>	Yes	The proposal will provide for the continued use of the land for Agriculture. This proposal would result in an overall improvement in the use of the subject site for agriculture.
<i>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	The use of the land for intensive animal husbandry is unlikely to limit the operation or expansion of nearby agricultural uses. The land is currently used for residential purposes and adjoins an existing greyhound facility and vineyards. Further west of the site, lots are primarily used for residential purposes.
<i>The capacity of the site to sustain the agricultural use.</i>	Yes	The site is capable of containing the proposed animal husbandry use.
<i>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</i>	Yes	The land in this area is generally considered non productive due to lot sizes.
<i>Any integrated land management plan prepared for the site.</i>	N/A	As detailed above the site is not capable of accommodating a larger traditional agricultural use.

6.1 Planning Permit Application No. P2015-153  
- Use and Development of Land for Dog Breeding and Racing Dog Keeping (up to  
25 Greyhounds) ~ 222 Faithfull Road, Longwood East (cont.)

<b>Environmental issues</b>		
<i>The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.</i>	Yes	<p>The application was referred to Council's Environmental Health Officer and the Environmental Protection Authority who assessed the application and did not object to the proposal subject to conditions.</p> <p>The plans submitted show the outside dog runs and kennels located over a watercourse (as defined by the <i>Water Act 1989</i>). The physical and mapped locations of the watercourse appear to differ. Conditions of GMW and EPA will ensure the proposed use does not impact on this watercourse.</p>
<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 and is appropriately located not to damage any vegetation.
<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.
<i>The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.</i>	Yes	Should a permit be issued a condition will be included which requires appropriate management techniques for the disposal and management of waste products. This is also a specific requirement of the relevant code relating to greyhound establishments.
<b>Design and siting issue</b>		
<i>The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.</i>	Yes	<p>Changes to one of the sheds approved as part of a previous permit will be required to facilitate the use. The changes to these buildings are unlikely to impact on the amenity of surrounding land owners.</p> <p>Retrospective approval is also required for the construction of the dog runs in the southern corner of the site. The location of this dog run provides for separation from the other kennels on the site and is considered appropriate. Given the size of the site, all facilities proposed are limited in their location.</p>

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- Use and Development of Land for Dog Breeding and Racing Dog Keeping (up to 25 Greyhounds) ~ 222 Faithfull Road, Longwood East (cont.)

<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 appearance of the changes to the existing shed and proposed dog runs is unlikely to impact on the aesthetic environs of the site or surrounding area.
<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 buildings and works associated with this proposal are unlikely to impact on the amenity of the area.
<i>The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.</i>	Yes	Outdoor exercise areas attached to the existing shed make use of existing infrastructure on the site and are considered appropriate. The other kennel area not included within the shed will be required to be managed in accordance with GMW and EPA conditions to reduce impact on the natural environment.
<i>Whether the use and development will require traffic management measures.</i>	Yes	The application was referred to Councils Assets Department who raised no concerns in relation to traffic management measures. The proposed greyhound facility is unlikely to have significant traffic implications which would lead to a significant reduction in amenity.

The proposed use and development of the land for a greyhound breeding and keeping facility is considered to be generally consistent with the purpose and decision guidelines of the Farming Zone. Although located within the Farming Zone, consideration must be given to the sensitive land uses surrounding the subject site. It is considered that with appropriate noise attenuation and site management measures, the proposed use can successfully co-exist with surrounding amenity expectations.

**Erosion Management Overlay**

Purpose:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development.*

A permit is required for buildings and works on land affected by the Erosion Management Overlay. In assessing an application for buildings and works on land in this overlay, consideration must be given to the potential impact of erosion on the subject site as a result of the proposal.



6.1 Planning Permit Application No. P2015-153  
- Use and Development of Land for Dog Breeding and Racing Dog Keeping (up to 25 Greyhounds) ~ 222 Faithfull Road, Longwood East (cont.)

The component of this proposal involving buildings and works on land in the Erosion Management Overlay is limited to the dog runs which require retrospective approval. The buildings and works involved as well as their ongoing use to house greyhounds is considered unlikely to have any significant impact on erosion within the subject site or surrounding area.

At this time, it is noted that there are no obvious erosion issues on the subject site. It is considered the proposal is consistent with the purpose and decision guidelines of the Erosion Management Overlay. Standard conditions addressing construction impact and stormwater management are also included in the recommendation.

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

*Clause 12.01-1 Protection of biodiversity*

*Objective:*

- *To assist the protection and conservation of Victoria's biodiversity, including important habitat for Victoria's flora and fauna and other strategically valuable biodiversity sites.*

No vegetation is proposed to be removed. Subject to recommended conditions, the proposed use and development of the land for a greyhound facility will not impact on the biodiversity values of the area.

*Clause 12.04-1 Environmentally sensitive areas*

*Objective:*

- *To protect and conserve environmentally sensitive areas.*

The proposed use of the land for a greyhound keeping and breeding facility is unlikely to have a significant impact on the environs of the adjoining creek or waterway networks. Waste water generated on the site by the proposed use will be managed and treated on site to ensure that waste water does not impact or harm the environmentally sensitive areas of the site or adjoining properties.

*Clause 12.04-2 Landscapes*

*Objective:*

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

The area in which the proposed development is to occur has not been identified as a significant landscape. The proposed development is unlikely to detriment the visual amenity of the area.

6.1 Planning Permit Application No. P2015-153  
- Use and Development of Land for Dog Breeding and Racing Dog Keeping (up to 25 Greyhounds) ~ 222 Faithfull Road, Longwood East (cont.)

*Clause 13.04-1 Noise abatement*

*Objective*

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

The impact of noise from the proposed development on surrounding land uses is considered as part of the assessment of this application. The applicant has advised the dogs will be trained, fed etc. during daylight hours and will be appropriately managed to reduce the amount of noise generated from the site.

*Clause 14.01-1 Protection of agricultural land*

*Objective*

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

The subject site is located within the Farming Zone. The use of the land for Racing dog keeping and Dog Breeding are nested under 'Agriculture' pursuant to Clause 74 of the Strathbogie Planning Scheme. The site is located in an area of land with smaller rural living sized lots. The use of these parcels for agriculture is limited due to their size. The proposal will ensure the land is able to be used for an agricultural purpose into the future.

*Clause 14.02-1 Catchment planning and management*

*Objective*

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

The use and development of the land as proposed is not likely to impact on the overall health of the surrounding waterways and dams. The proposal will be connected to an appropriate on site waste water management system to the satisfaction of Council's Environmental Health Officer.

*Clause 17.01-1 Business*

*Objective*

- *To encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.*

The proposal provides for an additional business which will contribute to the local economy.

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

*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.*

6.1 Planning Permit Application No. P2015-153  
- Use and Development of Land for Dog Breeding and Racing Dog Keeping (up to 25 Greyhounds) ~ 222 Faithfull Road, Longwood East (cont.)

The proposed use and development of the land is located within the Farming Zone. The use of the land for emerging rural enterprises is encouraged on land within this zone. The site is a suitable size to allow for a greyhound establishment. Due to its size, topography and soil type, it is unlikely to be used for traditional agricultural practices. The site is large enough to accommodate the development of the land for kennels and associated buildings.

*Clause 21.02-6 Building Material – Muted Tones*

*Objective*

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

There are limited buildings and works to be constructed as part of this development. This will be required to be maintained in muted tones so as not to impact on the aesthetic amenity of the surrounding area and will be enforced by way of planning permit condition.

*Clause 21.06-2 Adapting and diversifying agriculture*

*Objective*

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

As Racing dog keeping and Dog breeding are nested under 'Agriculture' pursuant to Clause 74 of the Strathbogie Planning Scheme, the use of the land is able to be supported on land in this zone. The use is considered appropriate on this site as its size constrains its potential to be used for traditional agricultural purposes.

*Clause 22.02 Sustainable Intensive Agriculture*

*Objective:*

- *To ensure that all development is appropriately located.*
- *To ensure that all applications have addressed, considered and will implement sustainable use and development practices.*
- *To encourage innovation, quality design and environmentally sustainable intensive agriculture.*
- *To encourage businesses to implement the highest standards and be leaders in their industry.*
- *To support development growth through partnerships between EPA Victoria and other relevant authorities.*

The proposal is considered to be consistent with the objectives of this clause. The proposed keeping and breeding facility is located on land zoned for this purpose. The development will be undertaken subject to a number of conditions relating to amenity, environmental management and other issues which have been considered in this report. As part of the assessment of the application, the Environment Protection Authority was notified and have consented to the proposal subject to a number of requirements which will be managed by way of conditions on any permit issued.

6.1 Planning Permit Application No. P2015-153  
- Use and Development of Land for Dog Breeding and Racing Dog Keeping (up to 25 Greyhounds) ~ 222 Faithfull Road, Longwood East (cont.)

**Relevant Particular Provisions**

There are no particular provisions relevant for the proposed use and development.

**The decision guidelines of Clause 65**

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

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

The proposal is consistent with these decision guidelines.

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

There are no relevant adopted State policies.

**Relevant incorporated, reference or adopted documents**

The subject site is in an area of the municipality identified for rural residential development in the *Strathbogie Shire Rural Residential Strategy (2004)*. This document identifies rural land which has been developed over time for primarily residential purposes. The identification of this site in a rural residential area does not preclude it from being used for agricultural purposes.

**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.

- 6.1 Planning Permit Application No. P2015-153  
- Use and Development of Land for Dog Breeding and Racing Dog Keeping (up to 25 Greyhounds) ~ 222 Faithfull Road, Longwood East (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.

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**Summary of Key Issues**

The application proposes the use and development of the land for animal breeding and keeping. The land is located within the Farming Zone and is affected in part by the Erosion Management Overlay. The application has been assessed against the relevant decision guidelines.

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

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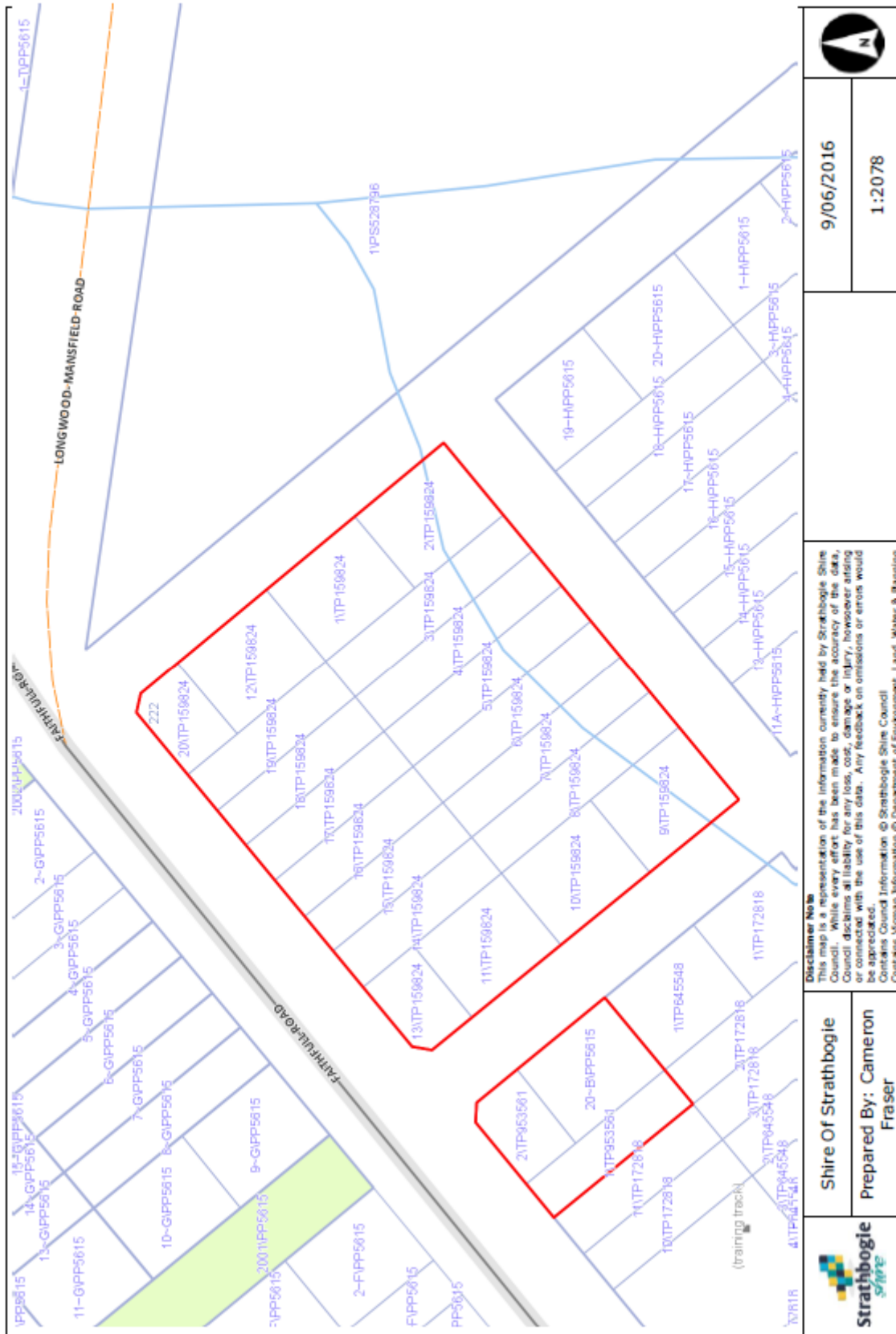
**Conclusion**

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

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**Attachments**

Site Plan



<p><b>Shire Of Strathbogie</b>                  Prepared By: Cameron Fraser</p>	<p><b>9/06/2016</b></p> <p><b>1:2078</b></p>	

**PLANNING COMMITTEE REPORT NO. 2 (SENIOR PLANNER – CAMERON FRASER)**

**6.2 Planning Permit Application No. P2015-129**  
**- Re-subdivide nine (9) existing lots to create six (6) lots, use and develop lots 1-5 for a single dwelling and the creation of a carriageway easement ~ 63 Gilliland Road, Euroa**

**Application Details:**

Application is for:	Re-subdivide nine (9) existing lots to create six (6) lots, use and develop lots 1-5 for a single dwelling and the creation of a carriageway easement
Applicant's/Owner's Name:	Monger & Tomkinson
Date Received:	30 October 2015
Statutory Days:	7
Application Number:	P2015-129
Planner: Name, title & department	Cameron Fraser Senior Planner Sustainable Development Department
Land/Address:	Crown Allotment 10A, Section H, Parish of Euroa, Certificate of Title Volume 01011 Folio 174 Crown Allotment 10, Section H, Parish of Euroa, Certificate of Title Volume 01502 Folio 219 Crown Allotment 5, Section H, Parish of Euroa, Certificate of Title Volume 05617 Folio 393 Crown Allotment 4, Section H, Parish of Euroa Certificate of Title Volume 05617 Folio 394 Crown Allotment 6C, Section H, Parish of Euroa Certificate of Title Volume 05617 Folio 396 Lot 1 on Title Plan 343998N Certificate of Title Volume 06003 Folio 489 Lot 1 on Title Plan 224110G Certificate of Title Volume 11057 Folio 970 Lot 2 on Title Plan 224110G Certificate of Title Volume 11057 Folio 969 Lot 2 on Plan of Subdivision 143000 Certificate of Title Volume 09518 Folio 691 63 Gilliland Road, Euroa VIC 3666
Zoning:	Farming Zone
Overlays:	Erosion Management Overlay
Under what clause(s) is a permit required?	Clause 35.07-1 Clause 35.07-3 Clause 35.07-4 Clause 44.01-1 Clause 44.01-4 Clause 52.02

6.2 Planning Permit Application No. P2015-129  
- Re-subdivide nine (9) existing lots to create six (6) lots, use and develop lots 1-5 for a single dwelling and the creation of a carriageway easement ~ 63 Gilliland Road, Euroa (cont.)

Restrictive covenants on the title?	Crown Grants apply to Crown Allotment 10A, Section H, Parish of Euroa, Certificate of Title Volume 01011 Folio 174 and Crown Allotment 10, Section H, Parish of Euroa, Certificate of Title Volume 01502 Folio 219  These grants allow for the Crown (now Department of Environment, Land, Water and Planning) to search for and extract gold on the land. The proposal will not breach the provisions of these grants.
Current use and development:	Agriculture with one dwelling
Is a CHMP required	No – The subject site is not located within a culturally sensitive area.

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

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

**Summary**

- The proposal is for the resubdivision of land from nine lots down to six lots, the use and development of Lots 1 – 5 land for the purposes of a single dwelling and the creation of a carriageway easement
- The plans show the proposed subdivision with building and wastewater envelopes and proposed access.
- The application documentation states that the lots will be used for individual equine facilities.
- The site has an area of approximately 222 hectares and is located in the Farming Zone.
- The land is affected in part by the Erosion Management Overlay.
- The application was referred internally to Council's Health Officer and Asset Services Department who offered no objection subject to conditions.
- The application was referred under Section 55 of the *Planning and Environment Act 1987* to AusNet Services and Goulburn Murray Water who have both consented to the proposal subject to conditions.
- DELWP were notified of the application and have advised that they have no objections to the proposal. DELWP provided no conditions.
- CFA were notified of the application and have advised that they have no objections subject to conditions in relation to road upgrades which are included in the recommendation.
- Notice of the application was also given to the Department of Economic Development, Jobs, Transport and Resources (DEDJTR) as the land adjoins an existing Extractive Industry Work Authority. DEDJTR have consented to the proposal with a request that the developer be made aware of their interest in the adjoining land. This is included in the recommendation.



6.2 Planning Permit Application No. P2015-129  
- Re-subdivide nine (9) existing lots to create six (6) lots, use and develop lots 1-5 for a single dwelling and the creation of a carriageway easement ~ 63 Gilliland Road, Euroa (cont.)

- The application was advertised to adjoining land holders, six objections have been received.
- The objection raises issues in relation to lot size, land capability, amenity, fire and flooding risk, native vegetation, access and agriculture.
- It is considered that the issues raised can be managed where relevant by conditions on the permit.
- An assessment against the Farming Zone, Erosion Management Overlay, State and Local Policies indicates the proposal is consistent with these provisions of the Strathbogrie Planning Scheme.
- The application is being presented to Planning Committee as six objections have been received.
- The application has been assessed inside the 60 day statutory time period.
- It is recommended that Council resolve to issue a Notice of Decision to Grant a Permit in accordance with the Officer's recommendation.

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## RECOMMENDATION

### That Council

- having caused notice of Planning Application No. P2015-129 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme

and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to Grant a Permit under the provisions of Clause 35.07-1, Clause 35.07-3, Clause 35.07-4, Clause 44.01-1, Clause 44.01-4 and Clause 52.02 of the Strathbogrie Planning Scheme in respect of the land known as Crown Allotment 10A, Section H, Parish of Euroa, Certificate of Title Volume 01011 Folio 174, Crown Allotment 10, Section H, Parish of Euroa, Certificate of Title Volume 01502 Folio 219, Crown Allotment 5, Section H, Parish of Euroa, Certificate of Title Volume 05617 Folio 393, Crown Allotment 4, Section H, Parish of Euroa Certificate of Title Volume 05617 Folio 394, Crown Allotment 6C, Section H, Parish of Euroa Certificate of Title Volume 05617 Folio 396, Lot 1 on Title Plan 343998N Certificate of Title Volume 06003 Folio 489, Lot 1 on Title Plan 224110G Certificate of Title Volume 11057 Folio 970, Lot 2 on Title Plan 224110G Certificate of Title Volume 11057 Folio 969, Lot 2 on Plan of Subdivision 143000 Certificate of Title Volume 09518 Folio 691, 63 Gilliland Road, Euroa VIC 3666, to Re-subdivide nine (9) existing lots to create six (6) lots, use and develop lots 1-5 for a single dwelling and the creation of a carriageway easement, subject to the following conditions:

### Amended Plans - Subdivision

1. Prior to the certification of the plan of subdivision, amended plans must be submitted to and approved by the responsible authority.

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- Re-subdivide nine (9) existing lots to create six (6) lots, use and develop lots 1-5 for a single dwelling and the creation of a carriageway easement ~ 63 Gilliland Road, Euroa (cont.)

2. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of three copies must be provided. Such plans must be generally in accordance with the plan submitted to Council on 3 May 2016 but modified to show:
  - a. Length of dimension of western boundary on proposed Lot 2 amended to show 423.5 metres
  - b. The distance of the buildings and waste water envelopes in accordance with GMW conditions of this permit
  - c. The distance of proposed building and wastewater envelopes being located more than 550 metres from the edge of the area identified within Extractive Industry Work Authority WA194.

Amended Plans – Dwellings Lots 1-5

3. Prior to the commencement of development of the land for a dwelling on Lots 1-5, amended plans must be submitted to and approved by the responsible authority for each lot. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of three copies must be provided. Such plans must be generally in accordance with the plan submitted but modified to show:
  - a) Dimensioned site plans including vehicular access and internal driveways, floor plans and elevations of the dwelling and outbuilding.
  - b) A Farm Management Plan which includes an explanation of why a dwelling is required as part of the agricultural use of the land.

Endorsed Plans

4. The use and development and subdivision 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.

Section 173 Agreement

5. Prior to the issue of Statement of Compliance, the owner must enter into an agreement with the Responsible Authority, under Section 173 of the *Planning and Environment Act 1987*. This agreement must be registered pursuant to Section 181 of the *Planning and Environment Act 1987* on the title of the land. The agreement must ensure the following:
  - (a) No further subdivision of the land, including house lot excision, which increases the number of lots.
  - (b) The use of the land for a dwelling must be undertaken in accordance with a farm management plan for the lot which has been endorsed to form part of this permit for lots 1-5.

- 6.2 Planning Permit Application No. P2015-129  
- Re-subdivide nine (9) existing lots to create six (6) lots, use and develop lots 1-5 for a single dwelling and the creation of a carriageway easement ~ 63 Gilliland Road, Euroa (cont.)

- (c) The owner of the land acknowledges the use of surrounding land for agricultural purposes may cause some amenity impact from time to time.
- (d) The owners of proposed Lot 1 and Lot 2 acknowledge the use of land to the west of the site for extractive industry and that there may be some amenity impacts resulting from time to time.

All costs associated with the preparation, execution and registration of the agreement must be borne by the applicant/owner and paid prior to the execution and registration of the agreement.

**Environmental Health Conditions:**

- 6. The existing Septic Tank system within proposed Lot 6 must comply with the Environment Protection Authority EPA Publication 891.3 Code of Practice – *Onsite Wastewater Management 2013*, any relevant Certificates of Approval, and to the satisfaction of Council's Environmental Health Officer.
- 7. The existing septic system must retain and treat wastewater within the proposed Lot 6.
- 8. Where a new septic system is to be installed it will be subject to the following EPA requirements for management of onsite wastewater in unsewered areas;
  - (a) Prior to the commencement of works, a permit to install a septic tank system is required from the Responsible Authority.
  - (b) The effluent disposal field must be located at least 60 meters from waterways, wetlands, dams, lakes or reservoirs (non-potable water supply), to the satisfaction of the Responsible Authority.
  - (c) A Land Capability Assessment will be required in accordance with Council's Domestic Wastewater Management Plan and the associated risk LCA template will need to be completed.

**Engineering Conditions:**

- 9. Prior to the issue of statement of compliance for the subdivision the Applicant/ Owner must obtain a vehicle crossing permit from the responsible authority to each lot for any new or otherwise vehicular entrances to the subject land from the road. The vehicular entrances must be constructed at the applicant's expense to provide ingress and egress to the site and at a location and of a size and standard satisfactory to the Responsible Authority.
- 10. The vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense. Final location of vehicle crossing must be approved by Responsible Authority via vehicle crossing permit.

- 6.2 Planning Permit Application No. P2015-129  
- Re-subdivide nine (9) existing lots to create six (6) lots, use and develop lots 1-5 for a single dwelling and the creation of a carriageway easement ~ 63 Gilliland Road, Euroa (cont.)

**Reference should be made to Clause 12.9.2 “Rural Vehicle Crossings” of the Infrastructure Design Manual. Refer to standard drawing SD255.**

- 11. All disused or redundant vehicle crossings must be removed and reinstated to the satisfaction of the Responsible Authority.**
- 12. All stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge drains to the satisfaction of the Responsible Authority/Goulburn Murray Water or dissipated within the site boundaries.**
- 13. No effluent or polluted water of any type may be allowed to enter the stormwater drainage system.**
- 14. 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.**
- 15. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the Responsible Authority.**
- 16. Any damage to the Responsible Authority’s assets (i.e. roads, roadside drains, trees etc.), and boundary fences, must be repaired at the cost of the applicant all to the satisfaction of Responsible Authority.**
- 17. Where land is subdivided in rural areas the rural road must meet the current standards (of the Infrastructure Design Manual) for width and thickness up until the access to the last proposed lot. Alternative access through private land to reduce the cost of upgrading infrastructure will be considered.**

**AusNet Services Conditions:**

- 18. The applicant must –**
  - Enter in an agreement with AusNet Electricity Services Pty Ltd for supply of electricity to each lot on the endorsed plan.**
  - Enter into an agreement with AusNet Electricity Services Pty Ltd for the rearrangement of the existing electricity supply system.**
  - Enter into an agreement with AusNet Electricity Services Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AusNet Electricity Services Pty Ltd.**

6.2 Planning Permit Application No. P2015-129

- Re-subdivide nine (9) existing lots to create six (6) lots, use and develop lots 1-5 for a single dwelling and the creation of a carriageway easement ~ 63 Gilliland Road, Euroa (cont.)

- Provide easements satisfactory to AusNet Electricity Services Pty Ltd for the purpose of "Power Line" in the favour of "AusNet Electricity Services Pty Ltd" pursuant to Section 88 of the *Electricity Industry Act 2000*, where easements have not been otherwise provided, for all existing AusNet Electricity Services Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
- Obtain for the use of AusNet Electricity Services Pty Ltd any other easement required to service the lots.
- Adjust the position of any existing AusNet Electricity Services Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.
- Set aside on the plan of subdivision Reserves for the use of AusNet Electricity Services Pty Ltd for electric substations.
- Provide survey plans for any electric substations required by AusNet Electricity Services Pty Ltd and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. AusNet Electricity Services Pty Ltd requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.
- Provide to AusNet Electricity Services Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
- Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by AusNet Electricity Services Pty Ltd. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the *Electricity Safety Act 1998*.
- Ensure that all necessary auditing is completed to the satisfaction of AusNet Electricity Services Pty Ltd to allow the new network assets to be safely connected to the distribution network.

**CFA Conditions:**

**19. Roads**

- (a) Roads shall be upgraded or constructed to provide emergency vehicle access to all lots. The roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
- (b) The vertical and horizontal alignment of the roads shall be designed to accommodate a design vehicle equivalent to the Austroads Design Service Vehicle – 12.5m radius.

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- Re-subdivide nine (9) existing lots to create six (6) lots, use and develop lots 1-5 for a single dwelling and the creation of a carriageway easement ~ 63 Gilliland Road, Euroa (cont.)

- (c) This includes the road within the proposed carriageway easement giving access to lots 3, 4 and 6. Provision shall be made within sixty metres of the end of this carriageway easement for turning this design vehicle to the satisfaction of the Responsible Authority. (A three point turn is acceptable).
- (d) All roads shall either have a minimum trafficable width of 6.0m or alternatively have a trafficable width of 4.0m with passing bays at minimum intervals of 200m. The combined width of the passing bay and the through road must be a minimum of 6.0m and a length of at least 20m.
- (e) Any bridges required must be designed in accordance with the Australian Bridge Design Standard AS 5100 – 2004 to carry a rigid truck of at least 15 tonne and have a trafficable width of at least 3.5m.
- (f) The average grade of any roads must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters.

**Goulburn Murray Water Conditions:**

- 20. Any Plan of Subdivision lodged for certification must be referred to Goulburn-Murray Rural Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.
- 21. Building envelopes a minimum of 30 metres from all waterways (including dams on waterways) and not on any drainage lines must be identified on any Plan of Subdivision submitted for certification.
- 22. Wastewater disposal envelopes a minimum of 60 metres from all waterways and dams must be identified on any Plan of Subdivision submitted for certification.
- 23. All wastewater must be disposed of via connection to the existing septic tank system. If necessary, the system must be upgraded to the satisfaction of council's Environmental Health Department. The existing on-site wastewater treatment and disposal systems must be wholly contained within the boundaries of the new lot created by subdivision.

**Telecommunications Conditions:**

- 24. The owner of the land must enter into an agreement with:
  - a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and

6.2 Planning Permit Application No. P2015-129  
- Re-subdivide nine (9) existing lots to create six (6) lots, use and develop lots 1-5 for a single dwelling and the creation of a carriageway easement ~ 63 Gilliland Road, Euroa (cont.)

- a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

25. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:

- a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

**General Conditions:**

26. Unless with the prior written consent of the Responsible Authority, Lots 1-5 must be operated and managed in accordance with the Farm Management Plans endorsed as part of this planning permit.
27. The dwellings must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.
28. The dwellings 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.
29. The dwellings must be connected to a reticulated electricity supply or have an alternative energy source.
30. 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.
31. Any dwelling constructed within proposed Lot 1 or Lot 2 on the endorsed plans must be located more than 550 metres from the edge of the area identified within Extractive Industry Work Authority WA194 to the satisfaction of the Responsible Authority.

- 6.2 Planning Permit Application No. P2015-129  
- Re-subdivide nine (9) existing lots to create six (6) lots, use and develop lots 1-5 for a single dwelling and the creation of a carriageway easement ~ 63 Gilliland Road, Euroa (cont.)

**32. The amenity of the area must not be detrimentally affected by the use, through the:**

- (f) Appearance of any building, works or materials;**
- (g) Transport of materials, goods or commodities to or from the land;**
- (h) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil;**
- (i) Presence of vermin, and;**
- (j) Others as appropriate.**

**Permit Expiry:**

- 33. 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.**
  - (c) The use is not commenced within four (4) years of the date of this Permit.**
  - (d) The plan of subdivision is not certified within two (2) years of the date of this permit;**
  - (e) The subdivision is not completed within five (5) years of the date of Certification under the *Subdivision Act 1988*.**

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.
- A Land Capability Assessment may be required and should be undertaken by a suitability qualified person. The Responsible Authority reserves the right to accept, reject or amend the recommendations of an LCA report.



6.2 Planning Permit Application No. P2015-129  
- Re-subdivide nine (9) existing lots to create six (6) lots, use and develop lots 1-5 for a single dwelling and the creation of a carriageway easement ~ 63 Gilliland Road, Euroa (cont.)

- **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.**

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### **Proposal**

The application proposes resubdivision of the subject site from nine lots down to six lots as well as the use and development of five of the proposed lots for a dwelling. The subdivisions will be configured as follows:

- Lot 1 – 21.8 Hectares
- Lot 2 – 29.3 Hectares
- Lot 3 – 21.3 Hectares
- Lot 4 – 26.2 Hectares
- Lot 5 – 24.6 Hectares
- Lot 6 – 96.8 Hectares (two parts)

Lots 2, 3, 4 and 6 will be accessed from Gilliland Road while Lots 1 and 5 will be accessible from Collier Road.

An existing dwelling and a number of ancillary and agricultural buildings will be contained fully within Lot 1.

The use and development of Lots 1-5 for the purposes of a single dwelling on each lot is also proposed. The applicant has indicated in their submission that the dwellings proposed will support an equine facility within the proposed lots. No plans have been provided for the dwellings nor has any specific written information been supplied. Building and wastewater envelopes have been shown on the submitted plan of subdivision.

The application also includes the creation of a carriageway easement. The easement will be located over an existing driveway which is to be located within proposed Lot 6. The proposed easement will provide for legal access for Lots 3 and 4.

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### **Subject site & locality**

The subject site is located between Gilliland and Collier Roads and is made up of 9 separate parcels of land with a total area of approximately 222 hectares. The site is located approximately 7 kilometres from the Euroa township. The individual lots on the site range in size from 1.5 hectares to 54.4 hectares. The site is undulating in topography and contains scattered vegetation throughout. The land is primarily used for grazing purposes and contains a single dwelling and ancillary shedding as well as some separate agricultural shedding. Two unmade government roads run in a north-south direction through the subject site. A seasonal watercourse runs along the southern property boundary near Gilliland Road. Vehicular access to the site is currently available from both Gilliland and Collier Roads.

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Land surrounding the subject site is used for a range of purposes including residential and agriculture. Land to the west of the site currently has authority for extractive industry (quarry). Lot sizes and land uses generally vary throughout the area. This includes dwellings on small lots at 146 Collier Road (2 hectares approx.) and 218 Collier Road (7.8 hectares approx.)

Crown Grants apply to the following parcels of land:

- Crown Allotment 10A, Section H, Parish of Euroa, Certificate of Title Volume 01011 Folio 174
- Crown Allotment 10, Section H, Parish of Euroa, Certificate of Title Volume 01502 Folio 219

These grants allow for the Crown (now Department of Environment, Land, Water and Planning) to search for and extract gold on the land. The proposal will not breach the provisions of these grants.

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### **Permit/Site History**

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

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### **Public Notification**

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

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

Notification of the application was given twice. The first notification undertaken did not include the proposed use and development of Lots 1-5 for the use and development of a dwelling. This was included in the second round of notification.

Council has received six objections to date from both rounds of notification. The key issues that were raised in the objections are:

- Inadequate water supply for proposed dwellings
- On site wastewater disposal
- Emergency access
- Widening of road will require removal of vegetation
- Impact on nearby watercourses and flora and fauna
- Lots under minimum lot size for subdivision and dwellings
- Driveways required across watercourses
- Interference with Aboriginal Cultural Heritage
- Traffic management
- Increased fire risk
- Flooding
- Impact on buffer zone from nearby quarry
- No agricultural use specifically proposed

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A map showing the location of the objectors properties in relation to the subject site is attached to this report.

Officers Response:

On site waste water supply and disposal will be required to be provided to the proposed dwellings. The application was referred to Goulburn Murray Water as well as Council's Environmental Health department as part of the assessment. They have consented to the proposal subject to conditions. It is envisaged that potable water for domestic supply can be provided on site.

Roads are required to be upgraded as part of the proposal by the CFA to provide adequate emergency access to the lots. The application does not include the removal of any native vegetation however separate approval may be required if this is unavoidable as part of the upgrade works which will be required to be undertaken at the expense of the developer.

The resubdivision of the land to reduce the number of lots from nine to six is considered unlikely to significantly impact on nearby watercourses and dwellings. The construction of dwellings and associated infrastructure will be required to be done in accordance with the relevant requirements in relation to environmental management. It is also noted that any driveways constructed over an identified watercourse will need authorisation from the Goulburn Broken Catchment Management Authority prior to the commencement of construction.

Subdivision of land and the use and development of lots less than 40 hectares can be considered in certain instances. This is detailed further into this report. The applicant has identified that each of the proposed lots would be used for agriculture to support the proposed dwellings. This will be enforced by way of a Section 173 Agreement.

The subject site is located outside of an identified area of cultural heritage sensitivity. No Cultural Heritage Management Plan is required for this proposed development. Any buildings or works carried out as part of the proposal must not breach any requirements of the *Aboriginal Heritage Act 2006*.

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**Amendment of the application following notification**

Following notice of the proposal, the Department of Economic Development, Jobs, Transport and Resources requested an amended plan showing the setback distances of the proposed dwellings on Lot 1 and Lot 2 from the area on land at 38 Davidsons Road which contains Extractive Industry Work Authority WA194. Amended plans were submitted under Section 57A of the *Planning and Environment Act 1987* on 3 May 2016. They were then forwarded to DEDJTR. It was not considered necessary to re-advertise the application following receipt of the amended plans as the subdivision layout and location of proposed dwellings was not proposed to change.

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- Re-subdivide nine (9) existing lots to create six (6) lots, use and develop lots 1-5 for a single dwelling and the creation of a carriageway easement ~ 63 Gilliland Road, Euroa (cont.)

The application was again amended on 6 July 2016 pursuant to Section 57A of the *Planning and Environment Act 1987* to include the creation of a carriageway easement. The easement will be located over an existing driveway which is to be located within proposed Lot 6. The proposed easement will provide for legal access for Lots 3 and 4. The amended application including the proposed carriageway easement was not required to be re-advertised as it is considered that this will not impact on the amenity of surrounding land owners given that it will be fully contained within the subject site.

**Consultation**

A copy of the objections was forwarded to the applicant who has provided response to each objection.

These responses were forwarded to the objectors for review. To date, no objections have been withdrawn.

**Referrals**

External Referrals/Notices required by the Planning Scheme:

<b>Referrals/Notice</b>	<b>Advice/Response/Conditions</b>
Section 55 Referrals	GMW – No objection, subject to conditions Ausnet Services – No objection, subject to conditions
Section 52 Notices	CFA – No objection, subject to conditions DELWP – No objection, no conditions DEDJTR – See Particular Provisions discussion

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

**Assessment**

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

**Farming Zone**

Purpose:

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

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- Re-subdivide nine (9) existing lots to create six (6) lots, use and develop lots 1-5 for a single dwelling and the creation of a carriageway easement ~ 63 Gilliland Road, Euroa (cont.)

A permit is required for the resubdivision of land as well as the use and development of lots 1-5 for the purposes of a dwelling. In assessing an application for the resubdivision of land as well as the use and development of land for a dwelling consideration must be given to the agricultural use of the land as well as the impact of the proposal on the existing uses of surrounding properties.

Land surrounding the subject site is used for a range of purposes including agriculture, dwellings and mining. An assessment of each of the proposals (dwellings and subdivision) has been undertaken below.

Proposed resubdivision of land from 9 lots into 6 lots

As referred to previously, the proposed resubdivision of the land will be configured as follows:

- Lot 1 – 21.8 hectares
- Lot 2 – 29.3 hectares
- Lot 3 – 21.3 hectares
- Lot 4 – 26.2 hectares
- Lot 5 – 24.6 hectares
- Lot 6 – 96.8 hectares (two parts)

Under the provisions of the Farming Zone, the minimum lot size for the subdivision of land is 40 Hectares. Lots with an area of less than this can be considered in any of the following circumstances:

- *The subdivision is to create a lot for an existing dwelling. The subdivision must be a two lot subdivision.*
- *The subdivision is the re-subdivision of existing lots and the number of lots is not increased.*
- *The subdivision is by a public authority or utility service provider to create a lot for a utility installation.*

As the proposal is a resubdivision of land, the application can be considered. All of the proposed lots will continue to be used for agricultural purposes. The subdivision of the land results in an overall reduction in the number of lots which will ensure the land is able to be better managed than if the lots were to be sold separately. This will result in greater environmental management of the site. The ability to better manage the allotments will have ongoing benefit to both the subject site and the surrounding area. Each of the lots is at least 21 hectares in area which is considered large enough to support some form of agricultural use.

The property in its current layout has a total area of approximately 222 hectares. Averaging out the size of the proposed lots to the minimum lot size for subdivision in this area of the municipality, the site could be subdivided into five lots at the minimum lot size with 20 hectares remaining. While the only proposed lot exceeding the 40 hectare minimum lot size is Lot 6 which contains the existing dwelling, this lot is more undulating in topography and is considered less productive.

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- Re-subdivide nine (9) existing lots to create six (6) lots, use and develop lots 1-5 for a single dwelling and the creation of a carriageway easement ~ 63 Gilliland Road, Euroa (cont.)

The other lots to be created will all be under the minimum lot size however based on topography, are more productive and therefore still able to be utilised for agriculture in the future.

As the proposed resubdivision of land will result in lots under the minimum lot size, it is a standard requirement within Council's local policy to require the applicant to enter into an agreement under Section 173 of the *Planning and Environment Act 1987* which prohibits the further subdivision of the land. This agreement will be required to be registered on title prior to the issue of Statement of Compliance. This agreement will secure an overall reduction in the number of lots from nine lots down to six. The Section 173 Agreement will also tie the smaller lots to agriculture through the Farm Management Plans to be required as part of this permit. This is discussed further into this report.

It is considered that the proposed resubdivision of land, although creating lots under the minimum lot size, is consistent with the purpose and decision guidelines of the Farming Zone.

Proposed use and development of Lots 1-5 associated with a dwelling:

<b>General Issues</b>	<b>Complies</b>	<b>Officers Comment</b>
<i>The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</i>	Yes	Assessment against SPPF & LPPF is provided below.
<i>Any Regional Catchment Strategy and associated plan applying to the land.</i>	N/A	There is no relevant regional catchment strategy.
<i>The capability of the land to accommodate the proposed use or development, including the disposal of effluent.</i>	Yes	Each of the proposed lots is considered capable of containing all effluent generated from a single dwelling.
<i>How the use or development relates to sustainable land management.</i>	Yes	The lots on which dwellings are proposed range in size from 21.3 hectares to 29.3 hectares. The lots as they are proposed will cater to a range of agricultural pursuits which require less space than traditional forms of agriculture such as cropping. The documentation submitted with the application suggests that these lots will be used for equine enterprises which do not traditionally require vast amounts of land to operate.

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- Re-subdivide nine (9) existing lots to create six (6) lots, use and develop lots 1-5 for a single dwelling and the creation of a carriageway easement ~ 63 Gilliland Road, Euroa (cont.)

		<p>While this is not explicitly proposed, any future developers will be required to provide a Farm Management Plan which outlines what the agricultural use will be. This will be required to be approved prior to the commencement of buildings and works for each dwelling and will be enforced by way of condition and agreement under Section 173 of the <i>Planning and Environment Act 1987</i>.</p> <p>A dwelling on each of the lots is likely to ensure the land is maintained in terms of vermin and weeds.</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 lots to be created are of sizes which are too large for an exclusive residential use and some sort of agricultural use will be required to ensure proper site management.</p> <p>The lots are considered to be capable of containing a range of different agricultural activities which would require a dwelling to be constructed on the site.</p> <p>Land surrounding the subject site is mixed in size with a number of parcels of land under the minimum lot size scattered throughout Cusack Road, Collier Road and Faithfuls Creek Road. The agricultural use of these parcels differs based on lot size and land capability.</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 new crossovers to be constructed from the existing road network on the northern and southern ends of the site.</p>

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- Re-subdivide nine (9) existing lots to create six (6) lots, use and develop lots 1-5 for a single dwelling and the creation of a carriageway easement ~ 63 Gilliland Road, Euroa (cont.)

<b>Agricultural Issues</b>		
<i>Whether the use or development will support and enhance agricultural production.</i>	Yes	<p>The site is currently made up of nine parcels of land which are used for grazing. The resubdivision of the land and the use of Lots 1-5 for the purposes of a dwelling in conjunction with an agricultural use of the site will enhance agricultural production on the site.</p> <p>These parcels of land, although under the minimum lot size, are too large to be used for residential purposes on their own. Based on the topography of the site and wider surrounding area between the Hume Freeway, Euroa-Strathbogie Road and Sheans Creek Road the lots would be capable of a more boutique farming enterprise rather than traditional farming pursuits. This could include equine facilities as proposed by the applicant or other livestock or limited scale cropping.</p>
<i>Whether the use or development will permanently remove land from agricultural production.</i>	Yes	<p>The resubdivision will result in an overall reduction of lots within the Farming Zone. It is considered that the use of these parcels for agriculture will be supported by the proposed dwellings.</p>
<i>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	<p>Lots surrounding the subject site are used for a range of purposes including residential and agriculture. The agricultural uses of these properties are of a generally limited scale which is considered to be capable of expansion on their respective sites. As part of any permit issued for a dwelling on this site, an agreement under Section 173 of the Planning and Environment Act 1987 will be required in which the land owner acknowledges surrounding agricultural uses and that residential amenity may be impacted from time to time.</p>



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- Re-subdivide nine (9) existing lots to create six (6) lots, use and develop lots 1-5 for a single dwelling and the creation of a carriageway easement ~ 63 Gilliland Road, Euroa (cont.)

		Given this, it is considered unlikely that the proposed development will limit the operation and expansion of any nearby agricultural uses.
<i>The capacity of the site to sustain the agricultural use.</i>	Yes	The proposed subdivision of the land has taken into account the agricultural constraints of the land in creating a larger parcel of land on an undulating part of the property (Lot 6). The remaining parcels of land in which dwellings are proposed will be used for an agricultural purpose which will be implemented through the Farm Management Plan. This will be endorsed as part of the permit and enforced through the Section 173 Agreement.
<i>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</i>	Yes	The lots on which the dwellings are to be constructed are considered to be the more productive areas of the site. These parcels of land will be able to be used for agriculture which will be supported by a dwelling on the site.
<i>Any integrated land management plan prepared for the site.</i>	Yes	No integrated land management plans have been prepared however the future owners will be required to prepare an individual Farm Management Plan for each of the lots to be created prior to the commencement of any construction works on the site.

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- Re-subdivide nine (9) existing lots to create six (6) lots, use and develop lots 1-5 for a single dwelling and the creation of a carriageway easement ~ 63 Gilliland Road, Euroa (cont.)

<b>Dwelling Issues</b>	<b>Complies</b>	<b>Officers Comment</b>
<p><i>Whether the dwelling will result in the loss or fragmentation of productive agricultural land.</i></p>	<p>Yes</p>	<p>The subject site is already fragmented and contains nine parcels of land. One of these parcels is already developed with a single dwelling and associated infrastructure while another two lots could be used for residential purposes without the need for a planning permit due to their size. Of the remaining six lots, these can be developed for residential purposes with a planning permit. A dwelling on five of the proposed lots as per this application would result in an additional three dwellings above what could be constructed at this time without a permit. The overall proposal results in six lots which will reduce fragmentation across the site.</p>
<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>A dwelling constructed on any of the proposed lots is unlikely to be impacted upon by surrounding agriculture. An agreement under Section 173 of the <i>Planning and Environment act 1987</i> will be required to be entered into which acknowledges the use of surrounding lots for agriculture which may cause some detriment from time to time.</p> <p>In relation to the dwellings on proposed Lot 1 and Lot 2, given its proximity to an existing mining activity to the west, the agreement will also include an acknowledgement of this activity.</p>

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- Re-subdivide nine (9) existing lots to create six (6) lots, use and develop lots 1-5 for a single dwelling and the creation of a carriageway easement ~ 63 Gilliland Road, Euroa (cont.)

<p><i>Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.</i></p>	<p>Yes</p>	<p>Lots surrounding the subject site are used for a range of purposes including residential and agriculture. The agricultural uses of these properties are of a small scale which is considered unlikely to cause any amenity impacts on the dwellings proposed.</p> <p>As part of any permit issued for a dwelling on this site, an agreement under Section 173 of the Planning and Environment Act 1987 will be required in which the land owner acknowledges surrounding agricultural uses and that residential amenity may be impacted from time to time.</p> <p>Given this, it is considered unlikely that the proposed dwellings will be impacted by surrounding agricultural uses.</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>The proposal has been assessed on its merit. It is unlikely that the proposed dwelling would directly result in the proliferation of dwellings.</p>
<p><b>Environmental issues</b></p>		
<p><i>The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.</i></p>	<p>Yes</p>	<p>The proposed dwellings are unlikely to significantly impact on the surrounding environment. Each dwelling will be connected to its own on-site waste water management system to the satisfaction of the responsible authority.</p>
<p><i>The impact of the use or development on the flora and fauna on the site and its surrounds.</i></p>	<p>Yes</p>	<p>The proposal does not include the removal of any vegetation. The building and waste water disposal envelopes are appropriately located to minimise damage on vegetation.</p>

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<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.
<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.
<b>Design and siting issue</b>		
<i>The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.</i>	Yes	As detailed above the proposed dwellings have been appropriately set back from the adjoining boundaries within the proposed building envelope.
<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. Detailed plans of the proposed dwellings will also be required to be submitted to and approved by the Responsible Authority. Upon approval these will be endorsed to form part of the permit.
<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 dwellings are unlikely to detract from the existing character and amenity values of the area.
<i>The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.</i>	Yes	The proposed dwellings and associated infrastructure are considered to be appropriately located.
<i>Whether the use and development will require traffic management measures.</i>	Yes	The dwellings are considered unlikely to have any significant traffic management implications for either Gilliland or Collier Roads. Works on these roads will be undertaken in accordance with the requirements of the Responsible Authority.

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### **Erosion Management Overlay**

Purpose:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development.*

A permit is required for subdivision and the construction of a dwelling of land affected by the Erosion Management Overlay. In assessing an application for subdivision and development of land affected by this overlay, consideration must be given to the potential impact of erosion on the subject site as a result of the proposal. It is considered that the proposed resubdivision of land to reduce the overall number of lots is unlikely to create or worsen any erosion issues on the site.

Only the dwelling proposed on Lot 1 will be located within an area of the site affected by the Erosion Management Overlay. All other proposed dwellings will be constructed outside of this area however driveways for Lots 2, 3 and 4 will be constructed through land affected by the overlay. The proposed buildings and works are considered unlikely to have any erosion implications and will be required to be stabilised upon their completion to the satisfaction of the Responsible Authority.

At this time, it is noted that there are no obvious erosion issues on the subject site. It is considered the proposal is consistent with the purpose and decision guidelines of the Erosion Management Overlay.

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

Clause 13.05-1, *Bushfire planning strategies and principles*, objective is relevant to this proposal:

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

#### *Clause 14.01-1 Protection of agricultural land*

*Objective:*

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

#### *Clause 14.01-2 Sustainable agricultural land use*

*Objective:*

- *To encourage sustainable agricultural land use.*

#### *Clause 14.02-1 Catchment planning and management*

*Objective:*

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

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*Clause 14.03 – Resource exploration and extraction*

*Objective*

- *To encourage exploration and extraction of natural resources in accordance with acceptable environmental standards and to provide a planning approval process that is consistent with the relevant legislation.*

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

*Objective*

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

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

*Objective*

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

The proposed resubdivision of the land is consistent with the State Planning Policy Framework. All lots will continue to be used for agriculture and will contain all available reticulated services. On site services including waste water and potable water supplies will be required to be provided on site to the satisfaction of the Responsible Authority. The proposed resubdivision will allow for the continued agricultural use of the land, sustainable land management and possible enhancement of agricultural production by providing an opportunity to diversify and increase the agricultural possibilities of the site. Risk to the waterways is not increased as a result of the subdivision as the natural drainage lines and gullies have been considered in the design and siting the proposed boundaries.

In relation to the dwellings to be constructed on proposed lots 1-5, the applicant has indicated that these lots will be used for agricultural purposes. A Farm Management Plan which demonstrates that a dwelling is required to facilitate agriculture on each of these lots will be required to be provided prior to the commencement of buildings and works. This is enforced by way of Section 173 Agreement. The land will continue to be utilised for agricultural use and production in accordance with the relevant policies within the State Planning Policy Framework.

In this instance, and as the land would be continually managed in accordance with the Farm Management Plan, it is considered unlikely that a conflict over residential versus agricultural land uses is likely to result from the proposal.

As described above, it is considered that the construction of a dwelling on the proposed lots will not result in a conflict between the residential amenity expectations of the resident and the agricultural production capabilities of adjoining landholders as the site will be utilised for agriculture in accordance with Farm Management Plan to be prepared.

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- Re-subdivide nine (9) existing lots to create six (6) lots, use and develop lots 1-5 for a single dwelling and the creation of a carriageway easement ~ 63 Gilliland Road, Euroa (cont.)

It is unlikely that the construction of a dwelling on the lots to be created would result in the future landowners placing pressure on adjoining farmers to limit agricultural operations for reasons of noise, dust, spraying etc., as similar effects will result from the agricultural use of the subject land.

In addition, it is considered that the proposed dwelling will not create or worsen any salinity or erosion issues as no vegetation is proposed to be removed and any works required for the construction of the dwelling or ancillary services will be stabilised if required. Furthermore, the application was referred to Council's Assets and Environmental Health departments who have both consented to the proposal, subject to conditions.

The layout of the subdivision as well of the proposed use of five of the proposed lots for a dwelling is considered complimentary to the existing subdivision layout and land use patterns of the surrounding area which contains a number of dwellings on small lots as well as various agricultural land uses.

The application was referred to the Department of Economic Development, Jobs, Transport and Resources (DEDJTR) as required by the Strathbogie Planning Scheme due to the sites proximity to a nearby quarry. It is considered that the proposal will not impact on the operation of the quarry and the no dwellings will be constructed within 550 metres of the edge of the approval area of the quarry. DEDJTR have consented to the proposal and have provided no conditions however have requested that the applicant be made aware that the operation of the quarry may have some amenity implications for future residents, particularly on lot 1 and lot 2. These issues would be included in a Section 173 Agreement, should a permit issue.

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

*Clause 21.02-1 Whole Municipality*

*Objective:*

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

*Clause 21.02-4 Rural Zones*

*Objectives:*

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

*Clause 21.06-2 Adapting and diversifying agriculture*

*Objective:*

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

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- Re-subdivide nine (9) existing lots to create six (6) lots, use and develop lots 1-5 for a single dwelling and the creation of a carriageway easement ~ 63 Gilliland Road, Euroa (cont.)

The proposed subdivision is consistent with the Local Planning Policy Framework. The proposed subdivision will allow for the sustainable land management and enhancement of agricultural production by providing an opportunity to diversify and increase the agricultural possibilities of the site. The proposed subdivision ensures suitable land is available to provide for emerging rural enterprises as well as potential environmental improvement as the proposed lot sizes are suitable for a variety of different agricultural pursuits.

The use and development of five of the proposed parcels will be required to be carried out in conjunction with an agricultural use of the site. The land as it is currently with nine separate parcels of land is used for grazing purposes only. The resubdivision of the land from nine lots into six will reduce the amount of dwellings which could be constructed on the property of which one dwelling is already constructed. The current layout of the lots contains two larger parcels of land which could be developed without the need for a planning permit as these are above the minimum lot size.

*Clause 22.01 Housing and House Lot Excisions in Farming Zones*

*Clause 22.01-3 Policy*

*Dwellings on small lots*

- *The construction of a new dwelling on an existing small lot will be discouraged unless it meets all of the following requirements:*
  - *The lot is accessed by an all-weather road and has appropriate service provisions.*
  - *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 Strathbogie Shire Rural Residential Strategy, 2004 as rural residential; implying that that there is an historic use and development pattern. Consideration should be given to the recommendations in the Strategy.*
    - *The applicant is proposing to consolidate one or more lots in the same ownership with the subject land prior to the construction of the dwelling.*



6.2 Planning Permit Application No. P2015-129  
- Re-subdivide nine (9) existing lots to create six (6) lots, use and develop lots 1-5 for a single dwelling and the creation of a carriageway easement ~ 63 Gilliland Road, Euroa (cont.)

*Re-subdivision (Including Boundary Realignment)*

- *An application for re-subdivision will only be supported if the application meets the following requirements:*
  - *The proposal results in improved agricultural productivity through, for example, the adjustment of a boundary that accounts for existing infrastructure over 5 years old or topographic features on the site; and*
  - *The proposal does not create lot/s for the sole purpose of creating a new lot which has the potential for a dwelling.*

The proposed resubdivision of the land results in an overall decrease in the number of lots from nine to six. The proposed subdivision will separate the existing dwelling and some ancillary and agricultural shedding from the balance of the site. Each of the newly created lots will be used and developed for the purposes of a dwelling. The application indicates that these lots will be used for agricultural purposes however detailed management plans for each of these allotments has not yet been provided. These will be prepared by new owners and will be enforced by way of Section 173 Agreement. The proposed resubdivision and use and development of the lots for a dwelling will provide for the ongoing use of agriculture on the site and is considered appropriate.

The proposed dwellings to be constructed will be used for agricultural purposes. A Farm Management Plan will be required to be prepared which demonstrates the proposed use of the land for agriculture and the need for a dwelling on the site.

It is generally policy within the Strathbogie Planning Scheme that any permit issued for the use and development of a dwelling on a small lot 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 also required as part of the resubdivision of land as detailed above.

This agreement will be required to be registered on the title of the land prior to the issue of Statement of Compliance. To ensure the land continues to be used for agricultural purposes in accordance with this policy, this agreement will also require that the dwelling be used in conjunction with an agricultural land use at all times.

It is considered that the proposed dwellings and resubdivision of land is consistent with Clause 22.01 of the Strathbogie Planning Scheme.

**Relevant Particular Provisions**

Clause 52.02, *Easements, Restrictions and Reserves*

*Purpose:*

- *To enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered.*

6.2 Planning Permit Application No. P2015-129  
- Re-subdivide nine (9) existing lots to create six (6) lots, use and develop lots 1-5 for a single dwelling and the creation of a carriageway easement ~ 63 Gilliland Road, Euroa (cont.)

Pursuant to Clause 52.02 of the Strathbogie Planning Scheme, a planning permit is required for the creation of an easement. The proposed carriageway easement will facilitate a more practical point of vehicular access into Lots 3 and 4 and will be located over an existing driveway within proposed Lot 6. Access via a carriageway easement to Lot 3 and Lot 4 will eliminate the need for direct access off Gilliland Road. The creation of access from Gilliland Road would require access across a watercourse which is located between the road and the larger areas of the property. Given that all affected lots are in the same ownership it is considered unlikely that the proposal will impact on surrounding land owners and occupiers. The creation of a carriageway easement is considered appropriate in this instance.

Clause 52.09 – Stone Extraction and Extractive Industry Interest Areas

*Purpose:*

- *To ensure that use and development of land for stone extraction does not adversely affect the environment or amenity of the area during or after extraction.*
- *To ensure that excavated areas can be appropriately rehabilitated.*
- *To ensure that sand and stone resources, which may be required by the community for future use, are protected from inappropriate development.*

This clause of the Strathbogie Planning Scheme does not trigger any additional permit requirements however does trigger some additional notice and referral requirements. This is because the proposed subdivision and dwelling on proposed Lots 1 and 2 will be taking place within 500 metres of an area with approval for mining activity under the *Minerals Resources (Sustainable Development) Act 1990* through the Department of Economic Development, Jobs, Transport and Resources (DEDJTR) (Extractive Industry Work Authority WA194).

As part of the assessment of this application, notice of the application was required to be given to DEDJTR. DEDJTR has advised that they have no objection to the proposal as the proposed building envelopes on Lot 1 and 2 are more than 550 metres from the edge of the existing Extractive Industry Work Authority area. However they have requested that people residing on these lots be made aware that they may occasionally be impacted by elevated levels of noise, dust and or vibrations generated by the extractive industry.

A condition on permit in relation to the location of the dwellings on Lot 1 and Lot 2 will require that any dwelling constructed on these proposed lots must be at least 550 metres from the work authority area. In relation to amenity implications from the nearby extractive industry on Lot 1 and Lot 2, a Section 173 Agreement will be required which acknowledges these potential amenity issues (in addition to the other requirements previously discussed in this report).

DEDJTR have also highlighted an error on one of the dimensions on the proposed plan of subdivision submitted with the application. The western boundary of proposed Lot 2 is shown on the submitted plan as having a length of 220 metres. The length of this boundary is actually 423.5 metres. This change will be required by way of condition on any permit issued.

- 6.2 Planning Permit Application No. P2015-129  
- Re-subdivide nine (9) existing lots to create six (6) lots, use and develop lots 1-5 for a single dwelling and the creation of a carriageway easement ~ 63 Gilliland Road, Euroa (cont.)

**The decision guidelines of Clause 65**

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

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

The proposal is consistent with these decision guidelines.

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

There are no relevant adopted State policies.

**Relevant incorporated, reference or adopted documents**

There are no relevant incorporated, reference or adopted documents.

**Relevant Planning Scheme amendments**

There are no relevant planning scheme amendments.

**Risk Management**

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

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

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

- 6.2 Planning Permit Application No. P2015-129  
- Re-subdivide nine (9) existing lots to create six (6) lots, use and develop lots 1-5 for a single dwelling and the creation of a carriageway easement ~ 63 Gilliland Road, Euroa (cont.)

### **Summary of Key Issues**

With regard to the Farming Zone: The proposed resubdivision of land will reduce the overall number of lots from nine to six. The dwellings proposed to be constructed on Lots 1 – 5 will be required to be used and developed in accordance with an agricultural use of the site which will be enforced by way of Section 173 Agreement. Overall, the proposal is considered to be generally consistent with the purpose and decision guidelines of the Farming Zone.

With regard to the Erosion Management Overlay: The proposed subdivision and development of the land is unlikely to have any significant erosion implications and is consistent with the purpose and decision guidelines of the Erosion Management Overlay.

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

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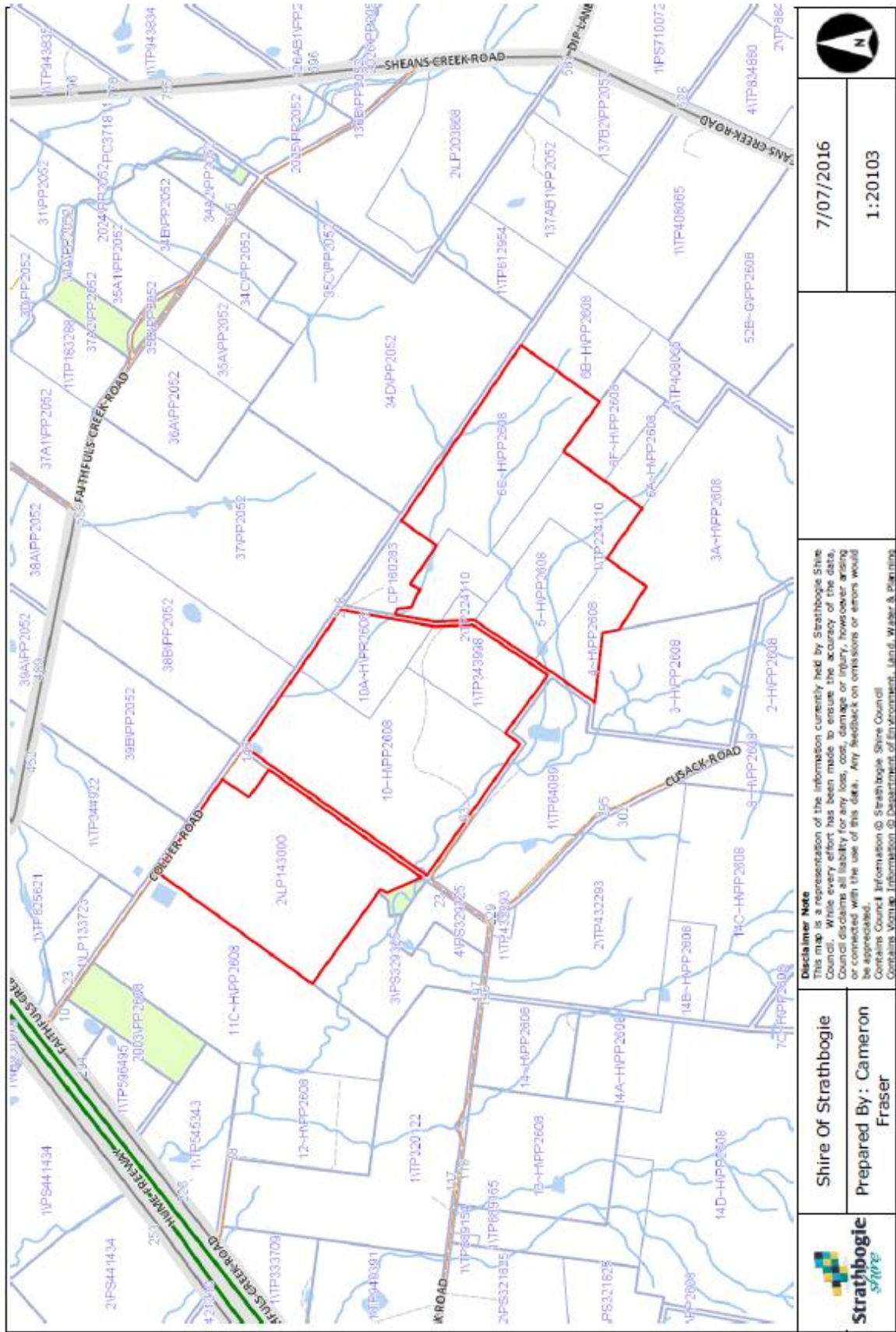
### **Conclusion**

After due assessment of all the relevant factors, it is considered appropriate to grant a planning permit, subject to conditions.

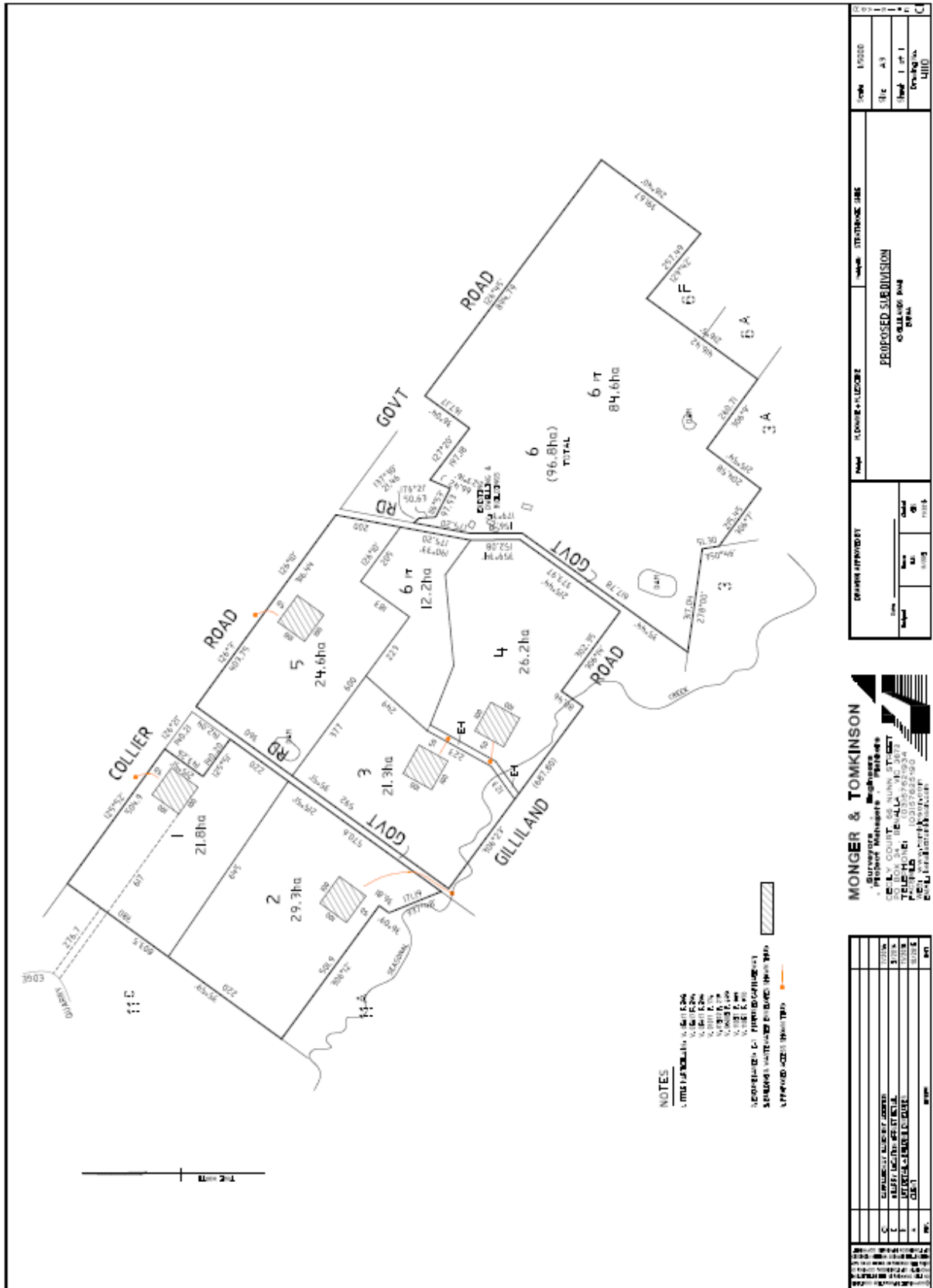
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### **Attachments**

- Locality Map
- Proposed Plan of Subdivision



 <p><b>Strathbogie</b> Shire Council</p>	<p>Shire Of Strathbogie</p> <p>Prepared By : Cameron Fraser</p>	<p><b>Disclaimer Note</b></p> <p>This map is a representation of the information currently held by Strathbogie Shire Council. While every effort has been made to ensure the accuracy of the data, Council disclaims all liability for any loss, cost, damage or injury, however arising or connected with the use of this data. Any feedback on omissions or errors would be appreciated.</p> <p>Contains Council Information © Strathbogie Shire Council                  Contains Non-Council Information © Department of Environment, Land, Water &amp; Planning</p>	<p>7/07/2016</p> <p>1:20103</p>



DRAWN BY: [Name]		SCALE: 1:1000	
DATE: [Date]		PROJECT: PROPOSED SUBDIVISION	
SHEET: 1 of 1		DRAWING NO: [Number]	

**MONGER & TOMKINSON**  
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NO.	DATE	DESCRIPTION	BY
1	12/07/16	ISSUED FOR COMMENT	[Name]
2	12/07/16	REVISED	[Name]
3	12/07/16	REVISED	[Name]
4	12/07/16	REVISED	[Name]
5	12/07/16	REVISED	[Name]
6	12/07/16	REVISED	[Name]

**PLANNING COMMITTEE REPORT NO. 3 (MANAGER, PLANNING – KATHRYN POUND)**

**6.3 Planning Permit Application No. P2016-057  
- Use and Development of Land for a Dwelling and associated Outbuildings  
~ 133 Faithfull Road, Longwood East**

**Application Details:**

Application is for:	Use and development of land for a dwelling and associated outbuildings
Applicant's Name:	Benjamin Beattie
Date Received:	09 May 2016
Statutory Days:	64
Application Number:	P2016-057
Planner: Name, title & department	Kathryn Pound Manager Planning Sustainable Development Department
Land/Address:	Crown Allotment 1, Section T, Parish of Longwood 133 Faithfull Road, Longwood East VIC 3666
Zoning:	Farming Zone
Overlays:	Erosion Management Overlay (part)
Under what clause(s) is a permit required?	Clause 35.07-1 Use of the land for a dwelling in the Farming Zone Clause 35.07-4 Buildings and works in the Farming Zone
Restrictive covenants on the title?	Yes - Covenant on Title Plan 776799D. This relates to water and mining rights and would not be breached by the proposal.
Current use and development:	Vacant

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

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

**Summary**

- The proposal is for the Use and development of land for a dwelling and associated outbuildings.
- The site has an area of approximately 6.4 hectares and is located in the Farming Zone.
- The application was advertised and one objection has been received.

6.3 Planning Permit Application No. P2016-057  
- Use and Development of Land for a Dwelling and associated Outbuildings ~ 133 Faithfull Road, Longwood East (cont.)

- The key issues raised in the objection relate to the proposed dwelling being incompatible with the neighbouring vineyard, potential noise and dust impacts to the dwelling, as well as failure to meet related provisions of the planning scheme including the Farming Zone and Council's local policy at Clause 22.01.
- The application is being presented to Planning Committee as one objection has been received.
- An assessment of the proposal against the Farming Zone, Floodway Overlay and relevant state and local policies has revealed that the proposal is consistent with the applicable provisions of the Strathbogie Planning Scheme.
- The application has been assessed outside the 60 day statutory time period due to consultation with the objector and the applicant.
- It is recommended that Council resolve to issue a Notice of Decision to Grant a Permit in accordance with the Officer's recommendation.

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## RECOMMENDATION

### That Council:

- **Having caused notice of Planning Application No. P2016-057 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme**

**and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to Grant a Planning Permit under the provisions of Clause 35.07 of the Farming Zone of the Strathbogie Planning Scheme in respect of the land known as Crown Allotment 1, Section T, Parish of Longwood, 133 Faithfull Road, Longwood East VIC 3666, for the Use and development of land for a dwelling and associated outbuildings, in accordance with endorsed plans, subject to the following conditions:**

**Plans required prior to the commencement of the use and development**

1. **Prior to the commencement of use and development, amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of three copies must be provided. Such plans must be generally in accordance with the plans submitted with the application but show:**
  - a) **Layout and elevation details of the proposed dwelling and outbuildings (at a scale of 1:100).**



6.3 Planning Permit Application No. P2016-057  
- Use and Development of Land for a Dwelling and associated Outbuildings ~ 133  
Faithfull Road, Longwood East (cont.)

2. Prior to the commencement of the use and development, a Land Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Land Management Plan must include:
  - a) Provision of new planting along the southern half of the east boundary, as well as any other proposed re-vegetation works.
  - b) Identification of existing native vegetation to be retained and protected.
  - c) Implementation of weed and vermin eradication and pest control programs.
  - d) Details of soil conservation and erosion management programs.

Endorsed plans

3. 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.

Section 173 Agreement

4. Prior to the commencement of the 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 ensure:
  - a) No subdivision of the land, including house lot excision, which increases the number of lots.
  - b) That the owner acknowledges and accepts that the possibility of nuisance from adjoining and/ or nearby agricultural operations may occur. The possible off site impacts 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) That the use will be carried out in association with the Land Management Plan endorsed as part of this permit.

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

Environmental Health Conditions

5. Prior to the commencement of works, a permit to install a septic tank system is required from the Responsible Authority.
6. The effluent disposal field must be located 60 metres from the nearest waterway, dam, lake or reservoir (non-potable water supply) to the satisfaction of the Responsible Authority.

6.3 Planning Permit Application No. P2016-057  
- Use and Development of Land for a Dwelling and associated Outbuildings ~ 133  
Faithfull Road, Longwood East (cont.)

**Engineering Conditions**

7. **Prior to the Certificate of Final Inspection all internal access roads must be constructed, formed and drained to avoid erosion and to minimise disturbance to natural topography of the land to the satisfaction of the Responsible Authority. Internal access, including the turn-around areas for emergency vehicles, must be all weather construction with a minimum trafficable width of 4m.**
8. **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.**
9. **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.**
10. **Any damage to the Responsible Authority's assets (i.e. sealed roads, kerb & channel, trees, nature strip etc), and boundary fences, must be repaired at the cost of the applicant all to the satisfaction of Responsible Authority.**

**General conditions**

11. **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.**

**Permit expiry**

12. **This permit will expire if one of the following circumstances applies:**
  - (f) **The development is not started within two (2) years of the date of this Permit,**
  - (g) **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.**

6.3 Planning Permit Application No. P2016-057  
- Use and Development of Land for a Dwelling and associated Outbuildings ~ 133  
Faithfull Road, Longwood East (cont.)

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

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**Proposal**

This application is for the Use and development of land for a dwelling and associated outbuildings, in the south east part of the site.

As shown on the plans submitted with the original application, the shed would be setback 55 metres from Longwood-Mansfield Road and 24 metres from the east boundary. The dwelling would be setback 27 metres from Longwood-Mansfield Road and more than 50 metres from the east boundary. A new accessway (setback 210 metres from the south west corner of the site) from Longwood-Mansfield Road and driveway are also proposed.

The applicant submitted an amended plan in June in response to the objectors concerns. The dwelling and shed are moved further from the eastern boundary. Specifically, the shed is setback 70 metres from the east boundary and 30 metres from the Longwood-Mansfield Road. The dwelling is setback 45 metres from the Longwood-Mansfield Road and 110 metres from the east boundary. A carport is also shown on the plans, located between the dwelling and shed. The driveway and accessway are proposed in the same location. This is the plan now under consideration.

The applicant has stated that it is intended to re-establish some grazing on the site, as part of various land management practices including protection and retention of existing native vegetation and eradication of weeds and vermin.

6.3 Planning Permit Application No. P2016-057  
- Use and Development of Land for a Dwelling and associated Outbuildings ~ 133  
Faithfull Road, Longwood East (cont.)

### **Subject site & locality**

The subject site constitutes Crown Allotment 1, Section T, Parish of Longwood. Confusingly, it is one of several non-contiguous properties with the address of 133 Faithfull Road in Longwood East. It is triangular in shape with abutments to both Longwood-Mansfield Road to the south and Faithfull Road to the north west. It has an overall site area of approximately 6.4 hectares.

There is some native vegetation spread across the site and an ephemeral water course passes through the middle of the site. The site is vacant, but has been used for grazing in the past. There is vehicle access via a crossover from Longwood-Mansfield Road in the south west corner of the site. There is a dam located in the northern part of the site.

The site is located on the edge of the old Longwood township and therefore surrounding properties are mixed in terms of area, varying from very small (being the old township allotments) to larger. Surrounding properties are zoned Farming Zone and used for various uses. This includes Maygars Hill Vineyard to the immediate east, grazing and cropping, rural residential and greyhound premises (to the south west).

The Hume freeway is located to the immediate north of the site.

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### **Permit/Site History**

There is no planning permit or site history of relevance to this application.

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### **Public Notification**

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

- Sending letters to adjoining land owners; and
- Placing signs on site.

The notification has been carried out correctly.

Council has received one objection to date, from the owner of Maygars Hill Vineyard which adjoins the subject site to the immediate east. The key issues that were raised in the objection are:

- The use is incompatible with the winery, which is a significant tourism venture.
- The dwelling would be affected by noise and dust from machinery, bird scare guns, irrigation pumps and visitors to the cellar door and cottage.
- The site is suitable for agricultural uses, such as viticulture.
- Council's local policy at Clause 22.01-3 has not been met.
- The Decision Guidelines of the Farming Zone have not been met.
- There are other nearby properties owned by the current vendor which have been identified as being appropriate for residential development in the Strathbogie Shire Rural Residential Strategy 2004.

6.3 Planning Permit Application No. P2016-057  
- Use and Development of Land for a Dwelling and associated Outbuildings ~ 133  
Faithfull Road, Longwood East (cont.)

Officer response:

On balance, a dwelling is an acceptable use of the site which is constrained particularly by its size. There is potential for amenity impacts to be caused to the dwelling from nearby agricultural uses, including the winery. This includes from noise and dust. However the applicant is aware of this. A condition included in the recommendation requires that a Section 173 agreement be entered into, in which the owner (and any subsequent owner) acknowledge that the site is located in an agricultural area in which some impacts are to be expected.

The applicant amended the plans in response to the initial concerns of the objector, so that the dwelling and outbuildings were moved further away from the vineyard.

It is acknowledged that Maygars Hill Vineyard is a tourism venture which contributes to the local economy. However it is considered that a dwelling on the subject site will not cause any adverse impacts to the business (or to any other of the nearby uses). Further, as part of the Land Management Plan that is required through a recommended condition, there will be a requirement to undertake some planting along the boundary with the vineyard. This, along with a standard condition which requires the use of muted building materials, will minimise visual impacts of the proposal.

The applicant has indicated that some grazing will occur on the site in addition to other land management practices. So some agricultural use will occur in conjunction with the dwelling.

As discussed in detail elsewhere in this report, the proposal does comply with the relevant policies of the planning scheme, including Council's local policy at Clause 22.01-3 and the Farming Zone.

The consideration of this application is limited to the subject site only, and a consideration of more suitable sites for a dwelling in the area is not appropriate.

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**Consultation**

In response to the concerns of the objector, the applicant submitted an amended plan which is now the subject of this assessment. The amended plan was provided to the objector who advised that their concern regarding the use of the land for a dwelling has not been addressed.

6.3 Planning Permit Application No. P2016-057  
- Use and Development of Land for a Dwelling and associated Outbuildings ~ 133  
Faithfull Road, Longwood East (cont.)

**Referrals**

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	N/A
Section 52 Notices	N/A

Internal Council Referrals	Advice/Response/Conditions
Asset services	None, however standard conditions are included in the recommendation
Environmental health	None, however standard environmental health conditions are included in the recommendation

**Assessment**

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

**Farming Zone**

Purpose:

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

A permit is required for the use and development of the land for a dwelling in the Farming Zone.

Overall, the proposal is considered to be consistent with the provisions of the Farming Zone, despite being for a residential use with a limited agricultural component (grazing of sheep and a horse). This is due to the constraints of the site - its limited size with some native vegetation scattered throughout - and the nature of surrounding land – which includes a mix of uses and the small lot configuration of the old Longwood township. Importantly, the proposal will result in a better land management outcome overall, through a Land Management Plan.

6.3 Planning Permit Application No. P2016-057  
- Use and Development of Land for a Dwelling and associated Outbuildings ~ 133  
Faithfull Road, Longwood East (cont.)

An assessment of the application against the full Decision Guidelines of the Farming Zone is tabled below.

<b>General Issues</b>	<b>Complies?</b>	<b>Officer comments</b>
<i>The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</i>	Yes	See discussion below.
<i>Any Regional Catchment Strategy and associated plan applying to the land.</i>	Yes	The proposal will not have any adverse impact on local water catchment.
<i>The capability of the land to accommodate the proposed use or development, including the disposal of effluent.</i>	Yes	The site is large enough to be able to accommodate effluent disposal. A separate permit is required to be obtained from Council's Environment Health department to manage this in accordance with Council's standard requirements.
<i>How the use or development relates to sustainable land management.</i>	Yes	The applicant has indicated that it is intended to re-establish some grazing on the site, as part of various land management practices including protection and retention of existing native vegetation and eradication of weeds and vermin. Sustainable land management practices will be addressed through the Land Management Plan which is required through a condition. This plan will also be attached to the Title of the land through the S173 agreement.
<i>Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses</i>	Yes	The subject site is constrained by its size (approximately 6.4 hectares) and so would only be suitable for some agricultural uses. In addition, the site has scattered native vegetation (trees) across it and has not been left vacant and unmanaged in recent times. Surrounding land uses are mixed, including the Hume freeway, two wineries and two greyhound premises (one of the greyhound premises is awaiting planning permit approval). In addition, the site is located on the edge of the old Longwood township which has a small lot subdivision pattern, although is not developed as such. Currently there are only a limited number of dwellings on smaller lots, but this could increase in the future.

6.3 Planning Permit Application No. P2016-057  
- Use and Development of Land for a Dwelling and associated Outbuildings ~ 133  
Faithfull Road, Longwood East (cont.)

		<p>On the balance of these considerations it is considered that a dwelling on the subject site is an acceptable use which is generally compatible with surrounding land uses.</p> <p>Notwithstanding this, a condition included in the recommendation requires that a Section 173 agreement be entered into, in which the owner (and any subsequent owner) acknowledge that the site is located in an agricultural area in which some impacts, for instance noise and dust, can be expected.</p>
<i>How the use and development makes use of existing infrastructure and service.</i>	Yes	The site utilises existing road access and access to electricity and is located near the town services of Longwood. Euroa is also not far away.
<b>Agricultural Issues</b>		
<i>Whether the use or development will support and enhance agricultural production.</i>	Yes	The dwelling will be used in conjunction with a land management program that includes some grazing. Given the limited potential for agricultural production on the land, this is acceptable.
<i>Whether the use or development will permanently remove land from agricultural production.</i>	Yes	The development will not permanently remove land from agricultural production.
<i>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	On balance it is considered that the dwelling will not limit the operation and expansion of adjoining nearby agricultural uses. The previously discussed Section 173 agreement will ensure that owners clearly understand that it is an agricultural area.
<i>The capacity of the site to sustain the agricultural use.</i>	Yes	The limited size of the land is suitable for grazing by a limited number of sheep and a horse (as indicated by the applicant).
<i>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</i>	Yes	<p>There is a dam on the site which the stock would access.</p> <p>Overall, the site is suitable for some kind of agricultural use based on its qualities, as demonstrated by the range of uses occurring in the area. However its size limits this.</p>
<i>Any integrated land management plan prepared for the site.</i>	Yes	A Land Management Plan has not yet been provided however is required through a condition on the permit. The applicant has foreseen this requirement in their application documentation.



6.3 Planning Permit Application No. P2016-057  
- Use and Development of Land for a Dwelling and associated Outbuildings ~ 133  
Faithfull Road, Longwood East (cont.)

<b>Dwelling issues</b>		
<i>Whether the dwelling will result in the loss or fragmentation of productive agricultural land.</i>	Yes	The dwelling has been sited so as to be further away from the vineyard while not being too close to the freeway (which is very loud). It will also not result in the removal of any native vegetation, while allowing a limited extent of grazing to occur. This is considered to be acceptable, given the existing constraints to potential productive agricultural uses.
<i>Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.</i>	Yes	There is potential for some impacts. However it is considered that they will not be unreasonable given the siting of the dwelling, considerable noise from the freeway and mix of uses in the area (which does include some dwellings on smaller lots further south). Notwithstanding this, the Section 173 agreement previously discussed has been included in the recommended conditions to ensure that owners are aware that any such impacts are to be expected in this location.
<i>Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	As discussed above, the siting of the dwelling and mix of uses in the area (which does include some dwellings on smaller lots further south) means that this proposal is acceptable in this location. The dwelling will not adversely affect the operation and expansion of adjoining and nearby agricultural uses.
<i>The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.</i>	Yes	There is already potential for a concentration of dwelling in the area, given the small lot subdivision pattern of the old Longwood township to the immediate south of the site. However this proposal in itself will not cause this to occur.
<b>Environmental issues</b>		
<i>The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.</i>	Yes	The proposal will not have any adverse impacts on the physical attributes of the site. Overall, through the land management plan, the quality of the land will be improved and protected.
<i>The impact of the use or development on the flora and fauna on the site and its surrounds.</i>	Yes	The buildings have been sited so as to have minimal impact on native vegetation on the site.

6.3 Planning Permit Application No. P2016-057  
- Use and Development of Land for a Dwelling and associated Outbuildings ~ 133  
Faithfull Road, Longwood East (cont.)

<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	An improved biodiversity outcome will be achieved on the site through the practices outlined in the future Land Management Plan. This includes protection of native vegetation.
<i>The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.</i>	Yes	This will be managed through the separate permit issued by Council's Environmental Health unit. There is sufficient room on the site for this to be managed appropriately.
<b>Design and siting issue</b>		
<i>The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.</i>	Yes	All the buildings are located in one part of the site.
<i>The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.</i>	Yes	Conditions on the permit require the submission of full plans for endorsement and that muted materials are used. This will ensure that the buildings do not cause any unreasonable adverse visual impacts.
<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	There is extensive roadside vegetation which will limit views of the buildings. There will not be any significant character impacts.
<i>The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.</i>	Yes	The proposal utilises the existing road. There are no other existing services to be utilised.
<i>Whether the use and development will require traffic management measures.</i>	Yes	No traffic management measures are required for a development of this scale.

**Erosion Management Overlay**

Purpose:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development.*

As the proposed works are not located in the part of the site affected by the Erosion Management Overlay, no planning permit is required under the overlay.

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- Use and Development of Land for a Dwelling and associated Outbuildings ~ 133  
Faithfull Road, Longwood East (cont.)

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

The proposal is generally consistent with the relevant provisions of the SPPF. In particular, the following comments are made.

*Clause 11.05-3 Rural Productivity*

*Objective*

- *To manage land use change and development in rural areas to promote agriculture and rural production.*

While comprising only a limited agricultural component, the development will not limit the agricultural production of adjoining properties. Rather, it is an appropriate use of a constrained site.

*Clause 12.01-1 Protection of biodiversity*

*Objective*

- *To assist the protection and conservation of Victoria's biodiversity, including important habitat for Victoria's flora and fauna and other strategically valuable biodiversity sites.*

The proposal will result in an improved biodiversity outcome overall, through the Land Management Plan which will include the protection and retention of native vegetation on the site as well as land management practices to manage weeds and pests.

*Clause 12.04-2 Landscapes*

*Objective*

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

The buildings will not adversely impact on the landscape, being largely hidden from the roads by vegetation and being constructed of muted tones. Additional vegetation will also be required to be planted along the boundary with the vineyard.

*Clause 14.01-1 Protection of agricultural land*

*Objective*

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

The site is not notably significant farmland and therefore its use for a dwelling with limited agricultural component is acceptable. Importantly, it will not adversely affect the productivity of adjoining properties.

*Clause 14.02-1 Catchment planning and management*

*Objective*

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

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- Use and Development of Land for a Dwelling and associated Outbuildings ~ 133  
Faithfull Road, Longwood East (cont.)

The buildings are sited well away from the ephemeral waterway that crosses the site. Standard conditions are recommended which address run off from the site, and a separate on-site waste water management permit will be required from Council.

*Clause 15.01-5 Cultural identify and neighbourhood character*

*Objective*

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

The proposal is generally consistent with the character of the area, which is a mixed rural one, with different types of buildings, including greyhound training infrastructure, dwellings and agricultural buildings.

*Clause 16.02-1 Rural residential development*

*Objective*

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

The subject site is located adjacent to the old Longwood township, which is an area of the municipality identified for rural residential development in the *Strathbogie Shire Rural Residential Strategy (2004)*. This document identifies rural land which has been developed over time for primarily residential purposes. While it is doubtful that the old Longwood township would be completely rezoned to a more residential focused zone, particularly given existing developments which spread across multiple lots (such as the greyhound premises), there is still potential for some rezoning of part of the adjoining land in the future.

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

The proposal is generally consistent with the relevant provisions of the LPPF. In particular, the following comments are made.

*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.*

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

*Clause 21.02-4 Rural Zones*

*Objective*

- *To protect and maintain established farming areas.*

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- Use and Development of Land for a Dwelling and associated Outbuildings ~ 133  
Faithfull Road, Longwood East (cont.)

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

The proposal is consistent with these objectives and will not affect established farming areas. The previously discussed Section 173 agreement will ensure that owners clearly understand that it is an agricultural area.

*Clause 21.02-6 Building Material – Muted Tones*

*Objective*

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

A condition has been included in the permit to ensure materials used are consistent with this objective.

*Clause 22.01 Housing and House Lot Excisions in Farming Zones*

*Objectives*

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

*Policy:*

*Dwellings on small lots:*

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

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

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- Use and Development of Land for a Dwelling and associated Outbuildings ~ 133  
Faithfull Road, Longwood East (cont.)

- *The applicant can substantiate that the land has no agricultural potential due to environmental significance and the dwelling is to be used in conjunction with sustainable land management and the significant vegetation is protected on title.*
- *The lot has been identified in the Strathbogie Shire Rural Residential Strategy, 2004 as rural residential; implying that there is an historic use and development pattern. Consideration should be given to the recommendations in the Strategy.*
- *The applicant is proposing to consolidate one or more lots in the same ownership with the subject land prior to the construction of the dwelling.*

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

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

Overall, it is considered that the proposal meets these objectives and satisfies the policy requirements for dwellings on small lots. In particular:

- The lot is accessed by an all weather road and has access to electricity.
- Standard conditions will insure that emergency access is at the appropriate standard.
- As discussed elsewhere in this report, the dwelling will not inhibit the operation of agricultural uses.
- The site is large enough to be able to treat effluent and wastewater on site, and a separate permit is required from Council to deal with this.
- The dwelling will be used in conjunction with sustainable land management and vegetation protection, which will be managed through the Section 173 agreement condition. In addition, the lot is located adjacent to land identified in the *Strathbogie Shire Rural Residential Strategy (2004)* with a historic small lot layout and which may be partly rezoned to a residential focused zone in the future.
- A Section 173 agreement will be required to be entered into to prevent excision of the dwelling (and further subdivision) in the future.

#### **Relevant Particular Provisions**

There are no Particular Provisions of relevance to this application.

#### **The decision guidelines of Clause 65**

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

- *The matters set out in Section 60 of the Act.*
- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of the zone, overlay or other provision.*

6.3 Planning Permit Application No. P2016-057  
- Use and Development of Land for a Dwelling and associated Outbuildings ~ 133  
Faithfull Road, Longwood East (cont.)

- *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 proposal is generally consistent with these decision guidelines.

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

There are no relevant adopted State policies.

**Relevant incorporated, reference or adopted documents**

As discussed elsewhere in this report, the *Strathbogie Shire Rural Residential Strategy (2004)* is of some relevance to this application.

**Relevant Planning Scheme amendments**

There are no relevant planning scheme amendments.

**Risk Management**

There are no significant Risk Management factors relating to the report and recommendation.

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

The report is consistent with Council Policies, key strategic documents and the Council Plan.

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**Summary of Key Issues**

Overall, the proposal is considered to be consistent with the provisions of the Farming Zone, despite being for a residential use with a limited agricultural component. This is due to the constraints of the site - its limited size with some native vegetation scattered throughout - and the nature of surrounding land – which includes a mix of uses and the small lot configuration of the old Longwood township. Importantly, the proposal will result in a better land management outcome overall, through a Land Management Plan.

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

6.3 Planning Permit Application No. P2016-057  
- Use and Development of Land for a Dwelling and associated Outbuildings ~ 133  
Faithfull Road, Longwood East (cont.)

**Conclusion**

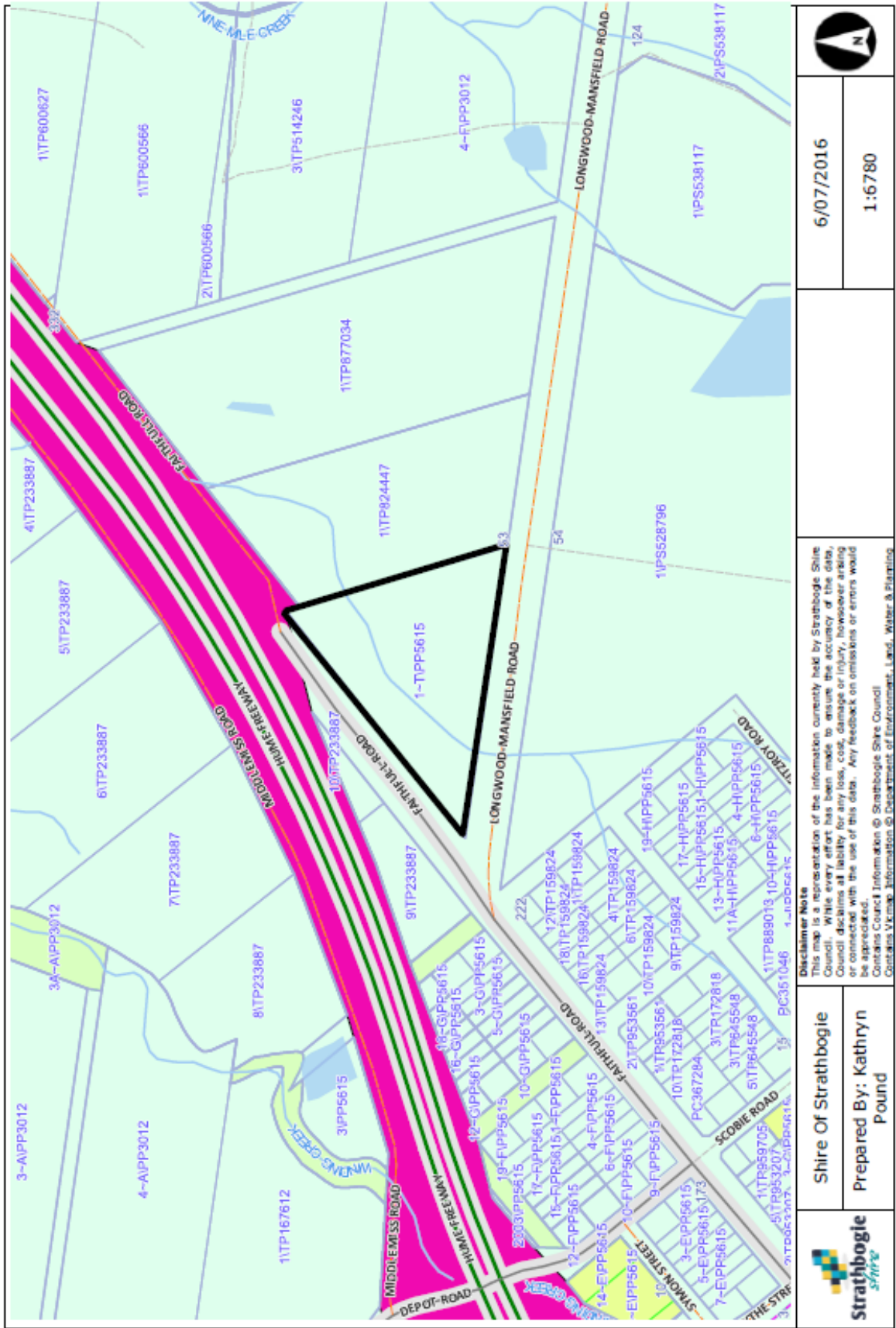
After due assessment of all the relevant factors, it is considered appropriate to issue a Notice of Decision to Grant a Planning Permit, subject to conditions.



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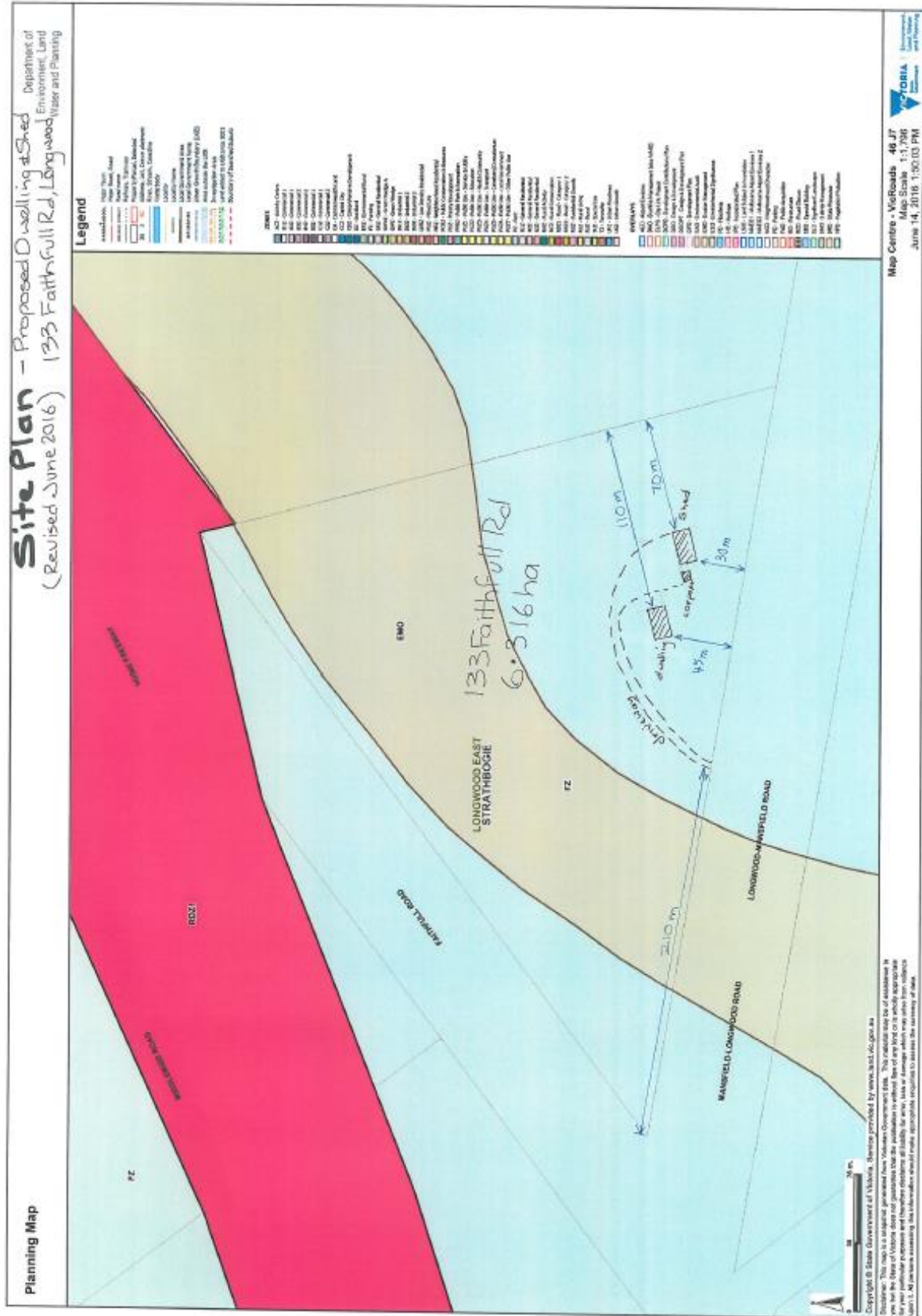
**Attachments**

- Locality map
- Proposed development plan





	6/07/2016
	1:6780
	Shire of Strathbogie Prepared By: Kathryn Pound
<p><small>Disclaimer Note This map is a representation of the information currently held by Strathbogie Shire Council. While every effort has been made to ensure the accuracy of the data, Council disclaims all liability for any loss, cost, damage or injury, howsoever arising or connected with the use of this data. Any feedback on omissions or errors would be appreciated. Contains Council Information © Strathbogie Shire Council Contains V.K. Map Information © Department of Environment, Land, Water &amp; Planning</small></p>	



**PLANNING COMMITTEE REPORT NO. 4 (DIRECTOR, SUSTAINABLE DEVELOPMENT - PHIL HOWARD)**

**7. OTHER BUSINESS**

**7.1 Planning Applications Received**  
**- 22 June to 4 July 2016**

Following are listings of Planning Applications Received for the period 22 June to 4 July 2016.

**RECOMMENDATION**

**That the report be noted.**

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

# Planning Applications Received

Wednesday, 22 June 2016

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
95 Richards Road, Bailleston VIC 3608	P2016-084	Development of land for the construction of a boat ramp, decking and jetty	Shane DeAraugo	\$8,500.00

Thursday, 30 June 2016

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
468 Mitchellstown Road, Mitchellstown VIC 3608	P2016-033-1	Use & Development of land for a Residential Hotel	Gervale Nominees Pty Ltd	\$0.00 *

Friday, 1 July 2016

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
26 Gillespie Street, Tabilk VIC 3607	P2016-086	Develop land for a farm machinery shed	Lewis Jackson	\$20,000.00

Monday, 4 July 2016

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
31 Magiltan Drive, Strathbogie VIC 3666	P2016-008 - 1	Development of land for a single dwelling and garage	Robert Eric Gilbert	\$5,000.00

\*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- PC 1	Plans to comply with a condition on the permit
P2014-001-1	Proposed amendment to a planning permit