



## STRATHBOGIE SHIRE COUNCIL

### PLANNING COMMITTEE

# MINUTES

OF THE MEETING HELD ON TUESDAY 9 AUGUST 2016

AT THE EUROA COMMUNITY CONFERENCE CENTRE

COMMENCING AT 4.00 P.M.

**Councillors:**

Malcolm Little (Chair)	(Hughes Creek Ward)
Colleen Furlanetto	(Seven Creeks Ward)
Debra Swan	(Lake Nagambie Ward)
Robin Weatherald	(Mount Wombat Ward)
Graeme (Mick) Williams	(Seven Creeks Ward)

**Officers:**

Phil Howard - Director, Sustainable Development  
Kathryn Pound – Manager, Planning  
Cameron Fraser – Senior Planner  
David Woodhams – Director, Corporate and Community

#### **Business:**

1. Welcome
2. Acknowledgement of Traditional Land Owners

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

3. Apologies

Councillor Alister Purbrick	(Lake Nagambie Ward)
Councillor Patrick Storer	(Honeysuckle Creek Ward)
Steve Crawcour - Chief Executive Officer	
Emma Kubeil – Executive Manager, Sustainable Development	
Roy Hetherington - Director, Asset Services	

4. Confirmation of Minutes of the Planning Committee meeting held on Tuesday 26 July 2016

39/16 **CRS SWAN/WILLIAMS** : *That the Minutes of the Planning Committee meeting held on Tuesday 26 July 2016 be confirmed*

**CARRIED**

5. Disclosure of Interests

Cr Weatherald declared a Conflict of Interest in Item 6.1 as his son works for the owner of the property in question. Cr Weatherald left the meeting when this matter was considered and determined.

6. Planning Reports

7. Other Business

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**

**4.05 p.m.**

**Cr Weatherald declared his interest and left the meeting.**

**6.1 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**

*This application was heard at the 12 July 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 19 July 2016 by Cr Little, Cr Furlanetto, Cr Purbrick, Cr Storer, Cr Weatherald and Cr Williams, attended by Council Officers.*

**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

6.1 Planning Permit Application No. P2015-129  
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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
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.

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- 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.
- 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

- 6.1 Planning Permit Application No. P2015-129  
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**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.
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.

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**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.
  - (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.



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**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.

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.

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**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.
- 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*.

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- **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**

- 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.**
- 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.**
- 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).**
- 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.**
- 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.**
- 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:**

- 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.**
- 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.**
- Wastewater disposal envelopes a minimum of 60 metres from all waterways and dams must be identified on any Plan of Subdivision submitted for certification.**

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**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
- 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.**

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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.
32. The amenity of the area must not be detrimentally affected by the use, through the:
- Appearance of any building, works or materials;
  - Transport of materials, goods or commodities to or from the land;
  - Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil;
  - Presence of vermin, and;
  - Others as appropriate.

Permit Expiry:

33. This permit will expire if one of the following circumstances applies:
- The development is not started within two (2) years of the date of this Permit,
  - The development is not completed within four (4) years of the date of this Permit.
  - The use is not commenced within four (4) years of the date of this Permit.
  - The plan of subdivision is not certified within two (2) years of the date of this permit;
  - 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.

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**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.**

40/16 **CRS WILLIAMS/SWAN** : *That the Recommendation be adopted.*

**CARRIED**

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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 – 26.1 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.

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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.

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.

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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

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.



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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*.

**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.

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:

Referrals/Notice	Advice/Response/Conditions
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

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

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### **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 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 – 26.1 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.*

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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.

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.

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<p><i>The capability of the land to accommodate the proposed use or development, including the disposal of effluent.</i></p>	<p>Yes</p>	<p>Each of the proposed lots is considered capable of containing all effluent generated from a single dwelling.</p>
<p><i>How the use or development relates to sustainable land management.</i></p>	<p>Yes</p>	<p>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.</p>
		<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>

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		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.
<i>How the use and development makes use of existing infrastructure and service.</i>	Yes	Access is proposed via new crossovers to be constructed from the existing road network on the northern and southern ends of the site.
<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	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.

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Road, Euroa (cont.)

<p><i>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</i></p>	<p>Yes</p>	<p>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>
		<p>Given this, it is considered unlikely that the proposed development will limit the operation and expansion of any nearby agricultural uses.</p>
<p><i>The capacity of the site to sustain the agricultural use.</i></p>	<p>Yes</p>	<p>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.</p>
<p><i>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</i></p>	<p>Yes</p>	<p>The 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.</p>
<p><i>Any integrated land management plan prepared for the site.</i></p>	<p>Yes</p>	<p>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.</p>

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<b><i>Dwelling Issues</i></b>	<b>Complies</b>	<b>Officers Comment</b>
<i>Whether the dwelling will result in the loss or fragmentation of productive agricultural land.</i>	Yes	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.
<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	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.  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.

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<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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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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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.*

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*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.*

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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.

- 6.1 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.



- 6.1 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.

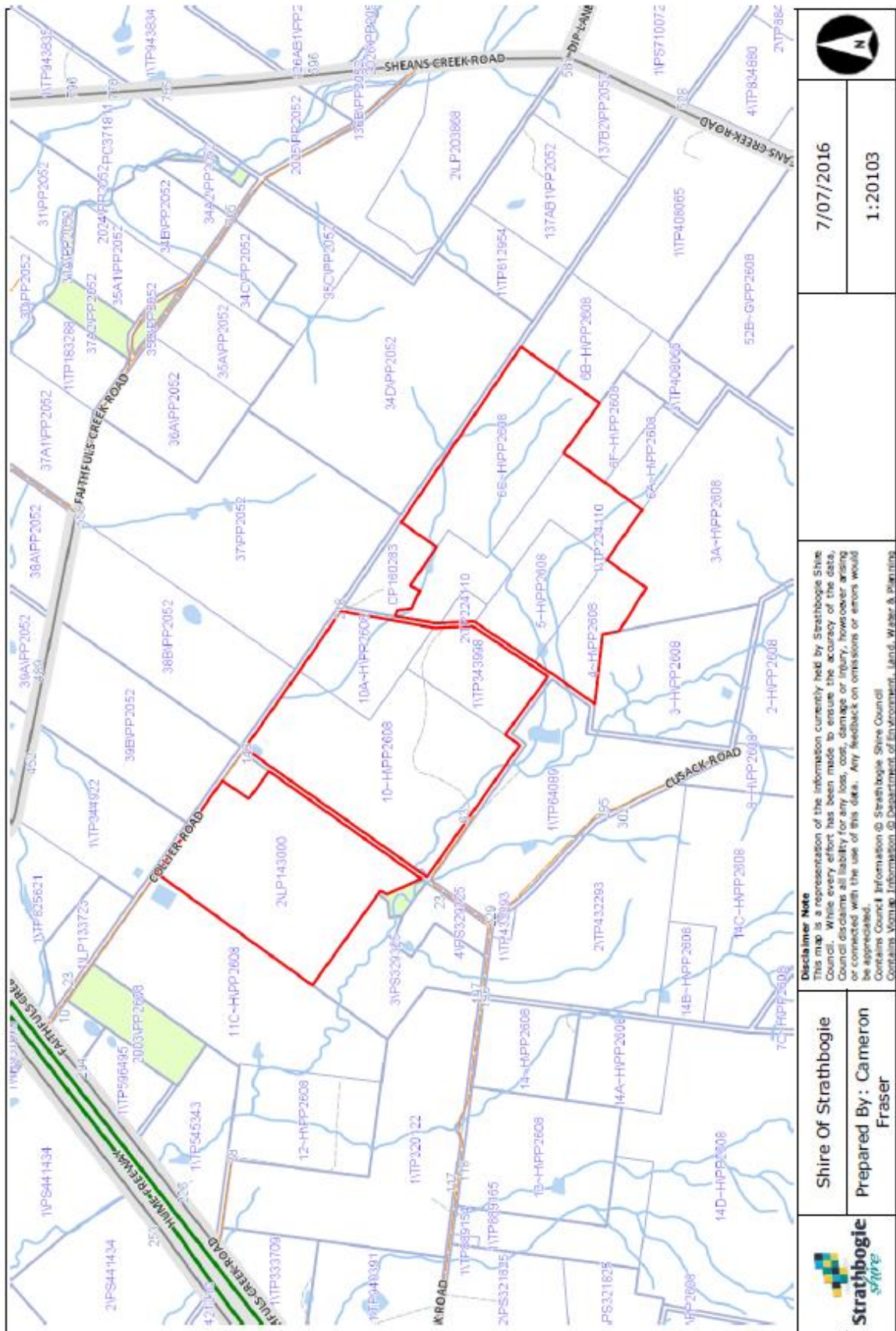
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### **Attachments**

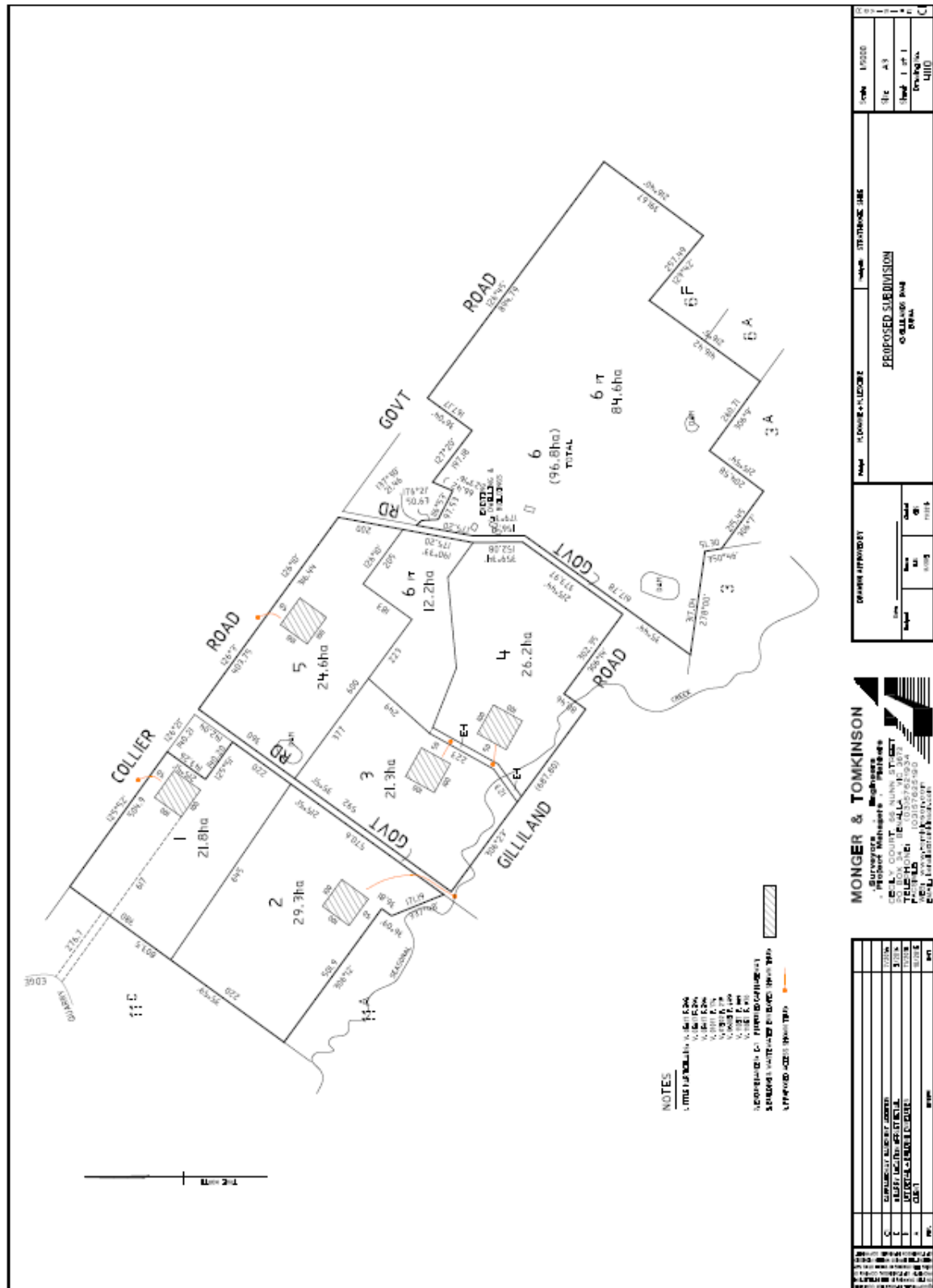
- Locality Map
- Proposed Plan of Subdivision

**4.20 p.m.**

**Cr Weatherald returned to the meeting.**



 <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 VeriMap Information © Department of Environment, Land, Water &amp; Planning</p>	<p>7/07/2016</p> <p>1:20103</p>
	<p>7/07/2016</p> <p>1:20103</p>		



DRAWN APPROVED BY		NAME: STRATHBOGIE SHIRE		FORM: P0000
DATE: 08/08/16		PROJECT: PROPOSED SUBDIVISION		SCALE: A3
DRAWN: [Signature]		PROJECT NO: 16/00000000		NO. OF SHEETS: 1 OF 1
CHECKED: [Signature]		DRAWN BY: [Signature]		DATE: 08/08/16
APPROVED: [Signature]		DRAWN BY: [Signature]		DATE: 08/08/16

**MONGER & TOMKINSON**  
 Surveyors & Builders  
 - Project Managers - Builders  
 100/101 COLLIER ROAD, STRATHBOGIE VIC 3747  
 TEL: 03 5722 3344  
 FAX: 03 5722 3345  
 WWW.MONGERANDTOMKINSON.COM.AU

NO.	REVISION	DATE
1	ISSUED FOR TENDERS	08/08/16
2	ISSUED FOR APPROVAL	08/08/16
3	ISSUED FOR APPROVAL	08/08/16
4	ISSUED FOR APPROVAL	08/08/16
5	ISSUED FOR APPROVAL	08/08/16

**PLANNING COMMITTEE REPORT NO. 2 (MANAGER, PLANNING – KATHRYN POUND)**

**6.2 Planning Permit Application No. P2016-086  
- Develop Land for a Farm Machinery Shed (Rural Store) ~ 26 Gillespie Street, Tabilk**

**Application Details:**

Application is for:	Develop land for a farm machinery shed (rural store)
Applicant's/Owner's Name:	Lewis Jackson
Date Received:	01 July 2016
Statutory Days:	40
Application Number:	P2016-086
Planner: Name, title & department	Kathryn Pound Manager Planning Sustainable Development Department
Land/Address:	Lot 1 on Title Plan 143681, Certificate of Title Volume 09941 Folio 155 26 Gillespie Street, Tabilk VIC 3607
Zoning:	Farming Zone
Overlays:	None
Under what clause is a permit required?	Clause 35.07-4 Buildings and works in the Farming Zone
Restrictive covenants on the title?	No
Current use and development:	Residential/accommodation
Is a Cultural Heritage Management Plan required?	No – the proposal is not a high impact activity under the Aboriginal Heritage legislation

**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 to Develop land for a farm machinery shed (rural store).
- The site has an area of approximately 2023 square metres, is located in the Farming Zone and is not affected by any overlays.
- The application was advertised and one objection was received.
- The key issues raised in the objection are the appearance of the shed and noise and impacts on the road from farm machinery.

6.2 Planning Permit Application No. P2016-086  
- Develop Land for a Farm Machinery Shed (Rural Store) ~ 26 Gillespie Street,  
Tabilk (cont.)

- The application was not required to be referred to any internal departments or external authorities.
- The application is being presented to the Planning Committee as one objection has been received.
- An assessment of the proposal against the Farming Zone and relevant state and local policies has revealed that the proposal is consistent with the applicable provisions of the Strathbogie Planning Scheme, subject to conditions.
- The application has been assessed within 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. P2016-086 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 Farming Zone of the Strathbogie Planning Scheme in respect of the land known as Lot 1 on Title Plan 143681, Certificate of Title Volume 09941, Folio 155 26 Gillespie Street, Tabilk VIC 3607, to Develop land for a farm machinery shed (rural store), in accordance with endorsed plans, subject to the following conditions:**

#### Endorsed plans

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

#### General conditions

2. **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.**
3. **Appropriate steps must be taken to retain all silt and sediment on site during the construction phase to the satisfaction of the Responsible Authority, in accordance with the sediment control principles outlined in *Construction Techniques for Sediment Pollution Control* (EPA, 1991) and to the satisfaction of the Responsible Authority.**

6.2 Planning Permit Application No. P2016-086  
- Develop Land for a Farm Machinery Shed (Rural Store) ~ 26 Gillespie Street,  
Tabilk (cont.)

4. 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.
5. 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

6. 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.

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.

41/16 **CRS FURLANETTO/WEATHERALD** : *That the Recommendation be adopted.*

**CARRIED**

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**Proposal**

This proposal is to develop land for a farm machinery shed (rural store). The shed is proposed to be setback 34 metres from Gillespie Street, 2 metres from the south boundary and 11 metres from the north boundary. It has dimensions of 12 x 9 metres and a maximum height of 4.23 metres with a skillion roof. The materials proposed are Colorbond sheeting for the walls and roller door and Zinalume for the roof.

6.2 Planning Permit Application No. P2016-086  
- Develop Land for a Farm Machinery Shed (Rural Store) ~ 26 Gillespie Street,  
Tabilk (cont.)

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**Subject site & locality**

The subject site constitutes Lot 1 on Title Plan 143681, Certificate of Title Volume 09941, Folio 155 and is known as 26 Gillespie Street, Tabilk. It is rectangular in shape with a frontage of 25 metres to Gillespie Street, depth of 80 metres and an overall site area of 2023 square metres. It is relatively flat with a small dwelling located in the north east corner.

The site forms one of a number of similar sized properties bound by Gillespie, Cuthbert, Morgan and Tabilk-Monea Road that are zoned Farming despite their comparatively limited size. They are mostly developed with dwellings. Other properties in the area are also zoned Farming but are significantly larger and are used for agricultural purposes (typically cropping and grazing).

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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 (a) sign on site.

The notification has been carried out correctly.

Council has received one objection to date, from the adjoining property to the north. The key issues that were raised in the objection are:

- The appearance of the shed in the rural residential area.
- Noise from farm machinery.
- Impacts of farm machinery on the condition of the road.

Being a Farming Zone, it is considered that a typical farm shed, which is what is proposed, is a reasonable and normal built form outcome. It would be different if this were a residentially zoned area. This particular group of small lots comprises a wide variety of building types and materials, including some other instances of agricultural type buildings. Overall, the appearance of the shed is acceptable and complies with the relevant policy as discussed in the Assessment of the application.

The use of the subject site for a farm machinery shed (rural store) does not require a planning permit, because the site is located in the Farming Zone. Therefore the scope of consideration of this proposal relates to the buildings and works only and not to the use of the shed. Noise impacts cannot be considered as part of this application. Notwithstanding this, given it is a Farming Zone, noise associated with agricultural uses including farming machinery is typical and is to be expected by residents, even those who do not live on a farm.

6.2 Planning Permit Application No. P2016-086  
- Develop Land for a Farm Machinery Shed (Rural Store) ~ 26 Gillespie Street,  
Tabilk (cont.)

Given the scale of what is proposed, i.e. one shed, it is considered that there will not be any unreasonable detrimental impacts on the condition of adjoining and nearby roads which warrants further consideration or upgrade works as part of this application. Any impacts will be typical of those generated by other agricultural type uses.

**Consultation**

A Council Officer contacted the objector to discuss the proposal and provide them with an opportunity to refine their objection (in light of the extent of consideration allowed under the planning scheme for this proposal in the Farming Zone). They did not choose to add to their original objection.

Overall, given the nature of the proposal and the concerns raised, it was considered that there would be limited opportunity for agreement to be reached. Therefore no further consultation was undertaken.

**Referrals**

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	None
Section 52 Notices	None (apart from standard notice to adjoining and nearby land owners)

Internal Council Referrals	Advice/Response/Conditions
Asset Services	Not required (standard 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.*



6.2 Planning Permit Application No. P2016-086  
- Develop Land for a Farm Machinery Shed (Rural Store) ~ 26 Gillespie Street,  
Tabilk (cont.)

- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

A planning permit is required to construct a building within 100 metres of a dwelling not in the same ownership in the Farming Zone. The proposal is for a shed to store farm machinery, which will facilitate agriculture use of other properties, consistent with the purpose of the Farming Zone.

The proposal is consistent with the applicable decision guidelines of the Farming Zone as outlined in the table 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>	N/A	The site is not located near a waterway or in a special catchment management area.
<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 accommodate a shed of this size without causing detrimental impacts to adjoining properties.
<i>How the use or development relates to sustainable land management.</i>	Yes	The shed will be used for storing farm machinery.
<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	While surrounding properties are used residentially, this is a Farming Zone area and a farm machinery shed is consistent with this. In the Farming Zone, priority is given to agricultural related use and development over residential amenity. There are already other large sheds in the area. In addition, there is sufficient room on the site to accommodate the shed while being sited so as to minimise impacts to adjoining dwellings.
<i>How the use and development makes use of existing infrastructure and service.</i>	Yes	There is already a small dwelling on the site. The new shed will have its own water tank to collect run-off.
<b>Agricultural Issues</b>		
<i>Whether the use or development will support and enhance agricultural production.</i>	Yes	The shed will support agricultural production on other nearby properties.
<i>Whether the use or development will permanently remove land from agricultural production.</i>	Yes	The site is too small to be able to be used for most agricultural uses, and storage is a reasonable option in the Farming Zone.
<i>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	The shed will not limit the operation and expansion of other nearby farms.

6.2 Planning Permit Application No. P2016-086  
- Develop Land for a Farm Machinery Shed (Rural Store) ~ 26 Gillespie Street,  
Tabilk (cont.)

<i>The capacity of the site to sustain the agricultural use.</i>	Yes	The site is suited to this sort of storage, given its limited size.
<i>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</i>	Yes	Because of the size of the land, it's agricultural qualities are severely constrained.
<i>Any integrated land management plan prepared for the site.</i>	N/A	There is no integrated land management plan for the site.
<b>Dwelling issues</b>	<b>N/A</b>	
<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	There are no notable natural physical features on the site which warrant special consideration.
<i>The impact of the use or development on the flora and fauna on the site and its surrounds.</i>	Yes	No vegetation is required to be removed to facilitate the proposed shed as the site has been cleared in the past.
<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	This proposal will not detract from the biodiversity of the area due to the existing conditions of the site.
<i>The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.</i>	N/A	This proposal will not generate any effluent.
<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	Given the limited agricultural potential of the land, the siting of the shed is acceptable.
<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 building is a typical farm shed consistent with other buildings in the area. There is already a mix of building type in the immediate area which includes other sheds and agricultural buildings as well as dwellings. The proposed shed will not cause any adverse impacts on the appearance of the 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 shed will be setback 34 metres from Gillespie Street so as to not be excessively dominant within the streetscape. There are no notable architectural/ historic type features in the immediate area.
<i>The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.</i>	Yes	Gillespie Road is constructed, and there is an existing driveway within the site from which the shed will be accessed. A new water tank is proposed to collect run-off.

6.2 Planning Permit Application No. P2016-086  
- Develop Land for a Farm Machinery Shed (Rural Store) ~ 26 Gillespie Street,  
Tabilk (cont.)

<i>Whether the use and development will require traffic management measures.</i>	N/A	The proposed shed does not require any traffic management measures.
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**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.*

The proposal facilitates the agricultural use of other properties.

Clause 12.04-2 Landscapes

*Objective*

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

The building will not adversely impact on the landscape, being a typical shed in an area already dominated by buildings.

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 both dwellings and other rural buildings such as sheds. The shed is setback 34 metres from the street and so will not be unreasonably dominant over other adjacent dwellings.

Clause 16.02-1 Rural residential development

*Objective*

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

The site has been identified as being located in an area used for rural residential development. However the proposed shed would not preclude any future rezoning from happening.

6.2 Planning Permit Application No. P2016-086  
- Develop Land for a Farm Machinery Shed (Rural Store) ~ 26 Gillespie Street,  
Tabilk (cont.)

**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.*

The subject site, along with the other nearby lots of similar size, are identified as an area used for rural living purposes in the *Strathbogie Shire Rural Residential Strategy (2004)*. The study recommends that the area be assessed for tidy up rezoning, but that more detailed evaluation of specific issues is required before any rural residential rezoning.

Even though the site has been identified and is used for rural residential purposes, it is still currently zoned Farming. The shed is consistent with the current zoning provisions. If in the future, the strategy is implemented and the site is rezoned to a Rural Living Zone, for example, sheds are still commonly found in these areas.

21.02-6 Building Material – Muted Tones

*Overview*

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

*Objective*

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

The materials proposed are Colorbond sheeting for the walls and roller door and Zinalume for the roof. These are typical materials used for agricultural buildings and are consistent with this policy. In addition, a condition is included on the permit which requires that materials be new and muted.

21.06-2 Adapting and diversifying agriculture

*Objective*

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

This proposal facilitates agricultural use not of the subject site but of other properties in the area. It is understood that the machinery will be stored on this site but used mainly on other agricultural properties that are owned/ managed by the applicant.

**Relevant Particular Provisions**

There are no relevant particular provisions which require consideration.

6.2 Planning Permit Application No. P2016-086  
- Develop Land for a Farm Machinery Shed (Rural Store) ~ 26 Gillespie Street,  
Tabilk (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**

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**

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. P2016-086  
- Develop Land for a Farm Machinery Shed (Rural Store) ~ 26 Gillespie Street,  
Tabilk (cont.)

**Summary of Key Issues**

The proposed shed is consistent with the provisions of the Farming Zone. The immediate area comprises a mix of buildings, including dwellings and other sheds and agricultural buildings. The proposed shed will not be out of place. The use of the shed for storing farm machinery does not require a planning permit in the Farming Zone and therefore impacts such as noise cannot be considered.

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

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**Conclusion**

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

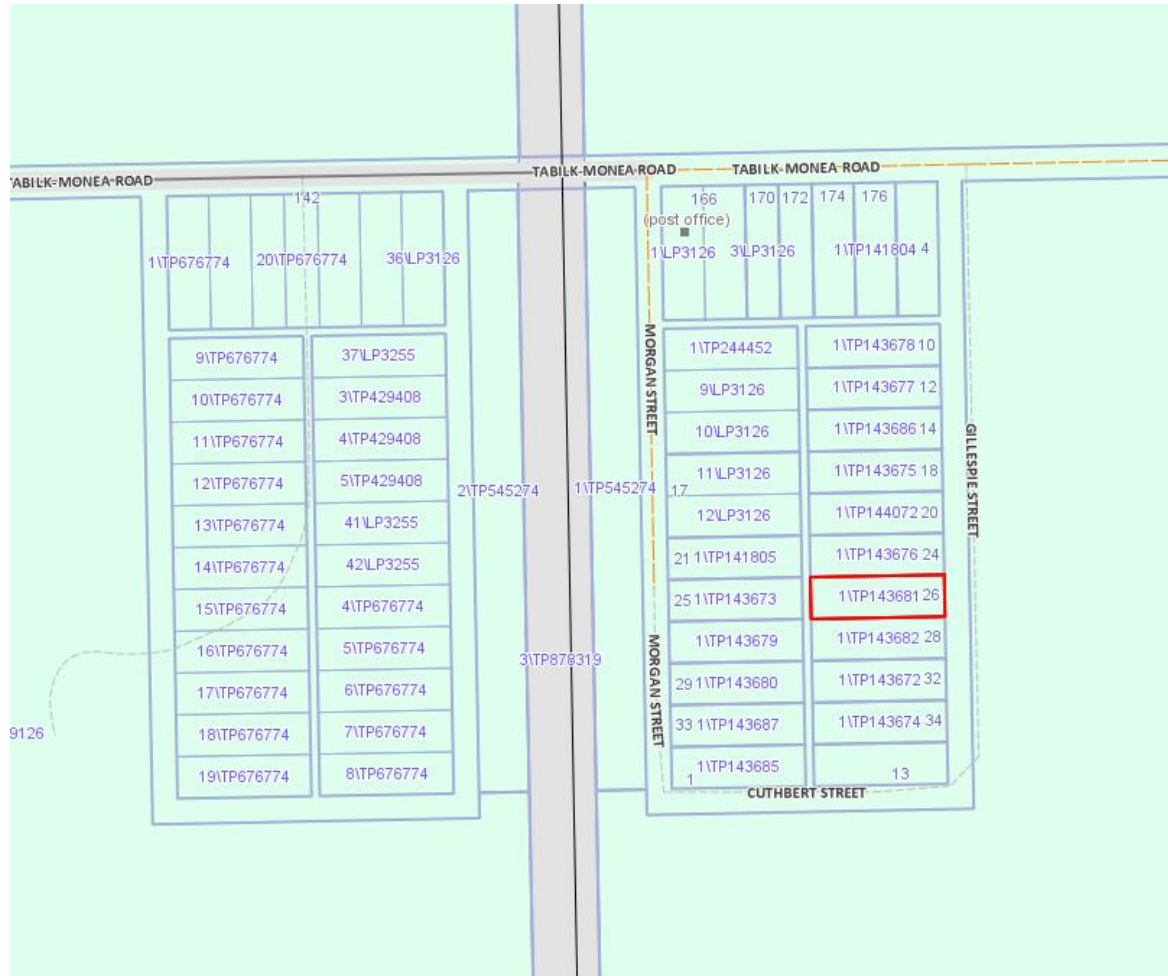
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**Attachments**

Locality Map

## P2016-086 26 Gillespie Street, Tabilk

### Locality Map



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

**7. OTHER BUSINESS**

**7.1 Strathbogie Planning Scheme Amendment C77**

**Report Description**

Request the Minister for Planning to prepare, adopt and approve a Ministerial Amendment to the Planning Scheme under Section 20(4) of the *Planning and Environment Act 1987* for Amendment C77. Amendment C77 seeks to make various changes to the planning scheme to address zoning anomalies.

**Author & Department**

Manager Planning / Sustainable Development Department

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

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

**Summary**

A number of zoning anomalies have been identified as part of the on-going monitoring and review of the Strathbogie Planning Scheme. It is proposed to address these through Amendment C77.

Due to the minor nature of the changes being made, Amendment C77 does not need to go through a full exhibition process. Pursuant to Section 20(4) of the *Planning and Environment Act 1987* this amendment and will proceed directly to the Minister for Planning for approval.

A full list of the affected properties and an explanation of the reason for the rezoning is provided in the attached Explanatory report.

**RECOMMENDATION**

**That Council request the Minister for Planning to prepare, adopt and approve a Ministerial Amendment to the Strathbogie Planning Scheme under Section 20(4) of the *Planning and Environment Act 1987* for Amendment C77.**

**42/16 CRS WEATHERALD/WILLIAMS : That the Recommendation be adopted.**

**CARRIED**



## 7.1 Strathbogie Planning Scheme Amendment C77 (cont.)

### **Background**

As part of the on-going monitoring and review of the Strathbogie Planning Scheme, the Planning Department keeps a record of any inconsistencies or errors in the scheme. An amendment is then completed as needed to address anomalies as required and as resources allow. Correcting inconsistencies and errors facilitates orderly planning in the shire and can limit unnecessary planning requirements to the benefit of landowners, developers, the community and council staff.

An anomalies amendment is an Amendment undertaken pursuant to Section 20(4) of the *Planning and Environment Act 1987*. The Act, does not require an amendment of this nature to go through a full exhibition process like most planning scheme amendments. Once adopted by Council, this form of amendment proceeds directly to the Minister for Planning for approval.

Exhibition is not required due to the minor nature of the changes being made, which would not adversely impact on any party.

Amendment C77 seeks to correct various zone mapping anomalies in the planning scheme. Specifically, the amendment seeks to:

- Rezone part of Leo's Road, Violet Town to a Farming Zone from Road Zone – Category 1
- Rezone part of 77 Kettels Road, Nagambie to a Farming Zone from Public Park and Recreation Zone
- Rezone part of 23 Rowe Street, Euroa to a General Residential Zone 1 from Industrial 1 Zone
- Rezone 22 Kirkland Avenue, Euroa to a Commercial 1 Zone from Public Use Zone 1 (Service and Utility)
- Rezone part of 12, 14, 16 and 18 Railway Street, Euroa to a General Residential Zone from a Public Use Zone 4 (Transport)
- Rezone part of 24-28, 30, 32, 34-36 and 38-40 Railway Street, Euroa to a Commercial 1 Zone from Public Use Zone 4 (Transport)
- Rezone part of 7-9 Vickers Road, Nagambie to a Commercial 1 Zone from General Residential Zone
- Rezone part of 2-4 Vale Street, Nagambie to a Public Use Zone 6 from General Residential Zone

A full explanation of the reason for the rezoning of each of these properties is provided in the attached Explanatory report.

### **Alternative Options**

Council may decide that the proposal has no planning merit and determine not to pursue the amendment in its entirety or in part (i.e. pursue the rezoning of only some of the above properties).

### **Risk Management**

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

## 7.1 Strathbogie Planning Scheme Amendment C77 (cont.)

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

The report is consistent with Council Policies, key strategic documents and the Council Plan. This is detailed in the attached Explanatory Report.

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

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

### **Financial / Budgetary Implications**

The cost of lodging the amendment request with the Minister for Planning will be covered by the Planning Department administrative budget.

### **Economic Implications**

The amendment will have minimal economic implications for Council and the community. However, any economic implications would be positive, since by rectifying zoning anomalies, the amendment seeks to remove some regulatory (and therefore financial) burdens on the community and the Planning Department. The cost of lodging the amendment will be covered by the Strategic Planning budget.

### **Environmental / Amenity Implications**

The amendment will have minimal environmental and amenity implications for Council and the community.

### **Community Implications**

The amendment will not have any significant community or social implications for Council or the broader community.

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

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

### **Legal / Statutory Implications**

The planning scheme amendment process is regulated under the *Planning and Environment Act 1987*.

### **Consultation**

Directly affected land owners have been contacted about the amendment, either via phone or mail in July 2016. No land owners have raised an issue or concern with the amendment.

As some of the affected properties are owned and/ or managed by Council, Council's Engineering Department has been consulted about the amendment.

### **Attachments**

1. C77 Explanatory Report
2. C77 Instruction Sheet
3. C77 Proposed Zoning Maps

*Planning and Environment Act 1987*

## **Strathbogie PLANNING SCHEME AMENDMENT C77 EXPLANATORY REPORT**

### **Who is the planning authority?**

This amendment has been prepared by the Strathbogie Planning Scheme, which is the planning authority for this amendment.

### **Land affected by the Amendment**

The Amendment applies to the following properties:

- Leo's Road, Violet Town
- 77 Kettels Road, Nagambie
- 23 Rowe Street, Euroa
- 22 Kirkland Avenue, Euroa
- 12, 14, 16, 18, 24-28, 30, 32, 34-36 and 38-40 Railway Street, Euroa
- 7-9 Vickers Road, Nagambie
- 2-4 Vale Street, Nagambie

### **What the amendment does**

The Amendment seeks to amend various provisions of the Strathbogie Planning Scheme to correct mapping anomalies.

Specifically, the Amendment seeks to:

- Rezone part of Leo's Road, Violet Town to a Farming Zone
- Rezone part of 77 Kettels Road, Nagambie to a Farming Zone
- Rezone part of 23 Rowe Street, Euroa to a General Residential Zone 1
- Rezone 22 Kirkland Avenue, Euroa to a Commercial 1 Zone
- Rezone part of 12, 14, 16 and 18 Railway Street, Euroa to a General Residential Zone
- Rezone part of 24-28, 30, 32, 34-36 and 38-40 Railway Street, Euroa to a Commercial 1 Zone
- Rezone part of 7-9 Vickers Road, Nagambie to a Commercial 1 Zone
- Rezone part of 2-4 Vale Street, Nagambie to a Public Use Zone 6

### **Strategic assessment of the Amendment**

#### **Why is the Amendment required?**

The Amendment is required to correct mapping anomalies in the Strathbogie Planning Scheme. Each anomaly is described as follows.

Part of Leo's Road located adjacent to the Hume Freeway is zoned Road Zone – Category 1 but has not been declared as a freeway or an arterial road under the *Road Management Act 2004*. It is proposed to be rezoned to the Farming Zone, consistent with the zoning of the majority of the road.

Part of 77 Kettels Road, Nagambie is zoned Public Park and Recreation Zone. This is a privately owned property that recently underwent a boundary realignment. This resulted in the inclusion of some Public Park and Recreation Zoned land within the boundaries. It is predominantly within the Farming Zone. It is proposed to rezone the part of the property that is currently in the Public Park and Recreation Zone to the Farming Zone, so that all land within the title boundaries are consistently and correctly zoned.

Part of 23 Rowe Street, Euroa is located in the Industrial 1 Zone, while the majority of the property is located in the General Residential Zone. The property is residentially developed and used. It is proposed to rezone that part of the property that is currently in the Industrial 1 Zone to the General Residential Zone, so that all land within the title boundary is consistently and correctly zoned.

22 Kirkland Avenue, Euroa, is located in the Public Use Zone 1 (Service and Utility). The property is occupied by a former church and is privately owned. It is proposed to rezone the property to Commercial 1 Zone, consistent with the zoning of surrounding properties. The Public Use Zone 1 (Service and Utility) is not appropriate since the land is privately owned.

12, 14, 16 and 18 Railway Street, Euroa, are located in the Public Use Zone 4 (Transport) and partly in the Urban Floodway Zone. The properties are privately owned and occupied by dwellings. Historically, the properties were zoned Residential – Industrial, but were rezoned to Urban Floodway Zone. It appears that when the flood controls were reviewed, and the Urban Floodway Zone reduced, they were zoned Public Use Zone 4. It is proposed to rezone the parts of the properties currently zoned Public Use Zone 4 (transport) to General Residential Zone, consistent with surrounding residential properties. The Public Use Zone 4 (Transport) is not appropriate since the land is privately owned.

24-28, 30, 32, 34-36 and 38-40 Railway Street, Euroa, are located in the Public Use Zone 4 (Transport) and partly in the Urban Floodway Zone. The properties are privately owned and occupied by various commercial and light industrial buildings currently being used for motor repairs, hardware store and gym, along with vacant office buildings. Historically, the properties were zoned Business, but were rezoned to Urban Floodway Zone. It appears that when the flood controls were reviewed, and the Urban Floodway Zone reduced, they were zoned Public Use Zone 4. It also appears that at one time, these properties were owned by VicTrack (or its predecessor) and leased on 99-year leases, but were subsequently sold to the lease holders. It is proposed to rezone the parts of the properties currently zoned Public Use Zone 4 (transport) to Commercial 1 Zone, consistent with surrounding commercial properties. The Public Use Zone 4 (Transport) is not appropriate since the land is privately owned.

Part of 7-9 Vickers Road, Nagambie is located in the General Residential Zone, while the majority of the property is located in the Commercial 1 Zone. It is a commercially developed and used property. It is proposed to rezone the part of the property currently in the General Residential Zone to the Commercial 1 Zone, so that all land within the title boundaries is consistently and correctly zoned.

Part of 2-4 Vale Street, Nagambie, is located in the General Residential Zone, while the majority of the property is located in the Public Use Zone 6 (Local Government). The property is a Council owned property occupied by the Goulburn Valley Regional Library, aged care units and senior citizens centre (includes RSL). It is proposed to rezone the part of the property currently in the General Residential Zone to the Public Use Zone 6, so that all land within the title boundaries is consistently and correctly zoned.

#### **How does the Amendment implement the objectives of planning in Victoria?**

The Amendment implements the objectives of planning in Victoria by ensuring that properties are correctly zoned to enable fair and orderly planning in accordance with Section 4 part 1(a) of the *Planning and Environment Act 1987*.

#### **How does the Amendment address any environmental, social and economic effects?**

The Amendment will result in minimal environmental, social and economic effects, since it seeks to apply the correct zoning to match the existing (and surrounding) land uses. Any impact that does occur is likely to be positive, as it seeks to ensure that correct zones are in place to reflect existing land uses, surrounding zones and title boundaries.

All affected land owners have been contacted and none have raised any issues or concerns with the proposed rezoning of their property to date.

#### **Does the Amendment address relevant bushfire risk?**

The Amendment has no relevance to bushfire risk, as it seeks to correct mapping anomalies only.

#### **Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The Amendment is consistent with the *Ministerial Direction on The Form and Content of Planning Schemes* issued under Section 7(5) of the Act. This requires that a planning scheme may only include land in a Public Use Zone if the land is Crown land, or is owned by, vested in or controlled by a Minister, government department, public authority or municipal council. It also requires that only a road which is declared as a freeway or an arterial road under the *Road Management Act 2004* must be shown as a Road Zone - Category 1 on the planning scheme maps.

The Amendment is consistent with the *Minister's Direction No. 11 – Strategic Assessment of Amendments* as outlined in this Explanatory Report.

#### **How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?**

The Amendment implements the State Planning Policy Framework, which has the goal at Clause 10.02 of ensuring that:

*“the objectives of planning in Victoria (as set out in Section 4 of the Planning and Environment Act 1987) are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.”*

In particular, the Amendment facilitates fair and orderly development.

### **How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The Amendment implements the Local Planning Policy Framework, including the Municipal Strategic Statement. It generally implements the Whole Municipality Objective at Clause 21.02-1 which is "To have consistent planning across the Municipality that individually represents and respects the natural and built environment".

### **Does the Amendment make proper use of the Victoria Planning Provisions?**

The Amendment makes proper use of the Victoria Planning Provisions by applying the correct zones to various parcels of land which are currently either incorrectly or inconsistently zoned.

### **How does the Amendment address the views of any relevant agency?**

The Amendment is not relevant to any particular agency.

### **Does the Amendment address relevant requirements of the Transport Integration Act 2010?**

The Amendment applies the appropriate zoning to a road which is not a declared freeway or arterial road. There will be no other impacts on the transport system and there are no relevant requirements of the Transport Integration Act 2010 which need to be addressed.

### **Resource and administrative costs**

#### **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The Amendment will have little impact on the resource and administrative costs of the Responsible Authority. Any impact is likely to be positive, since the amendment will limit the need for some planning permits associated with the existing buildings and/ or uses.

### **Where you may inspect this Amendment**

The Amendment is available for public inspection, free of charge, during office hours at the following places:

- Strathbogie Shire Council, 109A Binney Street, Euroa.

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection).

*Planning and Environment Act 1987*

**STRATHBOGIE PLANNING SCHEME**

**AMENDMENT C77**

**INSTRUCTION SHEET**

The planning authority for this amendment is the Strathbogie Shire Council.

The Strathbogie Planning Scheme is amended as follows:

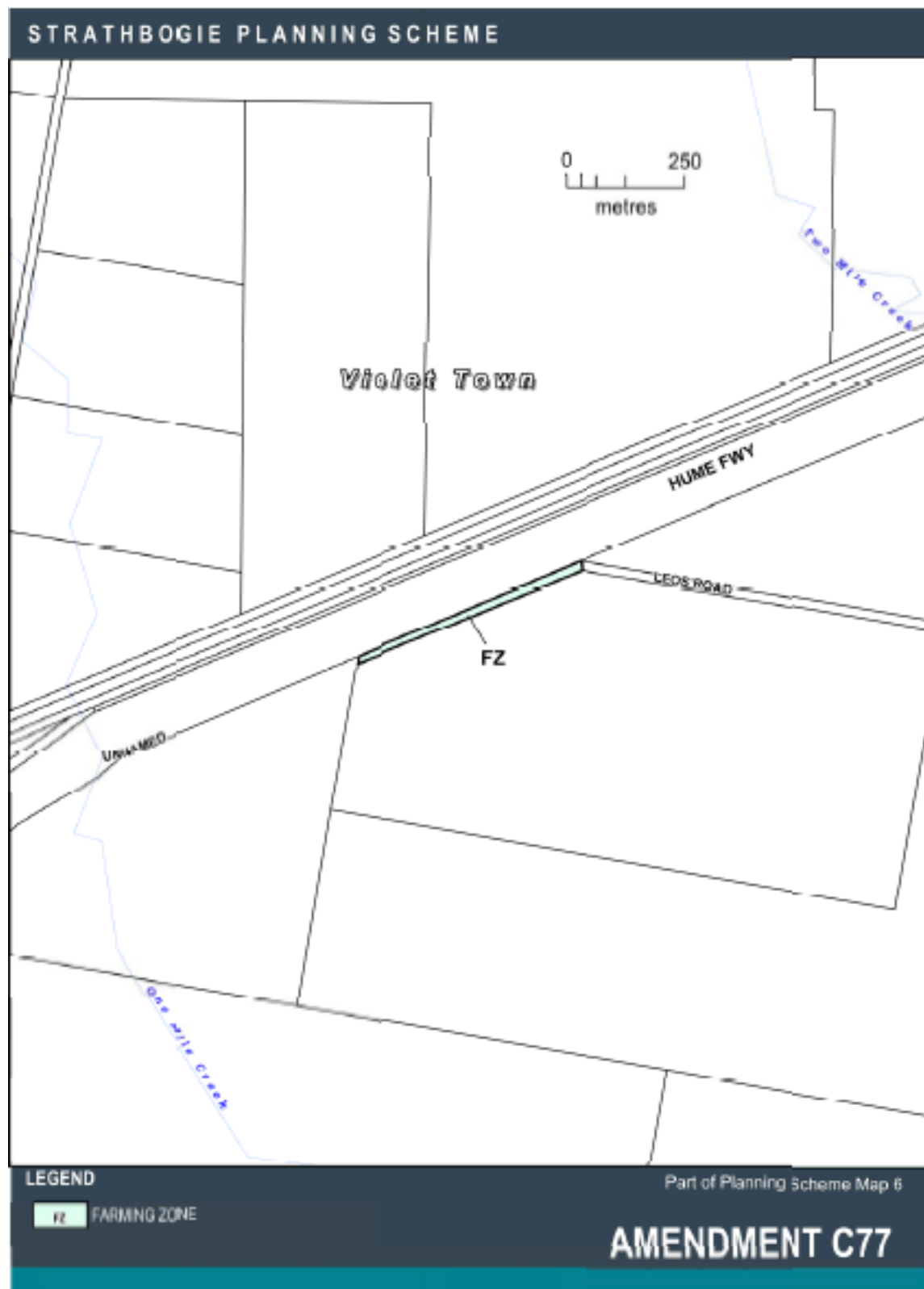
**Planning Scheme Maps**

The Planning Scheme Maps are amended by a total of 6 attached map sheets.

**Zoning Maps**

1. Amend Planning Scheme Map Nos. 6, 10, 15 and 22 in the manner shown on the 6 attached maps marked "Strathbogie Planning Scheme, Amendment C77".

End of document















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

**7.2 Planning Applications Received**  
**- 19 July to 2 August 2016**

Following are listings of Planning Applications Received for the period 19 July to 2 August 2016.

**RECOMMENDATION**

**That the report be noted.**

*43/16 CRS WILLIAMS/WEATHERALD : That the Recommendation be adopted.*

**CARRIED**

**THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 4.35 P.M.**

Confirmed as being a true and accurate record of the Meeting

.....

Chair

.....

Date

## Planning Applications Received

Wednesday, 20 July 2016

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
123-133 High Street, Nagambie VIC 3608	P2016-100	Development of land to extend the existing residential village	Troy Spencer	\$200,000.00
14 De Boos Street, Euroa VIC 3666	P2016-097	Three (3) lot subdivision	Troy Spencer	\$0.00 *

Thursday, 21 July 2016

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
341 Galls Gap Road, Gooram VIC 3666	P2015-082 - 1	Development of land for a dwelling and two agricultural outbuildings	Allan Swinden	\$0.00 *
6 Boundary Road South, Euroa VIC 3666	P2016-099	Development of land for the installation of a fibreglass swimming pool	Peter Winch	\$52,105.00
99 Binney Street, Euroa VIC 3666	P2016-103	Development of land for an extension to the courthouse, to create a two storey dwelling. (Including internal works and demolition of outbuildings.)	Jim Perry	\$450,000.00

Friday, 22 July 2016

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
133 Faithfull Road, Longwood East VIC 3666	P2015-119 - 2	Subdivide three (3) dwellings and land into three lots	Rodney Aujard	\$0.00 *

Monday, 25 July 2016

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
112 Kennedy Street, Euroa VIC 3666	P2016-101	Development of land for the construction of a replacement dwelling, associated outbuildings and works	MURPHY, Helen Mary	\$300,000.00

Tuesday, 26 July 2016

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
Fishers Lane, Upotipotpon VIC 3669	P2016-015 - 1	Removal of vegetation within a road reserve	Luke Doidge	\$0.00 *

Thursday, 28 July 2016

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
104-106 Tarcombe Street, Euroa VIC 3666	P2016-102	Use and development of land for a warehouse and office	Hamill Family Superannuation Fund	\$120,000.00

Tuesday, 2 August 2016

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
1 Morgan Street, Euroa VIC 3666	P2016-105	Development of land for an extension to a dwelling	Margaret Murphy	\$90,000.00
Aerodrome Road, Avenel VIC 3664	P2016-104	Use & development of land for a dwelling	Linc Sullivan	\$600,000.00

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

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