



STRATHBOGIE SHIRE COUNCIL

PLANNING COMMITTEE

AGENDA

MEETING TO BE HELD ON TUESDAY 9 SEPTEMBER 2014

COMMENCING AT 4.00 P.M.

AT THE EUROA COMMUNITY CONFERENCE CENTRE

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

Officers:	Steve Crawcour - Chief Executive Officer
	Phil Howard - Director, People and Culture
	Emma Kubeil – Group Manager, Sustainable Development
	Jennifer Dowling – Manager, Planning
	Roy Hetherington – Director, Asset Services

Business:

1. Welcome
2. Acknowledgement of Traditional Land Owners
'In keeping with the spirit of Reconciliation, we acknowledge the traditional custodians of the land on which we are meeting today. We recognise indigenous people, their elders past and present'.
3. Apologies
4. Confirmation of Minutes of the Planning Committee meeting held on Tuesday 26 August 2014
5. Disclosure of Interests

6. Planning Reports
7. Other Business



Steve Crawcour
CHIEF EXECUTIVE OFFICER

4 September 2014

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PLANNING COMMITTEE REPORT NO. 1 (MANAGER, PLANNING – JENNIFER DOWLING)

6. PLANNING REPORTS

**6.1 Planning Permit Application No. P2014/073
- Use of Land for a Dwelling ~ 34 Moran Court, Graytown**

Application Details:

Application is for:	Use of land for a dwelling.
Applicant's/Owner's Name:	Neal Cartledge
Date Received:	23 June 2014
Statutory Days:	67
Application Number:	P2014-073
Planner: Name, title & department	Jennifer Dowling Team Leader Sustainable Development
Land/Address:	Lot 12 of PS135968, Certificate of Title Volume 09434, Folio 674, 34 Moran Court, Graytown VIC 3608
Zoning:	Farming Zone
Overlays:	No Overlay
Under what clause(s) is a permit required?	Clause 35.07-1
Restrictive covenants on the title?	Nil
Current use and development:	Agriculture

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

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

Summary

- The proposal is for the use of land for a dwelling on a lot less than the minimum lot size, 80 hectares.
- The site has an area of approximately 2.2ha.
- The character of the area is rural living and is identified in the Rural Residential Strategy 2004 as Area 14 Costerfield Area.
- The application is retrospective, a shed was converted to a dwelling without a planning permit.

6.1 Planning Permit Application No. P2014/073
- Use of Land for a Dwelling ~ 34 Moran Court, Graytown (cont.)

- The application was referred internally to Council's Building Health Officer, Building Department and Asset Services Department who offered no objection.
- An assessment against the Farming Zone Decision Guidelines, State and Local policies indicates the proposal is consistent with these provisions of the Strathbogrie Planning Scheme.
- The application was advertised to adjoining land holders, no objections have been received to date.
- The application is being presented to Planning Committee as the proposal is for the use and development of land on a lot less than the minimum lot size detailed in the Strathbogrie Planning Scheme.
- The application has been assessed outside of the 60 day statutory time period due to consultation with a neighbour.
- It is recommended that Council resolve to issue a Planning Permit in accordance with the Officer's recommendation.

RECOMMENDATION

That Council

- **having caused notice of Planning Application No. P2014-073 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme**

and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Grant a Permit under the provisions of Clause 35.07-1 and Clause 35.07-4 of the Strathbogrie Planning Scheme in respect of the land known as Lot 12 of PS135968, Certificate of Title Volume 09434, Folio 674, 34 Moran Court, Graytown VIC 3608, for the use of land for a dwelling, in accordance with endorsed plans, subject to the following conditions:

- 1. Prior to the commencement of use, the owner must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority. Such agreement shall:
 - a) Prevent subdivision of the land so as to excise the approved dwelling****
- 2. A memorandum of the agreement is to be entered on title and the cost of the preparation and execution of the agreement and entry on the title is to be paid by the owner.**
- 3. Prior to the commencement of works, a permit to install a septic tank system is required from the Responsible Authority. An application to alter the existing septic tank may also be required if deemed wastewater generation will be increased.**

6.1 Planning Permit Application No. P2014/073
- Use of Land for a Dwelling ~ 34 Moran Court, Graytown (cont.)

4. The effluent disposal field must be located 60 metres from the nearest waterway, dam, lake or reservoir (non-potable water supply) to the satisfaction of the Responsible Authority.
5. Prior to the commencement of the use all internal access roads must be constructed, formed and drained to avoid erosion and to minimise disturbance to natural topography of the land to the satisfaction of the Responsible Authority. Internal access, including the turn-around areas for emergency vehicles, must be all weather construction with a minimum trafficable width of 4m.
6. 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.
7. 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.
8. 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.
9. The use 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.
10. 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.
11. The amenity of the area must not be detrimentally affected by the use, through the:
 - (a) Appearance of any building, works or materials;
 - (b) Transport of materials, goods or commodities to or from the land;
 - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil;
 - (d) Presence of vermin, and;
 - (e) Others as appropriate.

6.1 Planning Permit Application No. P2014/073
- Use of Land for a Dwelling ~ 34 Moran Court, Graytown (cont.)

12. This permit will expire if one of the following circumstances applies:

- (a) The use cease for a period of two years.

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. 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.

Proposal

The application proposes the retrospective approval of the use of an existing shed on the property as a dwelling. The shed was approved in 2004 and has been completed.

At this time the shed has been renovated without a planning or building permit and is currently used as a dwelling which contains three bedrooms, a study, a combined living/dining/kitchen area as well as a bathroom and laundry. Approval to continue this use is now being sought.

Subject site & locality

The subject site has a total area of approximately 2.2 hectares and is irregular in shape. The site has a frontage to and is accessed from Major Court. As detailed above the shed has been converted to dwelling without the correct permission. The shed is located 40 metres from the northern boundary and 90 metres from the eastern boundary. The land is bound by crown land containing the Major Creek to the south. The land has a gentle downward slope towards the creek and vegetation is scattered throughout the site

6.1 Planning Permit Application No. P2014/073
- Use of Land for a Dwelling ~ 34 Moran Court, Graytown (cont.)

Land surrounding the site, which is also accessed from Moran Court, is smaller 'rural living' sized lots some of which are developed with dwellings and/or shedding. Some lots in the court remain vacant. Land to the south, on the other side of Major Creek is developed with a vineyard and is used for agricultural purposes.

Permit/Site History

A search of Council's electronic records shows that the following planning permit has been issued for this property:

- P2004/103 Development of an Outbuilding – Issued 23/06/2004

Public Notification

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

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

The notification has been carried out correctly.

Council has received no objections to date.

Consultation

A submission was received from an adjoining land owner questioning the right to farm properties where a dwelling has been permitted or constructed. This query related to the ability of agricultural enterprise to operate from the site unrestricted when dwellings have been allowed on adjoining parcels. A response was provided to the submitter advising that the zoning of the land is not proposed to change and the primary purpose of land in the Farming Zone is for agriculture. It was stated in the submission that the adjoining land owner has no objection to the application.

Referrals

External Referrals/Notices required by the Planning Scheme:

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

Internal Council Referrals	Advice/Response/Conditions
Asset Services	No objections, subject to conditions
Health Department	No objections, subject to conditions
Building Department	No objections, subject to ongoing compliance

6.1 Planning Permit Application No. P2014/073
- Use of Land for a Dwelling ~ 34 Moran Court, Graytown (cont.)

Assessment

The zoning of the land and any relevant overlay provisions

Farming Zone

Purpose:

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

A permit is required for the use and development of land for the purposes of a dwelling as the site is less than 80ha in area. In considering an application for a dwelling on this site, consideration needs to be given to the capacity of the site for agriculture, the impact of a dwelling on surrounding agricultural uses as well as a number of environmental and design issues. It is considered that the location, size and surrounding development restrict the future use of this site for agricultural purposes. The site has an area of approximately 2.2ha. Surrounding lots are developed with single dwellings and a residential character has emerged as a result of past development.

The use and development of the site for a dwelling will not lead to a loss in productive agricultural land. The land is not currently used for agricultural production and is unlikely to be sufficiently utilised in the future. The impact of the proposed dwelling on surrounding lots and broader agricultural activity will be minimal as most lots immediately surrounding the site are developed with single dwellings. The location of the dwelling is considered appropriate and the proposed location is appropriate from an environmental perspective as well as the potential impact on surrounding land owners and occupiers.

The table below addresses each of the Decision Guidelines for the use and development of land in the Farming Zone specified at Clause 35.07-6 of the Strathbogie Planning Scheme:

General Issues	Complies	Officers Comment
<i>The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</i>	Yes	Assessment against SPPF & LPPF is provided below.
<i>Any Regional Catchment Strategy and associated plan applying to the land.</i>	N/A	There is no relevant regional catchment strategy.

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- Use of Land for a Dwelling ~ 34 Moran Court, Graytown (cont.)

<i>The capability of the land to accommodate the proposed use or development, including the disposal of effluent.</i>	Yes	The application was referred to Councils Health Officer who did not object subject to conditions being included on the permit.
<i>How the use or development relates to sustainable land management.</i>	Yes	The site has an area of approximately 2.2ha and is currently developed with a shed which has been illegally used as a dwelling. There is limited opportunity to use the land for agriculture given its size and surrounding development.
<i>Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.</i>	Yes	The subject site is considered to be a small lot suitable for a residential use. The application proposes to use an existing shed located near existing dwellings for a residence. Siting of the dwelling in the northern portion of the property allows a buffer between the proposed use and development and the surrounding residential and agricultural uses to the south.
<i>How the use and development makes use of existing infrastructure and service.</i>	Yes	Access is proposed to be via a government road to the north of the subject site.
Agricultural Issues		
<i>Whether the use or development will support and enhance agricultural production.</i>	No	The subject site has an area of approximately 2.2ha. The site is characterised as rural residential. The proposed dwelling is unlikely to support agricultural production. However given the size of the lot and surrounding land uses, it is unlikely that the site would be used for agriculture.
<i>Whether the use or development will permanently remove land from agricultural production.</i>	Yes	Given the size of the lot it is considered that the subject site is already removed from agriculture. The proposed development is unlikely to have an impact on the potential future use of the land for agriculture.
<i>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	Given the adjoining land uses and lot sizes there is unlikely to be any operation or expansion of agricultural land uses.
<i>The capacity of the site to sustain the agricultural use.</i>	Yes	The site has limited capacity as detailed above due to its size.

6.1 Planning Permit Application No. P2014/073
- Use of Land for a Dwelling ~ 34 Moran Court, Graytown (cont.)

<i>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</i>	Yes	The quality of the land in this area is generally considered non productive. However as detailed above the lot has an area of approximately 2.2 ha.
<i>Any integrated land management plan prepared for the site.</i>	n/a	As detailed above the site is not capable of accommodating a large or intensive agricultural use.
Dwelling Issues	Complies	Officers Comment
<i>Whether the dwelling will result in the loss or fragmentation of productive agricultural land.</i>	Yes	As detailed above the dwelling is unlikely to result in the loss or fragmentation of productive agricultural land.
<i>Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.</i>	Yes	The dwelling is surrounded by rural residential uses and the building envelope allows setback from all boundaries.
<i>Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	As detailed above the dwelling is not adjacent to large agricultural uses and is therefore unlikely to affect the operation and expansion of adjoining and nearby agricultural uses.
<i>The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.</i>	Yes	The proposed dwelling has been assessed on its merit. Therefore it is unlikely that the proposed dwelling would directly result in the proliferation of dwellings.
Environmental issues		
<i>The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.</i>	Yes	The application was referred to Council's Environmental Health Officer who assessed the application and did not object to the proposal subject to conditions.
<i>The impact of the use or development on the flora and fauna on the site and its surrounds.</i>	Yes	The proposal does not include the removal of any vegetation and is appropriately located not to damage any vegetation.
<i>The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.</i>	Yes	The proposal does not include the removal of any vegetation.
<i>The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.</i>	Yes	Should a permit be issued a condition will be included requiring a permit for a septic tank.

6.1 Planning Permit Application No. P2014/073
- Use of Land for a Dwelling ~ 34 Moran Court, Graytown (cont.)

Design and siting issue		
<i>The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.</i>	Yes	As detailed above the dwelling can be appropriately setback 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 and design is considered appropriate. Should a permit be issued a condition will be placed on the permit requiring muted tones.
<i>The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.</i>	Yes	The proposed dwelling is unlikely to impact the character and appearance 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 dwelling and associated infrastructure is considered to be appropriately located.
<i>Whether the use and development will require traffic management measures.</i>	Yes	The application was referred to Councils Assets Department who raised no concerns in relation to traffic management measures. A single dwelling is unlikely to unreasonably increase traffic in the area.

The State Planning Policy Framework (SPPF)

Clause 11.05-3 Rural productivity - Strategies

- *Prevent inappropriately dispersed urban activities in rural areas.*
- *Limit new housing development in rural areas, including:*
- *Directing housing growth into existing settlements.*
- *Discouraging development of isolated small lots in the rural zones from use for single dwellings, rural living or other incompatible uses.*
- *Encouraging consolidation of existing isolated small lots in rural zones.*

Clause 11.05-4 Rural planning strategies and principles

- *Directing growth to locations where utility, transport, commercial and social infrastructure and services are available or can be provided in the most efficient and sustainable manner.*
- *Managing the impacts of settlement growth and development to deliver positive land use and natural resource management outcomes.*
- *Siting and designing new dwellings, subdivisions and other development to minimise risk to life, property, the natural environment and community infrastructure from natural hazards, such as bushfire and flooding.*

6.1 Planning Permit Application No. P2014/073
- Use of Land for a Dwelling ~ 34 Moran Court, Graytown (cont.)

Clause 13.03-2 (Erosion and Landslip) of the Strathbogie Planning Scheme seeks to:

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

Clause 13.03-3 (Salinity) of the Strathbogie Planning Scheme seeks to:

- *To minimise the impact of salinity and rising water tables on land uses, buildings and infrastructure in rural and urban areas and areas of environmental significance and reduce salt loads in rivers.*

Clause 13.05 (Bushfire) of the Strathbogie Planning Scheme seeks to:

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

Clause 14.01-1 – (Protection of agricultural land)

- *In considering a proposal to subdivide or develop agricultural land, the following factors must be considered:*
- *The impacts of the proposed subdivision or development on the continuation of primary production on adjacent land, with particular regard to land values and to the viability of infrastructure for such production.*
- *The compatibility between the proposed or likely development and the existing uses of the surrounding land.*
- *Planning for rural land use should consider:*
 - *land capability; and*
 - *the potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.*

Clause 14.01-2 (Sustainable agricultural land use) of the Strathbogie Planning Scheme directs that agricultural activities should:

- *Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.*
- *Encourage sustainable agricultural and associated rural land use and support and assist the development of innovative approaches to sustainable practices.*
- *Support effective agricultural production and processing infrastructure, rural industry and farm-related retailing and assist genuine farming enterprises to adjust flexibly to market changes.*

The area of site is approximately 2.2ha. Land surrounding the site is developed for residential purposes and it is considered that the character of the area is residential rather than agricultural. The site is located in an area where previous subdivision and subsequent development have created a pocket of land in Graytown with a distinct rural living character and development pattern. 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 have already been completed. The risk to human life and property from bushfire on the site is considered to be manageable.

6.1 Planning Permit Application No. P2014/073
- Use of Land for a Dwelling ~ 34 Moran Court, Graytown (cont.)

Additional works will be required under building provisions to ensure the existing shed meets the building code requirements for a dwelling.

The agricultural productivity or potential of the land is not considered to be lost as part of this proposal. Given the small size of the lot and surrounding development, the use of the land for agriculture would have been incompatible with surrounding land uses and it is considered that the construction and use of a dwelling will enhance the existing rural residential character of the area. The land and surrounding area has previously been identified in the Rural Residential Study (2004) as part of an existing rural residential area which would be assessed in more detail for rezoning to fit the existing character.

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

Clause 21.03-6, Environmental Objectives, is relevant to this proposal. The relevant objective is:

- *To minimise erosion throughout the Strathbogie Ranges and along watercourses.*

It is considered that the proposal will not lead to increase the risk of salinity. No vegetation is proposed to be removed and no earthworks are required.

Clause 22.01-3 of the Strathbogie Planning Scheme contains the following policies in relation to dwellings on small lots in the Farming Zone:

- *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.*

6.1 Planning Permit Application No. P2014/073
- Use of Land for a Dwelling ~ 34 Moran Court, Graytown (cont.)

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

The proposal is considered to be generally consistent with the local policy in relation to dwellings on small lots in the Farming Zone. The dwelling will be accessible via an all weather access track and due to its siting is unlikely to inhibit the operation of agricultural land use on lots surrounding the site. The dwelling is located more than 200 metres from the nearest agricultural land. As stated above, it is policy that should a dwelling be approved on a small lot, a Section 173 Agreement to prevent subdivision should be required. This will be required by way of condition on any permit issued.

Relevant Particular Provisions

No particular provisions are considered relevant to this proposal.

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.*

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

There are no relevant adopted State policies.

6.1 Planning Permit Application No. P2014/073
- Use of Land for a Dwelling ~ 34 Moran Court, Graytown (cont.)

Relevant incorporated, reference or adopted documents

There are no relevant incorporated, reference or adopted documents.

Relevant Planning Scheme amendments

There are no relevant planning scheme amendments.

Risk Management

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

Strategic Links – policy implications and relevance to Council Plan

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

Summary of Key Issues

The application proposes the use and development of land for a dwelling on a lot with an area of less than 80ha in the Farming Zone. The Farming Zone considers a range of decision guidelines. The relevant guidelines have been addressed below.

With regard to the Farming Zone:

- The area of land being considered is unable to be used for agriculture.
- The application was referred to Council's Asset Services Department, Building Department and Environment Health officer. The Asset Services and Environmental Health departments have not objected subject to conditions. The conditions relate to the construction of access, drainage and the treatment of septic within the lot boundaries. The building department have not objected to the proposal and provided no conditions. The requirements of the Building Regulations are to be managed as a building enforcement issue.
- No objections have been received.

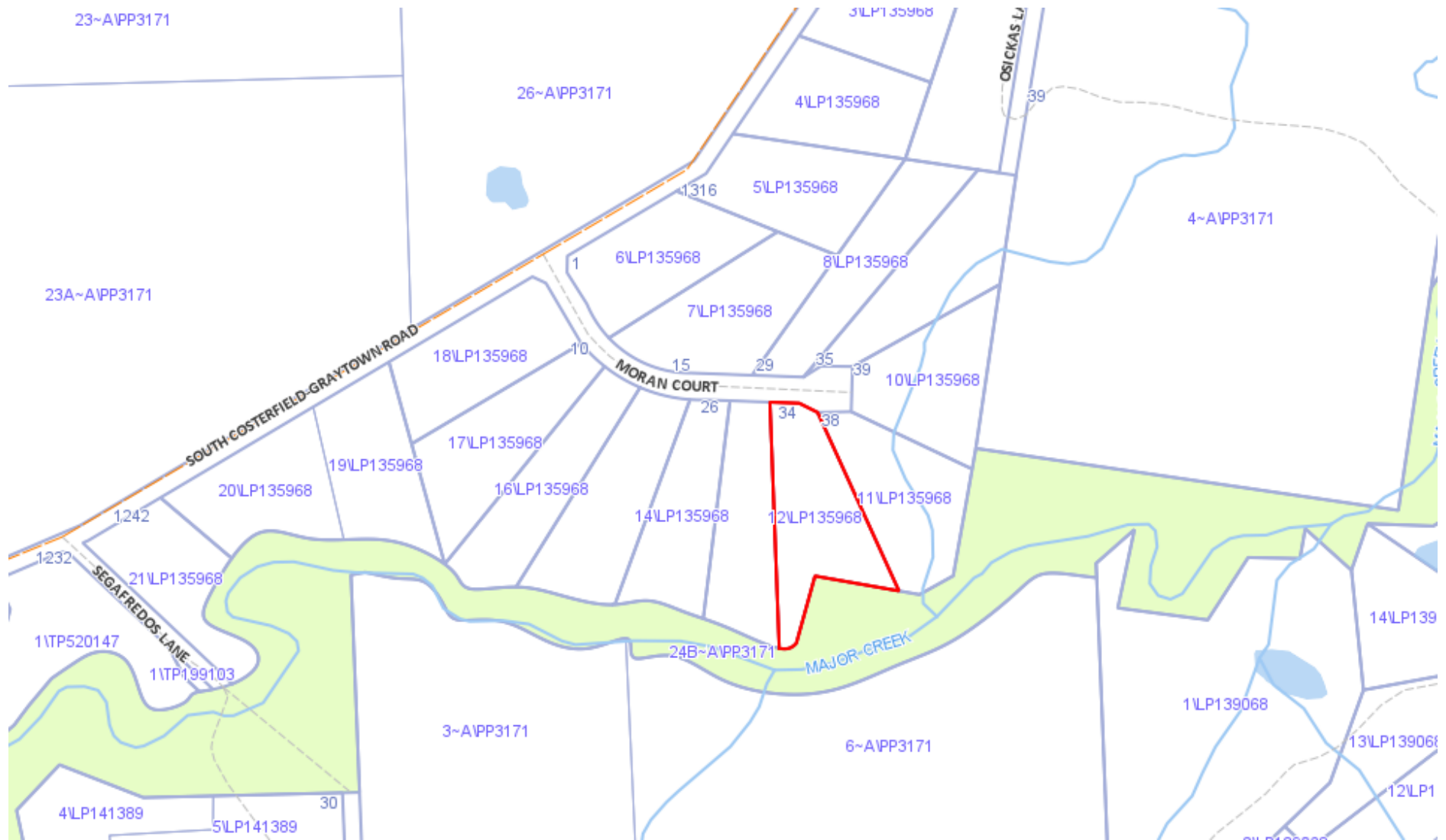
In summary, the proposal meets the objectives of the State Planning Policy Framework, Local Planning Policy Framework and the Farming Zone.

Conclusion

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

Attachments:

Site Plan



PLANNING COMMITTEE REPORT NO. 2 (GROUP MANAGER, SUSTAINABLE DEVELOPMENT – EMMA KUBEIL)

**6.2 Planning Permit Application No. P2014/079
- Use and Development of Land to Construct a Single Dwelling and Separate Garage ~ Avenel-Longwood Road, Locksley**

Application Details:

Application is for:	Use and development of land to construct a single dwelling and separate garage
Applicant's/Owner's Name:	Kylie Rebecca Tarascio
Date Received:	15 July 2014
Statutory Days:	9
Application Number:	P2014-079
Planner: Name, title & department	Emma Kubeil Group Manager Sustainable Development Sustainable Development
Land/Address:	Lot 1 on Title Plan 837317, Certificate of Title Volume 8086 Folio 993, known as Avenel-Longwood Road, Locksley VIC 3665
Zoning:	Farming Zone
Overlays:	No Overlay
Under what clause(s) is a permit required?	Clause 35.07-01 Clause 35.07-04
Restrictive covenants on the title?	No
Current use and development:	Vacant

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

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

Summary

- The proposal is for the use and development of land for a dwelling and garage on land within the Farming Zone with an area of less than 40ha.
- The site has an area of approximately 840 square metres.
- The character of the area is residential/rural living. The lot is adjoined by a single dwelling each side.
- The application was referred internally to Council's Health Officer and Asset Services Department who offered no objection.

6.2 Planning Permit Application No. P2014/079
- Use and Development of Land to Construct a Single Dwelling and Separate Garage ~ Avenel-Longwood Road, Locksley (cont.)

- An assessment against the Farming Zone Decision Guidelines, State and Local policies indicates the proposal is consistent with these provisions of the Strathbogie Planning Scheme.
- The application was advertised to adjoining land holders, no objections have been received to date.
- The application is being presented to Planning Committee as the proposal is for the use and development of land for a dwelling and garage on a lot less than the minimum lot size detailed in the Strathbogie Planning Scheme.
- The application has been assessed within the 60 day statutory time period.
- It is recommended that Council resolve to issue a Planning Permit in accordance with the Officer's recommendation.

RECOMMENDATION

That Council

- having caused notice of Planning Application No. P2014-079 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme

and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Grant a Permit under the provisions of Clause 35.07-01 and Clause 35.07-4 of the Strathbogie Planning Scheme in respect of the land known as L1 TP837317 V8086 F993 Parish of Monea South, Avenel-Longwood Road, Locksley VIC 3665, for the Use and development of land to construct a single dwelling and separate garage, in accordance with endorsed plans, subject to the following conditions:

1. Prior to the commencement of use, the owner must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority. Such agreement shall:
 - b) Prevent subdivision of the land so as to excise the approved dwelling

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

2. Prior to the commencement of works, a permit to install a septic tank system is required from the Responsible Authority. An application to alter the existing septic tank may also be required if deemed wastewater generation will be increased.

6.2 Planning Permit Application No. P2014/079
- Use and Development of Land to Construct a Single Dwelling and Separate Garage ~ Avenel-Longwood Road, Locksley (cont.)

3. **Prior to the commencement of the use/issue of the Certificate of Occupancy/issue of the Certificate of Final Inspection all internal access roads must be constructed, formed and drained to avoid erosion and to minimise disturbance to natural topography of the land to the satisfaction of the Responsible Authority. Internal access, including the turn-around areas for emergency vehicles, must be all weather construction with a minimum trafficable width of 4m.**
4. **Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.**
5. **The effluent disposal field must be located 60 metres from the nearest waterway, dam, lake or reservoir (non-potable water supply) to the satisfaction of the Responsible Authority.**
6. **The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.**
7. **The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.**
8. **All stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge drains to the satisfaction of the Responsible Authority/Goulburn Murray Water or dissipated within the site boundaries. No effluent or polluted water of any type may be allowed to enter the stormwater drainage system.**
9. **Appropriate steps must be taken to retain all silt and sediment on site during the construction phase to the satisfaction of the Responsible Authority, in accordance with the sediment control principles outlined in Construction Techniques for Sediment Pollution Control (EPA, 1991) and to the satisfaction of the Responsible Authority.**
10. **Any damage to the Responsible Authority's assets (i.e. sealed roads, kerb & channel, trees, nature strip etc), and boundary fences, must be repaired at the cost of the applicant all to the satisfaction of Responsible Authority.**
11. **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.**
12. **The external cladding of the proposed buildings, including the roof, must be constructed of new materials of muted colours to enhance the aesthetic amenity of the area. Material having a highly reflective surface must not be used.**

6.2 Planning Permit Application No. P2014/079
- Use and Development of Land to Construct a Single Dwelling and Separate Garage ~ Avenel-Longwood Road, Locksley (cont.)

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

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

14. This permit will expire if one of the following circumstances applies:

- (b) The development is not started within two (2) years of the date of this Permit,**
- (c) The development is not completed within four (4) years of the date of this Permit.**
- (d) The use ceases for a period of two years.**

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. Before any such works may commence, the Applicant must apply for and obtain appropriate Planning approval.**

Proposal

The proposal is for the use and development of land in the Farming Zone for a single dwelling and separate garage. The site is adjoined by two single dwellings either side and as stated within the application, the creation of a dwelling on the subject site will not detract from Agriculture due to the size of the allotment.

6.2 Planning Permit Application No. P2014/079
- Use and Development of Land to Construct a Single Dwelling and Separate Garage ~ Avenel-Longwood Road, Locksley (cont.)

Subject site & locality

The subject site is known as Lot 1 Avenel-Longwood Road, Locksley or Lot 1 TP837317 Certificate of Title Volume 8086 Folio 993. It is approximately 840 square metres in size.

It is generally flat and currently vacant of any development. It contains some small clusters of native vegetation on the site.

Vehicular access to the property is available from Avenel-Longwood Road.

The site is located in an area of Locksley where there are dwellings on similar size lots.

The site is compatible with adjoining and nearby land uses as it is situated between two dwellings on similar size lots.

Permit/Site History

A search of Council's electronic records shows that no planning permits have previously been approved for this property.

Public Notification

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

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

The notification has been carried out correctly.

Council has received no objections to date.

Consultation

No consultation has been required to be undertaken.

Referrals

External Referrals/Notices required by the Planning Scheme:

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

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

6.2 Planning Permit Application No. P2014/079
- Use and Development of Land to Construct a Single Dwelling and Separate
Garage ~ Avenel-Longwood Road, Locksley (cont.)

Assessment

The zoning of the land and any relevant overlay provisions

Farming Zone

Purpose:

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

A permit is required for the use and development of land for the purposes of a dwelling and a separate garage as the site is less than 40ha in area. In considering an application for a dwelling on this site, consideration needs to be given to the capacity of the site for agriculture, the impact of a dwelling and separate garage on surrounding agricultural uses as well as a number of environmental and design issues.

It is considered that the location, size and surrounding development will not restrict the future use of this site for agricultural purpose. The area of the property to be utilised for a dwelling and separate garage has an area of approximately 840 square metres and adjoins land for residential use of the north east and south west boundaries.

The use and development of the site for a dwelling and a separate garage will not lead to a loss in productive agricultural land. The land is not currently used for agricultural production and is unlikely to be sufficiently utilised in the future. The impact of the proposed dwelling and separate garage on surrounding lots and broader agricultural activity will be minimal as most lots immediately surrounding the site are developed with single dwellings. Taking the location of surrounding development into consideration, it is considered unlikely that the location of the proposed dwelling and separate garage will impact on the amenity of surrounding lots.

General Issues	Complies	Officers Comment
<i>The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</i>	Yes	Assessment against SPPF & LPPF is provided below.
<i>Any Regional Catchment Strategy and associated plan applying to the land.</i>	N/A	There is no relevant regional catchment strategy.

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- Use and Development of Land to Construct a Single Dwelling and Separate
Garage ~ Avenel-Longwood Road, Locksley (cont.)

<i>The capability of the land to accommodate the proposed use or development, including the disposal of effluent.</i>	Yes	The application was referred to Councils Health Officer who did not object subject to conditions being included on the permit.
<i>How the use or development relates to sustainable land management.</i>	Yes	The site has an area of approximately 840 square metres and is currently vacant of any buildings. There is limited opportunity to use the land or surrounding lots for agriculture
<i>Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.</i>	Yes	The subject site is considered to be a small lot suitable for a residential use. The proposed dwelling will contribute to the existing character of this area
<i>How the use and development makes use of existing infrastructure and service.</i>	Yes	Access is proposed to be the Avenel-Longwood Road on the northern boundary of the subject site.
Agricultural Issues		
<i>Whether the use or development will support and enhance agricultural production.</i>	No	The subject site has a total area of approximately 840 square metres. The land is surrounded on all sides by residential development. Opposite the site is a railway line. The site is unable to be practically or efficiently used for agriculture.
<i>Whether the use or development will permanently remove land from agricultural production.</i>	Yes	Given the size of the lot it is considered that the subject site is already removed from agriculture. The proposed development is unlikely to have an impact on the potential future use of the land for agriculture.
<i>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	Given the adjoining land uses and lot sizes there is unlikely to be any operation or expansion of agricultural land uses.
<i>The capacity of the site to sustain the agricultural use.</i>	Yes	The site has limited capacity as detailed above due to its size and surrounding development.
<i>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</i>	Yes	The quality of the land in this area is generally considered non productive due to lot sizes.
<i>Any integrated land management plan prepared for the site.</i>	n/a	As detailed above the site is not capable of accommodating a large or intensive agricultural use.
Dwelling Issues		
<i>Whether the dwelling will result in the loss or fragmentation of productive agricultural land.</i>	Complies	Officers Comment As detailed above the dwelling is unlikely to result in the loss or fragmentation of productive agricultural land.

6.2 Planning Permit Application No. P2014/079
- Use and Development of Land to Construct a Single Dwelling and Separate
Garage ~ Avenel-Longwood Road, Locksley (cont.)

<i>Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.</i>	Yes	The dwelling is surrounded by residential uses the dwelling is appropriately setback from boundaries and surrounding land uses.
<i>Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	As detailed above the dwelling is not in proximity to large agricultural uses and is therefore unlikely to affect the operation and expansion of adjoining and nearby agricultural uses.
<i>The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.</i>	Yes	The proposed dwelling has been assessed on its merit. Therefore it is unlikely that the proposed dwelling would directly result in the proliferation of dwellings.
Environmental issues		
<i>The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.</i>	Yes	The application was referred to Council's Environmental Health Officer who assessed the application and did not object to the proposal subject to conditions.
<i>The impact of the use or development on the flora and fauna on the site and its surrounds.</i>	Yes	The proposal does not include the removal of any vegetation and is appropriately located not to damage any vegetation.
<i>The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.</i>	Yes	The proposal does not include the removal of any vegetation.
<i>The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.</i>	Yes	Should a permit be issued a condition will be included requiring a permit for a septic tank.
Design and siting issue		
<i>The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.</i>	Yes	As detailed above the dwelling is appropriately set back in relation to surrounding land uses
<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 and design is considered appropriate. Should a permit be issued a condition will be placed on the permit requiring muted tones.
<i>The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.</i>	Yes	The proposed dwelling is unlikely to impact the character and appearance of the area.

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- Use and Development of Land to Construct a Single Dwelling and Separate
Garage ~ Avenel-Longwood Road, Locksley (cont.)

<i>The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.</i>	Yes	The proposed dwelling and associated infrastructure is considered to be appropriately located.
<i>Whether the use and development will require traffic management measures.</i>	Yes	The application was referred to Councils Assets Department who raised no concerns in relation to traffic management measures. A single dwelling is unlikely to unreasonably increase traffic in the area.

The State Planning Policy Framework (SPPF)

Clause 11.05-3 Rural productivity - Strategies

- *Prevent inappropriately dispersed urban activities in rural areas.*
- *Limit new housing development in rural areas, including:*
- *Directing housing growth into existing settlements.*
- *Discouraging development of isolated small lots in the rural zones from use for single dwellings, rural living or other incompatible uses.*
- *Encouraging consolidation of existing isolated small lots in rural zones.*

Clause 11.05-4 Rural planning strategies and principles

- *Directing growth to locations where utility, transport, commercial and social infrastructure and services are available or can be provided in the most efficient and sustainable manner.*
- *Managing the impacts of settlement growth and development to deliver positive land use and natural resource management outcomes.*
- *Siting and designing new dwellings, subdivisions and other development to minimise risk to life, property, the natural environment and community infrastructure from natural hazards, such as bushfire and flooding.*

Clause 13.03-2 (Erosion and Landslip) of the Strathbogie Planning Scheme seeks to:

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

Clause 13.03-3 (Salinity) of the Strathbogie Planning Scheme seeks to:

- *To minimise the impact of salinity and rising water tables on land uses, buildings and infrastructure in rural and urban areas and areas of environmental significance and reduce salt loads in rivers.*

Clause 13.05 (Bushfire) of the Strathbogie Planning Scheme seeks to:

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

6.2 Planning Permit Application No. P2014/079
- Use and Development of Land to Construct a Single Dwelling and Separate
Garage ~ Avenel-Longwood Road, Locksley (cont.)

Clause 14.01-1 – (Protection of agricultural land)

- *In considering a proposal to subdivide or develop agricultural land, the following factors must be considered:*
- *The impacts of the proposed subdivision or development on the continuation of primary production on adjacent land, with particular regard to land values and to the viability of infrastructure for such production.*
- *The compatibility between the proposed or likely development and the existing uses of the surrounding land.*
- *Planning for rural land use should consider:*
 - *land capability; and*
 - *the potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.*

Clause 14.01-2 (Sustainable agricultural land use) of the Strathbogie Planning Scheme directs that agricultural activities should:

- *Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.*
- *Encourage sustainable agricultural and associated rural land use and support and assist the development of innovative approaches to sustainable practices.*
- *Support effective agricultural production and processing infrastructure, rural industry and farm-related retailing and assist genuine farming enterprises to adjust flexibly to market changes.*

Clause 15.01-1 (Urban design) of the Strathbogie Planning Scheme is considered relevant to the proposal and contains the following objective:

- *To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.*

The size of the subject site is approximately 840 square metres and the land is surrounded by residential land uses. Opposite the site is a railway line which largely restricts the use of this land for any type of agricultural use into the future. It is considered that the character of the area is residential rather than agricultural.

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. It is also considered that the proposed dwelling can be reasonably protected in the event of a bushfire as direct access on to the Avenel-Longwood Road is readily available and overall vegetation cover in the area is limited.

6.2 Planning Permit Application No. P2014/079
- Use and Development of Land to Construct a Single Dwelling and Separate Garage ~ Avenel-Longwood Road, Locksley (cont.)

The agricultural productivity or potential of the land is considered to be severely hindered by the existing residential development and railway line surrounding property. Given the small size of the lot and surrounding development, the continued use of the land for agriculture would have been incompatible with surrounding land uses and it is considered that the construction and use of a dwelling will enhance the existing rural residential character of the area.

The proposed layout and design of the dwelling and separate garage will integrate with the existing streetscape and is unlikely to affect the overall character of the area.

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

Clause 22.01 Housing and House Lot Excision in the Farming Zone is considered relevant to the proposal and contains the following policy requirements at Clause 22.01-3 of the Strathbogie Planning Scheme:

- *The construction of a new dwelling on an existing small lot will be discouraged unless it meets all of the following requirements:*
 - *The lot is accessed by an all weather road and has appropriate service provisions.*
 - *Emergency ingress and egress is at an appropriate standard.*
 - *The dwelling will not inhibit the operation of agriculture and rural industries.*
 - *The site must be able to contain and treat onsite effluent and wastewater in accordance with the relevant Code of Practice and Australian Standards, and;*
 - *Meets at least one of the following requirements:*
 - *The dwelling should be associated with a sustainable rural pursuit that requires a dwelling on the land to manage that pursuit. The application should be supported by a farm management plan that justifies the need for a dwelling to assist in the operation of the farm.*
 - *The applicant can substantiate that the land has no agricultural potential due to environmental significance and the dwelling is to be used in conjunction with sustainable land management and the significant vegetation is protected on title.*
 - *The lot has been identified in the Strathbogie Shire Rural Residential Strategy, 2004 as rural residential; implying that that there is an historic use and development pattern. Consideration should be given to the recommendations in the Strategy.*
 - *The applicant is proposing to consolidate one or more lots in the same ownership with the subject land prior to the construction of the dwelling.*

6.2 Planning Permit Application No. P2014/079
- Use and Development of Land to Construct a Single Dwelling and Separate
Garage ~ Avenel-Longwood Road, Locksley (cont.)

The proposal is considered to be consistent with the local policy in relation to dwellings on small lots in the Farming Zone. The dwelling will be accessible via an all weather access track and due to the location of the site and surrounding land uses will not inhibit the operation of agricultural land use on lots surrounding the site. In accordance with the requirements of this clause, a condition will be placed on any permit issued requiring a Section 173 Agreement to prevent excision of the approved dwelling.

Relevant Particular Provisions

No particular provisions are considered relevant to this proposal.

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.*

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

There are no relevant adopted State policies.

Relevant incorporated, reference or adopted documents

There are no relevant incorporated, reference or adopted documents.

Relevant Planning Scheme amendments

There are no relevant planning scheme amendments.

Risk Management

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

6.2 Planning Permit Application No. P2014/079
- Use and Development of Land to Construct a Single Dwelling and Separate Garage ~ Avenel-Longwood Road, Locksley (cont.)

Strategic Links – policy implications and relevance to Council Plan

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

Summary of Key Issues

The application proposes the use and development of land for a dwelling on a lot with an area of less than 40ha in the Farming Zone. A building envelope and dwelling plans have been specified for the proposed development. These will be required by way of condition. The area of the land is approximately 840 square metres and is considered inappropriate for agricultural uses. The Farming Zone considers a range of decision guidelines. The relevant guidelines have been addressed as part of the assessment of the application.

With regard to the Farming Zone:

- The area of land being considered is unable to be used for agriculture.
- The capacity of the site to be used for agriculture is prohibitively constrained due to the surrounding residential land uses and the separation from agriculturally used land by an existing road and railway line.
- The application was referred to Council's Asset Services Department and Environment Health officer. They did not object subject to conditions. The conditions relate to the construction of access, drainage and the treatment of septic within the lot boundaries.
- No objections have been received.

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

Conclusion

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

Attachments:

Site Plan



PLANNING COMMITTEE REPORT NO. 3 (DIRECTOR, PEOPLE AND CULTURE - PHIL HOWARD)

7. OTHER BUSINESS

**7.1 Planning Applications Received
- 19 August to 3 September 2014**

Following are listings of Planning Applications Received for the period 19 August to 3 September 2014.

RECOMMENDATION

That the report be noted.

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

Planning Applications Received – 7

21 August 2014

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
12-14 Howitt Avenue, Euroa VIC 3666	P2013-095 - PC1	Use and development of land for six dwellings and removal of easement	Tony Quattrocchi	Not applicable*

22 August 2014

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
1726 Arcadia Two Chain Road, Molka VIC 3666	P2014-070 - 1	Development of the land for a dwelling	Golden Age Homes	Not applicable*

25 August 2014

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
Old Euroa Road, Balmattum VIC 3666	P2014-100	Use and Development of land to build one dwelling and a shed	John Anderson	\$300,000.00

26 August 2014

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
36 Kennedy Street, Euroa VIC 3666	P2014-098	Development of land for building and works	Euroa Health Inc	\$12,000,000.00

27 August 2014

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
41 Young Street, Nagambie VIC 3608	P2014-101	Two lot subdivision of land containing an existing dwelling	Land Management Surveys Pty Ltd	\$386.00

29 August 2014

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
325 Cherry Tree Road, Bailieston VIC 3608	P2014-099	Use and development of land for a single storey dwelling	Ecoliv Buildings	\$150,000.00
95 Taylor Drive, Miepoll VIC 3666	P2013-047 - PC1	Use and development of land for a relocatable house, shed septic system and tanks	Neatline Homes	Not applicable*

*NB – Not applicable in cost of works means either no development, endorsement of plans or amendment to the original permit