



STRATHBOGRIE SHIRE COUNCIL

PLANNING COMMITTEE

AGENDA

MEETING TO BE HELD ON TUESDAY 28 OCTOBER 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 9 September 2014
5. Disclosure of Interests

6. Planning Reports
7. Other Business



Steve Crawcour
CHIEF EXECUTIVE OFFICER

23 October 2014

PLANNING COMMITTEE REPORTS INDEX

Planning Committee Reports				
6. Planning Reports				
Report No.	Application No.	Purpose of Application	Location	Page
6.1 (MSD-JD)	P2014/072	Use and Development of Land for a Dwelling and Removal of Native Vegetation	293 Wilkinsons Lane, Euroa	1
6.2 (MSD-JD)	P2014/074	Use and Development of Land for a Single Dwelling and	54 Birkett Street, Euroa	22
7. Other Business				
7.1 (GMSD-EK)	Strathbogie Planning Scheme Amendment C42			41
7.2 (DSD-PH)	Planning Applications Received - 4 September to 22 October 2014			57

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

6. PLANNING REPORTS

**6.1 Planning Permit Application No. P2014/072
- Use and Development of Land for a Dwelling and Removal of Native Vegetation ~ 293 Wilkinsons Lane, Euroa**

Application Details:

Application is for:	Use and development of land for a dwelling and removal of native vegetation
Applicant's/Owner's Name:	Troy Spencer on behalf of Ian Rumble
Date Received:	23 June 2014
Statutory Days:	107
Application Number:	P2014-072
Planner: Name, title & department	Jennifer Dowling Manager Sustainable Development Sustainable Development Department
Land/Address:	Lot 1 on Plan of Subdivision 139466 Certificate of Title Volume 09467 Folio 775 293 Wilkinsons Lane, Euroa VIC 3666
Zoning:	Farming Zone
Overlays:	Bushfire Management Overlay, Erosion Management Overlay
Under what clause(s) is a permit required?	Clause 35.07-1, Clause 35.07-4, Clause 44.06-1, Clause 44.01-1, Clause 52.17
Restrictive covenants on the title?	Nil
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 on land with an area of less than 40 hectares.
- The site has an area of approximately 25.6 hectares.
- The character of the area is rural living and agriculture.
- The application was referred internally to Council's Health Officer and Asset Services Department who offered no objection.

6.1 Planning Permit Application No. P2014/072
- Use and Development of Land for a Dwelling and Removal of Native Vegetation
~ 293 Wilkinsons Lane, Euroa (cont.)

- The application was referred to the CFA who have requested additional information but advised Council can issue a planning permit subject to standard conditions including requiring access to the site.
- The standard CFA conditions in relation to access are considered unachievable by Council Officers.
- An assessment against the Farming Zone and Bushfire Management Overlay Decision Guidelines, State and Local policies indicates the proposal is inconsistent with these provisions of the Strathbogrie Planning Scheme as no vehicular access is available to the proposed dwelling and significant vegetation removal would be required to achieve this.
- Without appropriate vehicular access, the proposal is prohibited under the provisions of the Farming Zone
- Initially, officers were reluctant to advertise the application until such time as the CFA had responded to a referral request sent to them pursuant to *Section 55 of the Planning and Environment Act 1987*.
- Following the response from CFA, it is considered that given standard CFA conditions are not achievable, there will be no material detriment to surrounding land owners as the application is not supported.
- Should the application be reviewed at the Victorian Civil and Administrative Tribunal, another opportunity will be available for the application to be advertised.
- 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 and it is recommended to refuse the application.
- The application has been assessed outside of the 60 day statutory time period due to delays in CFA response times.
- It is recommended that Council resolve to issue a Refusal to Grant a Planning Permit in accordance with the Officer's recommendation.

RECOMMENDATION

That Council:

- **was not required to give notice under Section 52 of the *Planning and Environment Act 1987***

and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides issue a Refusal of Permit under the relevant provisions of the Strathbogrie Planning Scheme in respect of the land known as Lot 1 on Plan of Subdivision 139466 Certificate of Title Volume 09467 Folio 775, 293 Wilkinsons Lane, Euroa VIC 3666, on the following grounds:

6.1 Planning Permit Application No. P2014/072
- Use and Development of Land for a Dwelling and Removal of Native Vegetation
~ 293 Wilkinsons Lane, Euroa (cont.)

1. **The proposal is prohibited under the provisions of the Farming Zone. The dwelling is a Section 3 (Prohibited) Use as no all-weather access is available.**
2. **The proposal is inconsistent with the requirements of the Bushfire Management Overlay. The proposed dwelling, in the absence of satisfactory emergency vehicular access, will lead to an unacceptable level of risk to human life.**
3. **Insufficient information has been provided to undertake a comprehensive assessment of all the vegetation required to be removed to facilitate the use and development of the proposed dwelling on the subject site.**

Proposal

It is proposed to use and develop the subject site for a dwelling to be used to facilitate environmental management of the property.

The proposed dwelling will contain three bedrooms, two bathrooms, combined kitchen, living, dining area as well as a separate living area on a second level. The dwelling will be constructed of a range of materials including timber and stone and will have a colour bond roof.

One tree is required to be removed on site to facilitate the development of the proposed dwelling.

Access to the site is currently via an unmanaged section of the Wilkinsons Road reserve which is densely vegetated.

Subject site & locality

The subject site is an irregularly shaped parcel with an area of approximately 25.6 hectares. The site is heavily vegetated and is part of an undulating rocky landscape. The site is currently developed with a small hut and shedding as well as a small olive grove and a number of fruit trees.

Access to the lot is via an unmanaged and unconstructed section of Wilkinsons Lane. This area of Wilkinsons Lane is heavily vegetated and in its current state, is not suitable to provide primary access to a permanent residential use.

Land surrounding the site is used for a range of different purposes including rural residential properties and agricultural uses. Lots to the south and east of the site are similar in topography to the subject site with lots to the north of the site having a more gentle slope closer to the road.

6.1 Planning Permit Application No. P2014/072
- Use and Development of Land for a Dwelling and Removal of Native Vegetation
~ 293 Wilkinsons Lane, Euroa (cont.)

Permit/Site History

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

Public Notification

Although not specifically exempt from notification requirements under the relevant provisions of the Strathbogie Planning Scheme, the application was not required to be advertised pursuant to Section 52 of the *Planning and Environment Act 1987* for the following reason:

- The application is recommended to be refused

Initially, officers were reluctant to advertise the application until such time as the CFA had responded to a referral request sent to them pursuant to *Section 55* of the *Planning and Environment Act 1987*.

Following the response from CFA, it is considered that given standard CFA conditions are not achievable, there will be no material detriment to surrounding land owners as the application is not supported.

Should the application be reviewed at the Victorian Civil and Administrative Tribunal, another opportunity will be available for the application to be advertised.

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	CFA – Request further information. The response states that if Council wishes to issue the permit standard conditions could be included.
Section 52 Notices	Nil

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

Assessment

The zoning of the land and any relevant overlay provisions

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.*

6.1 Planning Permit Application No. P2014/072
- Use and Development of Land for a Dwelling and Removal of Native Vegetation
~ 293 Wilkinsons Lane, Euroa (cont.)

- *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 40ha in area. Pursuant to Clause 35.07-2 of the Strathbogie Planning Scheme, a lot used for a dwelling must meet the following requirements:

- *Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.*
- *The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.*
- *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.*
- *The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.*

While the dwelling capable of being serviced by on site effluent disposal, a potable water supply and electricity, the dwelling is unable to be accessed by an all-weather road which is appropriately dimensioned for access by emergency vehicles.

To achieve access to the dwelling, the applicant would be required to be constructed along Wilkinsons Lane which is currently unmanaged and is heavily vegetated. To construct an appropriate access road will require considerable vegetation removal and is unlikely to be supported by Council, particularly as no information or a request to amend the application has been received from the applicant. Alternatively, the applicant could apply for a carriageway easement over an adjoining property however this would need to be arranged outside of the planning permit process prior to amending the application.

In its current form, given that no appropriate access is available to the site, the proposed use and development of the land for a dwelling cannot be supported by Council. Pursuant to Clause 35.07-1 of the Strathbogie Planning Scheme, the proposal is a Section 3 use and is therefore, prohibited.

While in its current form, the application is prohibited, it is considered that the application could be supported into the future should the issue of vehicular access be able to be resolved.

6.1 Planning Permit Application No. P2014/072
- Use and Development of Land for a Dwelling and Removal of Native Vegetation
~ 293 Wilkinsons Lane, Euroa (cont.)

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>	No	Assessment against SPPF & LPPF is provided below.
<i>Any Regional Catchment Strategy and associated plan applying to the land.</i>	N/A	There is no relevant regional catchment strategy.
<i>The capability of the land to accommodate the proposed use or development, including the disposal of effluent.</i>	No	No appropriate vehicular access capable of accommodating emergency vehicles is available to the site. Given this, the land is not considered capable of containing a residential use. With regard to effluent disposal, the application was referred to Councils Health Officer who advised that the land was capable of disposing effluent however further approval would be required.
<i>How the use or development relates to sustainable land management.</i>	Yes	The dwelling is to be constructed on the site to enable the ongoing environmental improvement and management of the site.
<i>Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.</i>	No	No vehicular access is available or is able to be constructed to the site. The use of this land for residential purposes given the current access constraints. Access issues aside, the subject site is considered to be a small lot suitable for a residential use. The application proposes a large building envelope which would allow the dwelling to be setback from the adjoining boundaries. This allows a buffer between the proposed use and development and the surrounding residential and agricultural uses.

6.1 Planning Permit Application No. P2014/072
- Use and Development of Land for a Dwelling and Removal of Native Vegetation
~ 293 Wilkinsons Lane, Euroa (cont.)

<i>How the use and development makes use of existing infrastructure and service.</i>	No	The site seeks to use existing unmanaged infrastructure which is inappropriate for the proposed use.
Agricultural Issues		
<i>Whether the use or development will support and enhance agricultural production.</i>	No	The subject site has an area of approximately 25ha. The site is characterised as rural residential. The proposed dwelling is unlikely to support agricultural production however will be used to enable ongoing environmental management of the land.
<i>Whether the use or development will permanently remove land from agricultural production.</i>	Yes	Given the size and topography 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 the topography of the site and surrounding area, 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 topography.
<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 25 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 sustainable 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 and agricultural land uses. It would be unlikely to be impacted due to setback from the adjoining boundaries.

6.1 Planning Permit Application No. P2014/072
- Use and Development of Land for a Dwelling and Removal of Native Vegetation
~ 293 Wilkinsons Lane, Euroa (cont.)

<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 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>	No	Significant vegetation is required to be removed which could have significant biodiversity implications.
<i>The impact of the use or development on the flora and fauna on the site and its surrounds.</i>	No	Significant amounts of native vegetation are required to be removed which is likely to significantly impact on the flora and fauna of the site and surrounding areas.
<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 removal of the vegetation could have significant biodiversity implications. Insufficient information has been provided to assess the biodiversity implications. An assessment using the NVIM tool has determined there is a moderate biodiversity risk.
<i>The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.</i>	N/A	Council's Health Department has advised on site effluent disposal can be appropriately managed however further approval would be required.
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 has been appropriately setback from the adjoining boundaries with consideration for the constraints of the site.
<i>The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.</i>	Yes	The proposed siting and design is considered appropriate. The dwelling is proposed to be constructed of muted tones.

6.1 Planning Permit Application No. P2014/072
- Use and Development of Land for a Dwelling and Removal of Native Vegetation
~ 293 Wilkinsons Lane, Euroa (cont.)

<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>	No	The proposed dwelling is unable to be appropriately accessed from the road.
<i>Whether the use and development will require traffic management measures.</i>	No	While a single dwelling is unlikely to cause traffic management issues, the lack of access needs to be addressed before development could be considered further.

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.

The topography, size, surrounding development and natural environment already restrict this site from being used for any sustainable form of agriculture.

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 application has submitted that the dwelling is necessary for the ongoing environmental management of the land and has provided an Environmental Land Management Plan which demonstrates the proposed management required to retain and enhance the environmental values of the site.

Until such time as an appropriate form of vehicular access in accordance with the requirements of Clause 35.07-2 of the Strathbogie Planning Scheme, the application is unable to be supported as the use and development of land for a dwelling that does not meet this requirement is prohibited.

Overlays

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.*

6.1 Planning Permit Application No. P2014/072
- Use and Development of Land for a Dwelling and Removal of Native Vegetation
~ 293 Wilkinsons Lane, Euroa (cont.)

- *To protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development.*

A permit is required for buildings and works on land which is affected by the Erosion Management Overlay. The proposed buildings and works associated with the dwelling are not considered to have significant erosion implications as this part of the property is generally flat and will only require the removal of one tree. The works required for the construction of the dwelling only, are considered to be capable of being stabilised so as to prevent erosion becoming an issue into the future.

The removal of vegetation and works required to construct a road along the unused portion of Wilkinsons Lane are considered to have potentially greater salinity implications and further assessment of this would be required before the erosion implications of this could be assessed further.

Bushfire 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 ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*
- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*

A permit is required for the development of a dwelling on land affected by the Bushfire Management Overlay. Consideration must be given to the implications of bushfire management on the proposed development including access, defensible space, water supply and building standards.

Within the confines of the site, the development is generally considered to be consistent with the requirements of the overlay however access into the site is an outstanding issue which needs to be addressed. The application was referred to the CFA who have requested further information. However they have advised that they consent to Council approving the proposal subject to standard conditions.

The standard conditions required by CFA and specified within Clause 52.47 of the Strathbogrie Planning Scheme relating to emergency vehicle access are considered to be unachievable due to the extensive amount of vegetation removal and earthworks required to be undertaken within the unmade road reserve.

6.1 Planning Permit Application No. P2014/072
- Use and Development of Land for a Dwelling and Removal of Native Vegetation
~ 293 Wilkinsons Lane, Euroa (cont.)

To place a condition on a planning permit which requires further planning permission which is unlikely to be approved is considered inappropriate and would have significant economic implications for developers, future land owners.

Based on the inability to reasonably achieve the access requirements of the CFA, the proposal is not considered to be consistent with the purpose and decision guidelines of the Bushfire Management Overlay.

The State Planning Policy Framework (SPPF)

Clause 12.01-1 Protection of biodiversity is relevant to the proposal and contains the following objective:

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

One tree is proposed to be removed on site as part of this proposal however an unknown amount of vegetation will be required to be removed from the Wilkinsons Road road reserve. The removal of the vegetation is likely to be a moderate level of biodiversity risk due to the extent of vegetation potentially required to be removed. It is considered that with no information provided by the applicant, the application does not meet the objective of Clause 12.01-1 of the Strathbogrie Planning Scheme.

Clause 12.01-2 Native vegetation management is relevant to the proposal and contains the following objective:

- *To ensure that permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity.*

One tree is proposed to be removed on site as part of this proposal however an unknown amount of vegetation will be required to be removed from the Wilkinsons Road road reserve. The removal of the vegetation is likely to be a moderate level of biodiversity risk due to the extent of vegetation potentially required to be removed. Without further information in relation to the removal required, the responsible authority cannot determine that the vegetation removal required would not result in no net loss to Victoria's biodiversity. For this reason, the proposal is not considered to meet the objective of Clause 12.01-2.

Clause 12.04-1 Environmentally sensitive areas is relevant to the proposal and contains the following objective:

- *To protect and conserve environmentally sensitive areas.*

The significant amount of vegetation required to be removed within the road reserve is likely to have a moderate biodiversity risk and without the required information, Council cannot confirm that the proposal, particularly the vegetation removal required as a result of the CFA access condition, will protect and conserve the sensitive environment. For this reason it is considered that the proposal does not meet the objective of Clause 12.04-1

6.1 Planning Permit Application No. P2014/072
- Use and Development of Land for a Dwelling and Removal of Native Vegetation
~ 293 Wilkinsons Lane, Euroa (cont.)

Clause 12.04-2 *Landscapes* is relevant to the proposal and contains the following objective:

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

The proposed dwelling has been designed in muted tones to best integrate with the existing rural landscape. While the buildings and works on site meet the objective of this clause, the required vegetation removal offsite to create access to the site will impact significantly on the aesthetic amenity of the area and is considered inconsistent with the objective of Clause 12.04-2.

Clause 13.03-2 *Erosion and landslip* is relevant to the proposal and contains the following objective:

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

The erosion implications of the buildings and works on site are considered manageable however without a more detailed assessment of the vegetation removal and works off site, consistency of the proposal with the objective of this clause is unable to be determined at this time.

Clause 13.03-3 *Salinity* is relevant to the proposal and contains the following objective:

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

The salinity implications of the buildings and works on site are considered manageable however without a more detailed assessment of the vegetation removal and works off site, consistency of the proposal with the objective of this clause is unable to be determined at this time.

Clause 13.05-1 *Bushfire planning strategies and principles* is relevant to the proposal and contains the following objective:

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

The overarching strategy of this clause are:

- *Prioritise the protection of human life over other policy considerations in planning and decision-making in areas at risk from bushfire.*
- *Where appropriate, apply the precautionary principle to planning and decision-making when assessing the risk to life, property and community infrastructure from bushfire.*

6.1 Planning Permit Application No. P2014/072
- Use and Development of Land for a Dwelling and Removal of Native Vegetation
~ 293 Wilkinsons Lane, Euroa (cont.)

Without sufficient access to the site it is likely that there would be a potential risk to life.

Clause 14.01-1 *Protection of agricultural land* is relevant to the proposal and contains the following objective:

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

The subject site is located within the Farming Zone however is not considered to be capable of containing a sustainable agricultural land use. The use of the land for a dwelling is proposed to be undertaken in conjunction with the environmental management of the site which would be of greater benefit to both the subject site and the management of surrounding residential and agricultural land use.

Clause 16.02-1 *Rural residential development* is relevant to the proposal and contains the following objective:

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

Given the topography and natural constraints of the site, the land is considered more appropriate for a rural residential use as opposed to agriculture however, until appropriate vehicular access is available to the site, the proposal is considered inconsistent with Clause 16.02-1 of the Strathbogie Planning Scheme. Without appropriate vehicular access to the site, the land is not suitable for the proposed rural residential use.

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

Clause 21.02 - Sustainable Settlement

Clause 21.02-1 *Whole Municipality* is relevant to the proposal and contains the following objective:

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

Clause 21.02-3 *Rural Residential* is relevant to the proposal and contains the following objective:

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

Clause 21.02-4 *Rural Zones* is relevant to the proposal and contains the following 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.

6.1 Planning Permit Application No. P2014/072
- Use and Development of Land for a Dwelling and Removal of Native Vegetation
~ 293 Wilkinsons Lane, Euroa (cont.)

Clause 21.02-6 *Building Material – Muted Tones* is relevant to the proposal and contains the following 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.*

While the proposed buildings and works within the subject site are considered to be generally in accordance with the relevant objectives of Clause 21.02 Sustainable Settlement, the vegetation removal and works required off site to enable an appropriate form of vehicular access are considered inappropriate.

On site the development has been designed and sited to protect and blend with the natural environment. The materials to be used in the construction of the proposed dwelling are considered appropriate for the site as they will blend with the existing landscape. The site is not considered to be capable of sustaining an ongoing agricultural use due to the topographical constraints of the land. Were access to be appropriately available, the subject site could be considered for further residential development.

Clause 21.04-4 *Native vegetation and biodiversity* is relevant to the proposal and contains the following objective:

- *To protect and enhance the natural environment.*

The required native vegetation removal does little to protect or enhance the natural environment. The proposed use will facilitate the protection of the natural environment on the site. The required vegetation removal, within the road reserve is unable to be fully assessed however will be considered to potentially have significant implications for the natural environment which would be not be in accordance the objective of Clause 21.04-4.

Clause 21.04-7 *Bushfire* is relevant to the proposal and contains the following objective:

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

As discussed previously within this report, the proposal does not minimise or manage the risk to human life or property, or the environment from bushfire. Without appropriate access to the site, the risk to human life would be significantly increased by approving the development. The environmental implications of decreasing the risk to life from bushfire include the removal of a significant amount of vegetation which is inconsistent with other objectives of the Strathbogie Planning Scheme and is unlikely to be supported. The proposal does not meet the objectives of Clause 21.04-7 of the Strathbogie Planning Scheme for the reasons listed above.

Clause 21.07-5 *Drainage* is relevant to the proposal and contains the following objective:

- *To ensure that appropriate drainage infrastructure is installed and maintained.*

6.1 Planning Permit Application No. P2014/072
- Use and Development of Land for a Dwelling and Removal of Native Vegetation
~ 293 Wilkinsons Lane, Euroa (cont.)

Drainage infrastructure associated with the proposal on site is considered appropriate and has been consented to by Council's Assets Department. Works within the road reserve would require further consideration.

Clause 22.01 Housing and House Lot Excision in the Farming Zone

Clause 22.01-2 contains the following relevant objectives:

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

It is policy at Clause 22.01-3 of the *Strathbogie Planning Scheme* that:

Dwellings on small lots

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

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

6.1 Planning Permit Application No. P2014/072
- Use and Development of Land for a Dwelling and Removal of Native Vegetation
~ 293 Wilkinsons Lane, Euroa (cont.)

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

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

The proposed dwelling does not have appropriate all weather access or appropriate access for emergency vehicles, the proposal does not meet the requirements of this clause for dwellings on small lots in the Farming Zone. While the proposal generally meets the other requirements of this clause, access is a critical issue to the proposed dwelling which until this is addressed; the use of this site for a dwelling cannot be supported.

Relevant Particular Provisions

Clause 52.17 - Native Vegetation

Purpose:

- *To ensure permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity. This is achieved through the following approach:*
 - *Avoid the removal of native vegetation that makes a significant contribution to Victoria's biodiversity.*
 - *Minimise impacts on Victoria's biodiversity from the removal of native vegetation.*
 - *Where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation to be removed.*
- *To manage native vegetation to minimise land and water degradation.*
- *To manage native vegetation near buildings to reduce the threat to life and property from bushfire.*

The plans submitted with the application show that there is only one tree to be removed on the subject site to facilitate the development of the dwelling. The removal of this tree is exempt from permit requirements pursuant to Clause 52.17-7 of the Strathbogie Planning Scheme. The vegetation removal required within the road reserve however is not exempt and will require a planning permit. A plan was provided with the application detailing where the proposed access will be constructed however no detail has been provided on the vegetation required to be removed. An assessment using the Native Vegetation Information Management (NVIM) tool has identified the vegetation in this area of the road reserve is of a moderate biodiversity risk. No offsets or detailed assessment of the decision guidelines of this clause has been provided. Until the details of the vegetation removal are provided, the removal of vegetation cannot be considered.

Until this clause can be assessed in detail, there is no appropriate form of vehicular access to the site and the use and development of land for a dwelling is prohibited.

- 6.1 Planning Permit Application No. P2014/072
- Use and Development of Land for a Dwelling and Removal of Native Vegetation
~ 293 Wilkinsons Lane, Euroa (cont.)

Clause 52.47 – Planning for Bushfire

Purpose

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To ensure that the location, design and construction of development appropriately responds to the bushfire hazard.*
- *To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.*
- *To specify location, design and construction measures for a single dwelling that reduces the bushfire risk to life and property to an acceptable level.*

An assessment of a proposal for the development of land for a dwelling against this clause of the Stratbogie Planning Scheme is triggered when a permit is required under the provisions of the Bushfire Management Overlay.

Amendment VC107 was gazetted on 31 July 2014 which amended the requirements of this clause. The Bushfire Management Statement submitted with this application was prepared prior to this amendment. The application was referred to CFA who have advised that were this determined prior to the amendment to the planning scheme, they would have consented to the proposal subject to conditions.

As this was assessed after the gazettal of VC107, CFA have requested further information however have advised should Council wish to issue a permit, standard conditions (attached to this report) would be required.

The standard conditions of CFA regarding access to the dwelling would require significant vegetation removal to occur which is considered inappropriate and is inconsistent with a number of state and local policy objectives.

The decision guidelines of Clause 65

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

- *The matters set out in Section 60 of the Act.*
- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*

6.1 Planning Permit Application No. P2014/072
- Use and Development of Land for a Dwelling and Removal of Native Vegetation
~ 293 Wilkinsons Lane, Euroa (cont.)

- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*

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

There are no relevant adopted State policies.

Relevant incorporated, reference or adopted documents

There are no relevant incorporated, reference or adopted documents.

Relevant Planning Scheme amendments

There are no relevant planning scheme amendments.

Risk Management

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

Strategic Links – policy implications and relevance to Council Plan

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

Summary of Key Issues

With regard to the Zone: The application is prohibited under the provisions of this zone as no appropriate vehicular access is available to the site. The proposed dwelling is to be constructed

With regard to the Overlays:

Erosion Management Overlay

As insufficient information has been provided in relation to the access construction and associated vegetation removal required, the erosion implications of the proposal are unable to be comprehensively assessed.

Bushfire Management Overlay

CFA have requested further information to complete their assessment of the application however have consented to Council issuing a permit with a recommendation to use standard conditions. The standard conditions and requirements of Clause 52.47, as they apply to access are considered unachievable and the application is inconsistent with the purpose and decision guidelines of the overlay.

6.1 Planning Permit Application No. P2014/072
- Use and Development of Land for a Dwelling and Removal of Native Vegetation
~ 293 Wilkinsons Lane, Euroa (cont.)

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

Conclusion

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

Attachments

Site Plans

P2014-072



P2014-072



PLANNING COMMITTEE REPORT NO. 2 (MANAGER, SUSTAINABLE DEVELOPMENT – JENNIFER DOWLING)

**6.2 Planning Permit Application No. P2014/074
- Use and Development of Land for a Single Dwelling and Outbuilding ~ 54 Birkett Street, Euroa**

Application Details:

Application is for:	Use and development of land for a single dwelling and outbuilding
Applicant's/Owner's Name:	Paul Zuydam
Date Received:	28 June 2014
Statutory Days:	52
Application Number:	P2014-074
Planner: Name, title & department	Jennifer Dowling Manager Sustainable Development Sustainable Development Department
Land/Address:	Lot 2 on Plan of Subdivision 201448Y, Certificate of Title Volume 09641 Folio 048 54 Birkett Street, Euroa VIC 3666
Zoning:	Farming Zone
Overlays:	Land Subject to Inundation Overlay
Under what clause(s) is a permit required?	Clause 35.07-1 & Clause 35.07-4 Clause 44.04-1
Restrictive covenants on the title?	No
Current use and development:	Agriculture

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

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

Summary

- The proposal is for the use and development of land for a dwelling and outbuilding.
- The site has an area of 2.08ha and is located in the Farming Zone and Land Subject to Inundation Overlay.
- The subject site is identified as a potential rural residential area in the Strathbogie Shire Rural Residential Strategy 2004.
- The application was referred internally to Council's Asset Services Department who offered no objection subject to conditions.
- An assessment against the Farming Zone and Land Subject to Inundation Overlay Decision Guidelines and State and Local Policies indicates the proposal is consistent with these provisions of the Strathbogie Planning Scheme.

6.2 Planning Permit Application No. P2014/074
- Use and Development of Land for a Single Dwelling and Outbuilding ~ 54 Birkett Street, Euroa (cont.)

- A permit was previously issued, P2008/042, for use and development of the land for a single dwelling. This permit has now expired.
- The application was advertised to adjoining land holders, two objections have been received.
- The objections raise issues in relation to flooding and drainage.
- The application is being presented to Planning Committee as objections have been received and the proposal is for the use and development of land for a dwelling on a small lot in the Farming Zone.
- 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.

RECOMMENDATION

That Council:

- **having caused notice of Planning Application No. P2014-074 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 & 35.07-4 and Clause 44.04-1 of the Strathbogie Planning Scheme in respect of the land known as Lot 2 on Plan of Subdivision 201448Y, Certificate of Title Volume 09641 Folio 048 54 Birkett Street, Euroa VIC 3666, for the Use and development of land for a single dwelling and outbuilding, in accordance with endorsed plans, subject to the following conditions:

Amended Plans

1. **Before the use and development starts, amended plans must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of three copies must be provided. Such plans must be generally in accordance with the plan submitted but modified to show:**
 - a) **Dimensioned site plans, floor plans and elevations of the dwelling and outbuilding.**

6.2 Planning Permit Application No. P2014/074
- Use and Development of Land for a Single Dwelling and Outbuilding ~ 54 Birkett Street, Euroa (cont.)

Section 173 Agreement

2. Prior to the commencement of use, the owner must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority. Such agreement shall:

a) Prevent subdivision of the land so as to excise the approved dwelling

3. 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.

Engineering Conditions

4. 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. The access must be designed by a qualified engineer with appropriate drainage (culverts etc.) to assure that no adjoining land is adversely affected either upstream or downstream of the access by overland flow.

5. All stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge drains to the satisfaction of the Responsible Authority/Goulburn Murray Water or dissipated within the site boundaries. No effluent or polluted water of any type may be allowed to enter the stormwater drainage system.

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

7. Any damage to the Responsible Authority's assets (i.e. sealed roads, kerb& channel, trees, nature strip etc), and boundary fences, must be repaired at the cost of the applicant all to the satisfaction of Responsible Authority.

General Conditions

8. Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.

6.2 Planning Permit Application No. P2014/074
- Use and Development of Land for a Single Dwelling and Outbuilding ~ 54 Birkett Street, Euroa (cont.)

9. The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
10. 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.
11. The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.
12. 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.
13. 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.
14. 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.
15. This permit will expire if one of the following circumstances applies:
 - (a) The development is not started within two (2) years of the date of this Permit,
 - (b) The development is not completed within four (4) years of the date of this Permit.

The Responsible Authority may extend the periods referred to if a request is made in writing:

- before the permit expires; or
- within six months afterwards if the use or development has not yet started; or
- within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

6.2 Planning Permit Application No. P2014/074
- Use and Development of Land for a Single Dwelling and Outbuilding ~ 54 Birkett Street, Euroa (cont.)

Goulburn Broken Catchment Management Authority Condition

- 16. The finished floor level of the proposed dwelling and shed must be constructed at least 300 millimetres above the 100-year ARI flood level of 171.2 metres AHD, i.e. 171.5 metres AHD, or higher level deemed necessary by the responsible authority.**

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.**

Proposal

It is proposed to construct a single dwelling and associated outbuilding on the subject site. The proposed dwelling will contain four bedrooms, two bathrooms, a combined living/dining/kitchen and a laundry. The dwelling will be constructed approximately 120 metres from the Birkett Street road reservation and 20 metres from the southern boundary of the site which abuts residential land fronting on to Branjee Road. The dwelling will be accessed by a proposed driveway from Birkett Street and will be connected to reticulated water and sewerage.

An outbuilding is to be constructed within a proposed 10 metres by 20 metres outbuilding envelope which is to be located 5 metres from the southern boundary of the land and 30m from the eastern boundary of the site which is shared with residential land.

Subject site & locality

The subject site is described as Lot 2 on Plan of Subdivision 201448Y and is located at 54 Birkett Street, Euroa. The land is irregular in shape with a small frontage on to Birkett Street before opening up towards the rear of the site. The land is generally flat in topography however contains a depression at the front of the site which is prone to flooding and inundation.

The land is currently vacant and is surrounded to the north, south and west by residential development on land within both the General Residential and Farming Zones. Land directly to the east of the site is located within an industrial zone and is used for restricted retail and depot purposes.

The subject site is identified in local policy as a potential area for future residential expansion and it is identified in the Rural Residential Strategy 2004.

6.2 Planning Permit Application No. P2014/074
- Use and Development of Land for a Single Dwelling and Outbuilding ~ 54 Birkett Street, Euroa (cont.)

Permit/Site History

A search of Council's electronic records system has shown the following applications for a planning permit was made on the subject site:

- P2008/042 was issued for the site and allowed the use and development of a single dwelling. This permit has expired.
- Application P2011/127 proposed the use and development of the land for a single dwelling and a dependent persons unit on the subject site. This application was refused by Council on the grounds detailed below. The Planning Committee reports notes insufficient information regarding drainage was provided in the application. The current application proposes a single dwelling on site. Council's Engineers are satisfied the proposal can adhere to drainage requirements by conditions.

Grounds of refusal:

- The Proposal was inconsistent with the State and Local Planning Policy Framework and the Land Subject to Inundation
- Drainage information required to assist in the assessment of the application was not provided
- Objections and concerns raised by surrounding land owners were not able to be resolved due to lack of information submitted with the application.

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 two objections to date. The key issues that were raised in the objections are:

- Flooding on site.
- Proposed driveway creating a damming effect in flooding events which would inundate dwellings to south
- Drainage on site makes property inaccessible in wetter months

Consultation

A copy of the objections was forwarded to the applicant, no response was received.

Referrals

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	GBCMA – No objection, subject to conditions
Section 52 Notices	Advertising notices

6.2 Planning Permit Application No. P2014/074
- Use and Development of Land for a Single Dwelling and Outbuilding ~ 54 Birkett Street, Euroa (cont.)

Internal Referrals	Council	Advice/Response/Conditions
Asset Services		No objection, subject to conditions
Health Department		Not required as dwelling to be connected to reticulated sewerage

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 the minimum lot size (40 ha). In assessing 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. Surrounding lots are developed with single dwellings and a residential character has emerged as a result of past development.

There 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. It is considered that the proposed location is appropriate from an environmental perspective as well as the potential impact on surrounding land owners and occupiers. An assessment of the proposal against the individual decision guidelines of the Farming Zone is provided in the table below:

6.2 Planning Permit Application No. P2014/074
- Use and Development of Land for a Single Dwelling and Outbuilding ~ 54 Birkett Street, Euroa (cont.)

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.
<i>The capability of the land to accommodate the proposed use or development, including the disposal of effluent.</i>	Yes	The proposed dwelling is to be connected to reticulated sewerage.
<i>How the use or development relates to sustainable land management.</i>	Yes	The site has an area of approximately 2ha and is currently vacant of any buildings. There is limited opportunity to use the land for agriculture. The proposed dwelling is likely to ensure the land is maintained in terms of vermin and weeds.
<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 location allows for adequate setbacks from the adjoining boundaries. This allows a buffer between the proposed use and development and the surrounding residential land uses.
<i>How the use and development makes use of existing infrastructure and service.</i>	Yes	Access is proposed to be via Birkett Street which is located on the eastern boundary of the 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 2ha. The site is characterised as rural residential. The proposed dwelling is unlikely to support agricultural production. However given the size of the lot, surrounding land uses and proximity to the Euroa town centre it is unlikely that the site could be sustainably used for agriculture.

6.2 Planning Permit Application No. P2014/074
- Use and Development of Land for a Single Dwelling and Outbuilding ~ 54 Birkett Street, Euroa (cont.)

<i>Whether the use or development will permanently remove land from agricultural production.</i>	Yes	Given the size of the lot and surrounding residential development, 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 productive. However as detailed above the lot has an area of approximately 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. It is considered that this has already occurred due to previous subdivision and residential development in the area.
<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 in proximity to large agricultural uses and is therefore unlikely to affect the operation and expansion of adjoining and nearby agricultural uses.

6.2 Planning Permit Application No. P2014/074
- Use and Development of Land for a Single Dwelling and Outbuilding ~ 54 Birkett Street, Euroa (cont.)

<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 proposed dwelling is unlikely to significantly impact on the surrounding environment. The dwelling will be connected to reticulated sewerage
<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	No on site effluent disposal is required as the dwelling will be connected to reticulated sewerage.
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.

6.2 Planning Permit Application No. P2014/074
- Use and Development of Land for a Single Dwelling and Outbuilding ~ 54 Birkett Street, Euroa (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.

Land Subject to Inundation Overlay

Purpose:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- *To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.*
- *To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*

A planning permit is required for any buildings and works associated with a dwelling on land affected by this overlay. As part of the assessment of an application under the provisions of this clause, the application was required to be referred to Goulburn Broken Catchment Management Authority (GBCMA) who have consented to the proposed development subject to conditions regarding the construction of the dwelling taking place 300mm above the nominated AHD. It is considered that the proposed development will not lead to an unacceptable level of flood risk to human life as the land will be developed in accordance with GBCMA requirements. It is therefore considered that the proposal is consistent with the purpose and decision guidelines of Clause 44.04 of the Strathbogie Planning Scheme.

6.2 Planning Permit Application No. P2014/074
- Use and Development of Land for a Single Dwelling and Outbuilding ~ 54 Birkett Street, Euroa (cont.)

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 13.02-1 (Floodplain Management) of the Strathbogrie Planning Scheme seeks to:

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

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

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

Clause 13.03-3 (Salinity) of the Strathbogrie 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 Strathbogrie 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.*

6.2 Planning Permit Application No. P2014/074
- Use and Development of Land for a Single Dwelling and Outbuilding ~ 54 Birkett Street, Euroa (cont.)

- *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 Strathbogrie 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 14.02-1 (Catchment planning and management) of the Strathbogrie Planning Scheme seeks to:

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

Clause 19.03-2 (Water supply, sewerage and drainage) of the Strathbogrie Planning Scheme seeks to:

- *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 subject site has an area of approximately 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 close to the central business area of Euroa and is considered appropriate for rural residential development. 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.

The proposal is unlikely to create any significant flooding issues and has been consented to by the Goulburn Broken Catchment Management Authority. The application was referred to Council's Assets Services Department and discussion where held with that department following receipt of objections. Council's Assets Services Department require conditions relating to the construction of a driveway and the use of culverts to ensure overland flow is not affected.

6.2 Planning Permit Application No. P2014/074
- Use and Development of Land for a Single Dwelling and Outbuilding ~ 54 Birkett Street, Euroa (cont.)

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 21.02-6 Building Material – Muted Tones is considered relevant to the proposal and contains the following 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 proposed buildings will be constructed of muted tones so as not to impact on the aesthetic amenity of the surrounding area. This will be enforced by way of planning permit condition.

Clause 21.03-2 Local Area Plans, Euroa identifies the site as an area to investigate residential growth:



Clause 21.04-6, Flooding of the Strathbogrie Planning Scheme is considered relevant to the proposal and contains the following objective:

- *To protect and manage floodplains.*

The proposed dwelling is unlikely to be significantly affected by flooding and associated infrastructure will be designed and sited so as to ensure the development does not have flooding implications for surrounding residential development. As detailed above the dwelling will be raised above the 1 in 100 year flood even and the driveway will be constructed to avoid the flow of water.

6.2 Planning Permit Application No. P2014/074
- Use and Development of Land for a Single Dwelling and Outbuilding ~ 54 Birkett Street, Euroa (cont.)

Clause 22.01-3 of the Strathbogrie 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.*
 - *The lot has been identified in the Strathbogrie Shire Rural Residential Strategy, 2004 as rural residential; implying that that there is an historic use and development pattern. Consideration should be given to the recommendations in the Strategy.*
 - *The applicant is proposing to consolidate one or more lots in the same ownership with the subject land prior to the construction of the dwelling.*

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 proposed dwelling will be located a considerable distance from any agriculturally used land. The site has been identified as being in an area of rural living character in the *Strathbogrie Rural Residential Strategy (2004)*. 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

6.2 Planning Permit Application No. P2014/074
- Use and Development of Land for a Single Dwelling and Outbuilding ~ 54 Birkett Street, 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.*

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

There are no relevant adopted State policies.

Relevant incorporated, reference or adopted documents

There are no relevant incorporated, reference or adopted documents.

Relevant Planning Scheme amendments

There are no relevant planning scheme amendments.

Risk Management

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

Strategic Links – policy implications and relevance to Council Plan

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

6.2 Planning Permit Application No. P2014/074
- Use and Development of Land for a Single Dwelling and Outbuilding ~ 54 Birkett Street, Euroa (cont.)

Summary of Key Issues

With regard to the Farming Zone:

- The proposed development will meet the decision guidelines of the zone. The land is not productive agricultural land and is located within an area of existing residential character.
- The siting and design of the dwelling and outbuilding has considered the flooding implications on both the subject site and surrounding residential property and will be managed through ongoing management to be required by way of condition

With regard to the Land Subject to Inundation Overlay:

- The development of a dwelling is unlikely to lead to a significant increase in risk to human life and has been consented to by Goulburn Broken Catchment Management Authority.
- The application was referred under Section 55 of the *Planning and Environment Act 1987* to Goulburn Broken Catchment Management Authority and Goulburn Murray Water who have both consented to the development subject to a number of conditions.

In summary, the proposal meets the objectives of the State Planning Policy Framework, Local Planning Policy Framework, Farming Zone and Land Subject to Inundation Overlay.

Conclusion

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

Attachments

Site Plan

Development Plans

P2014-074



P2014-074



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

7. OTHER BUSINESS

7.1 Strathbogie Planning Scheme Amendment C42

Report Description:

Author & Department:

Group Manager, Sustainable Development / 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:

K, M, W & A Boyle have requested Council consider amending the Strathbogie Planning Scheme to rezone land at Lot A, LP215264, Murray Street, Nagambie for residential purposes.

Strathbogie Planning Scheme Amendment C42 proposes to:

- Rezone the land from Farming Zone to General Residential Zone



7.2 Strathbogie Planning Scheme Amendment C42 (cont.)

On the 25th February 2014 the Department of Transport, Planning and Local Infrastructure (DTPLI) under delegation from the Minister for Planning in accordance with section 8A of the *Planning and Environment Act 1987*, granted conditional authorisation.

Following Council revising documentation to the satisfaction of the DTPLI Council undertook full notification from Thursday the **24 April 2014 to 30 May 2014**. Notification included:

- Notice in the Government Gazette
- Notice in the Euroa Gazette
- Notice in Shepparton News
- Notice in Seymour Telegraph
- Notice in Nagambie Voice
- Notice sent to all potential affected land owners in Murray Street, Barwon Street and Industrial Crescent.
- Notice sent to Referral Authorities
- Notice sent to Prescribed Ministers

No objections were received by the four Referral Authorities, as detailed in Attachment 1, nor were there any submissions received from the public.

As a result of having received no objections to the re-zoning, no Panel Hearing is required.

RECOMMENDATION

That Strathbogie Shire Council;

- 1. Adopt the Officer comments in Table 1 of the attachment as Council's position; and**
- 2. Submit adopted Planning Scheme Amendment C42 to the Minister for Planning to approve and incorporate into the Strathbogie Planning Scheme, pursuant to Section 31(1) of the *Planning & Environment Act 1987*.**

Background

The subject site is located approximately 750 metres to the east of the Nagambie town centre and comprises an area of approximately 3.4 hectares. The land is bound by developed residential land (General Residential Zone) to the north and west, railway line to the east and vacant rural land to the south. Murray Street to the north of the site provides vehicle access to the property. An existing drainage line traverses the western boundary of the land.

7.2 Strathbogie Planning Scheme Amendment C42 (cont.)

Further east of the railway line is an existing industrial estate and rural land. The Strathbogie Shire Industrial Land Study, July 2008 has recommended expansion of the industrial estate to the south.

The site is currently contained within the Farming Zone. The provisions of the Farming Zone do not allow the site to be developed for residential purposes.

It is proposed to re-zone the first section of 3.6 hectares immediately abutting Murray Street to the south. This area would provide for approximately 27 house lots with the General Residential Zone. In addition, a Development Plan Overlay Schedule 4 will be placed on the entire site to allow for Planning Control on the style of development. Upon uptake of approximately 70% of the newly created lots, we can then proceed to re-zone the next portion.

Whilst this is a proponent proposed amendment, the process was originally commenced in 2008 and the application fees were paid at that time. The amendment was latter put on hold (officially lapsed 22 May 2009) due to the need for more strategic work to happen, e.g. update of the Municipal Strategic Statement.

Further strategic work has now been completed for Nagambie in the form of "The Nagambie Growth Management Plan" and the "Nagambie Structure Plan", of Clause 21.03 of the Strathbogie Planning Scheme. The site has been identified as area B being; *"Potential future extent of urban area. Areas to be developed in alphabetical order to ensure land closest to the existing urban area is developed first"*.

Although the Nagambie Growth Management Plan identified a number of locations for future expansion, the subject site is relatively unconstrained and located in proximity to existing infrastructure and services, therefore a logical location for residential expansion in the short term.

Nagambie has an average residential lot size of approximately 900 square metres. Based on approximately 30 per cent of the total site being set aside for infrastructure, open space requirements etc, it is expected that the total site could yield approximately 150 standard residential lots. Elloura Estate to the west of the town centre is generally being developed for smaller lots of approximately 300 to 600 square metres. The subject site provides an opportunity to provide housing choice in the Nagambie market.

In June 2012, the landowner of the property requested Councils Planning Department consider progressing Amendment C42.

Council then applied for and obtained funding from the Rural Flying Squad to prepare the amendment documentation.

7.2 Strathbogie Planning Scheme Amendment C42 (cont.)

Council at its meeting of 22 October 2013 resolved:

1. *That Strathbogie Shire Council seek authorisation from the Minister for planning to prepare Amendment C42.*
2. *That, upon receipt of the Minister's authorisation, Strathbogie Shire Council prepare and exhibit Amendment C42 to the Strathbogie Planning Scheme, formally exhibiting the amendment for a period of not less than one calendar month after the date that notice is published in the Government Gazette.*

Alternative options

Council may wish to consider the request as not appropriate and not process the amendment any further.

Risk Management

There are no risk management issues associated with the submission.

Strategic links - policy implications and relevance to Council Plan

The proposed framework is consistent with the strategic intent of the Council Plan; in particular Goal 7 *An organisation that meets the community's needs and expectations with responsive, innovative customer service and management (Organisation).*

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

The submission is consistent with NCP policy.

Financial/Budgetary implications

At this stage the existing Council budget is considered adequate.

Economic implications

Planning Scheme reviews support and drive economic development initiatives within the Shire. The rezoning will allow for further subdivision and residential growth in Nagambie.

Environmental/Amenity implications

Planning Scheme reviews provide environmental protection and enhancement, and ensure amenity issues are adequately assessed and controlled.

Community implications

Planning Scheme reviews are about ensuring the broader community has an input into setting the appropriate level of controls, standards and objectives for use and development applications across the Shire.

Victorian Charter of Human Rights and Responsibilities Act 2006

The report content is consistent with Council's responsibilities under the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal/Statutory implications

The process to review the Planning Scheme is governed by the *Planning and Environment Act 1987*. Final approval is given by the Minister for Planning.

7.2 Strathbogie Planning Scheme Amendment C42 (cont.)

Consultation

Full public exhibition and notification was undertaken as required under the *Planning and Environment Act 1987*. Notification included:


- Notice in the Government Gazette
- Notice in the Euroa Gazette
- Notice in Shepparton News
- Notice in Seymour Telegraph
- Notice in Nagambie Voice
- Notice sent to all potential affected land owners in Murray Street, Barwon Street and Industrial Crescent.
- Notice sent to Referral Authorities
- Notice sent to Prescribed Ministers

Attachments

1. Submission Table
2. Explanatory Report
3. Zoning Map

Planning Scheme Amendments C42 – Table 1

Referral Authority	Submission Points	Officer Comments
EPA 26 March 2014	The EPA does not object to the proposed rezoning of land from Farming Zone to Residential 1 Zone land. (Now General Residential Zone)	Noted
	We request that Council carefully considers the potential for amenity impacts from industry uses when assessing future development within the neighbouring Industry zoned land.	Noted
VicRoads 8 May 2014	VicRoads has reviewed the supporting documentation of the proposed Planning Scheme Amendment and does not object to Council's adoption of the amendment.	Noted
Goulburn Valley Water 5 May 2014	The Corporation has investigated the Planning Permit application forward under Section 52 of the Planning and Environment Act 1987 and does not object to Council granting the permit.	Goulburn Murray Water have referred to the incorrect section of the Act in error.
	If further development is to happen at the subject land once it is rezoned, it will be required that the provision of both reticulated water supply and sewerage services are provided to the development. The subject land can be serviced by water mains and sewerage services are provided to the development.	Noted
	The development is current outside Goulburn Valley Water's Sewer District boundary and will require a district extension and reticulated services to be extended, when further development occurs.	Noted

<p>Department of Environment & Primary Industries (DEPI)</p> <p>23 May 2014</p>	<p>Native vegetation on site is not described. The aerial photograph supplied is unclear but it is possible a small number of remnant trees are located within the site. The grazed understorey appears to be heavily modified, however this would best be established prior to rezoning.</p>	<p>Council worked with DEPI to address the issues raised. Nigel Waterhouse of DEPI attended a site inspection and was satisfied that the native vegetation cover was less the 25% of the grass cover and that the trees on the boundary to the east and drainage line to the west are planted vegetation.</p>
	<p>A vegetated drainage line to the west is to be protected and a vegetated buffer to the east is to be enhanced, however no protection or enhancement mechanisms are suggested. Future consideration is flagged, however no details are provided.</p>	<p>The vegetation in the drainage line is part of a Council reserve and not part of the amendment.</p>  <p>Figure 1 – Image depicting title boundaries</p>

	<p>The Department of Environment & Primary Industries would recommend the assessment of any native vegetation as part of the proposal. Under the Biodiversity Assessment Guidelines mapping shows the site falls within Location Risk A.</p>	<p>Council worked with DEPI to address the issues raised. Nigel Waterhouse of DEPI attended a site inspection and was satisfied that the native vegetation cover was less the 25% of the grass cover and that the trees on the boundary to the east and drainage line to the west are planted vegetation.</p>
	<p>Service, roads and other infrastructure are in the vicinity and it appears they can be provided with minimal impact. Fire management issues may need to be addressed adjacent to the drainage line (west) and railway line and buffer to the East.</p>	<p>Noted. The application was referred to the CFA and even when followed up CFA has chosen not to reply.</p>
	<p>The Department of Environment & Primary Industries offers no objection to the proposed amendment, however, recommends that native vegetation protection be addressed as part of the rezoning.</p>	<p>Council worked with DEPI to address the issues raised. Nigel Waterhouse of DEPI attended a site inspection and was satisfied that the native vegetation cover was less the 25% of the grass cover and that the trees on the boundary to the east and drainage line to the west are planted vegetation.</p>
<p>Department of Environment and Primary Industries</p>	<p>Following a site inspection on 15/09/2014, DEPI is satisfied that the area proposed for rezoning under PSA C42 does not contain assessable native vegetation.</p>	<p>As per above Department Environment and Primary Industries are now satisfied.</p>
<p>CFA</p>		<p>The application was referred to the CFA however they failed to reply. Even when followed up with email and phone calls.</p>

Planning and Environment Act 1987

STRATHBOGIE PLANNING SCHEME

AMENDMENT C42

EXPLANATORY REPORT

Who is the planning authority?

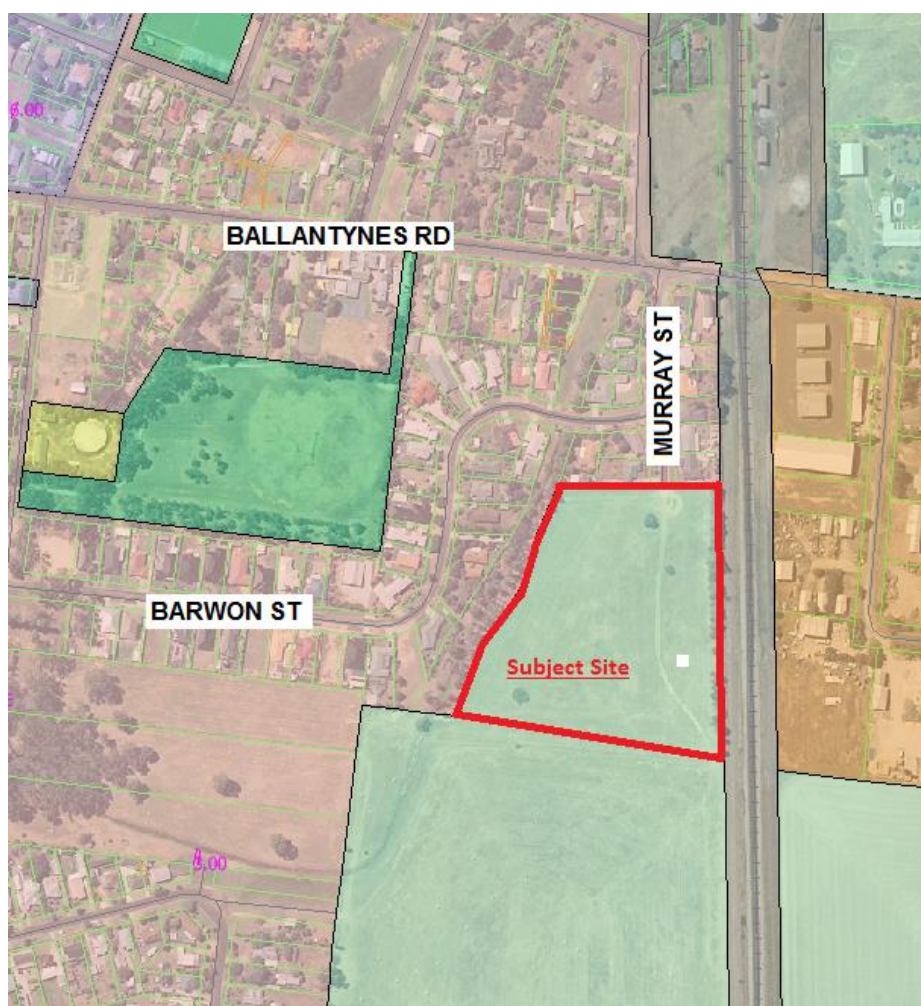
This amendment has been prepared by the Strathbogie Shire Council, which is the planning authority for this amendment.

The amendment has been made at the request of K, M, W & A Boyle.

Land affected by the amendment

The amendment applies to part of Lot A, LP215264, Murray Street, Nagambie.

The land to be rezoned is approximately 3.6ha.



What the amendment does

The amendment rezones part of the land at Murray Street, Nagambie (Lot 1 LP215264) from the Farming Zone to the General Residential Zone.

The amendment amends Planning Scheme Map No. 22.

Strategic assessment of the amendment

• Why is the amendment required?

The amendment is required to apply an appropriate zone to facilitate future subdivision and development of the land for residential purposes

Rezoning the land to General Residential will enable applications for planning permits to subdivide and develop the land for residential purposes. The Nagambie Structure Plan at Clause 21.03 shows the site within Area B identified as “*Potential future extent of urban area*” and within the Nagambie Growth Management Plan.

While not all vacant land in the existing urban area has been subdivided or developed to its full potential, Nagambie has been experiencing strong residential growth and will continue to do so. There are approximately 150 vacant residential lots in Nagambie. Planning approvals have been granted for subdivision of a further 70 lots. Anecdotally, many are being retained as future investment. There are a number of lots in single ownership being utilised as garden space forming part of the grounds of established dwellings.

Approximately 30 new dwellings are constructed in Nagambie each year. This amendment facilitates subdivision of the land, with an expected yield of approximately 26 new residential lots - less than one year supply of Nagambie’s housing needs.

Demand for housing in Nagambie will continue to be high, as Nagambie’s environmental features offer a desirable lifestyle, such as permanent water supply to Lake Nagambie for recreational pursuits.

The rezoning is a logical extension to the residential area of Nagambie.

• How does the amendment implement the objectives of planning in Victoria?

The amendment implements the objectives for planning as outlined at section 4 of the *Planning and Environment Act 1987* by facilitating a high quality residential development at an appropriate location, with responsive urban design, a variety of housing choices, attractive landscaping and open space areas, and efficient networks for vehicle and pedestrian movements.

• How does the amendment address the environmental effects and any relevant social and economic effects?

The amendment will not have any adverse environmental effects. The existing drainage line on the western boundary of the land will be retained and any future permit issued for subdivision of the land will include conditions requiring the drainage line to be maintained

and give consideration to appropriate design responses for land adjacent to it. The land is not affected by the Floodway Overlay or Land Subject to Inundation Overlay.

The land is located west of an existing industrial estate. It is considered that separation distances are acceptable:

- The residential development adjoining the subject site to the north has an interface with the industrial land. As the industrial and residential developments already exist, the threshold setback distances are already affected.
- Council has no record of complaint from residents of any of the dwellings that share an interface with the industrial zone.
- The railway line provides a buffer of 40m.
- There is an established vegetation buffer on the eastern boundary of the subject site where it meets the railway line; any planning permit issued for subdivision of the land would include conditions to enhance the vegetation buffer.

Comments of the Environment Protection Authority (EPA) were sought in relation to the proposed amendment and the letter of response stated that EPA do not object to the proposed rezoning and request that Council carefully consider the potential for amenity impacts from industrial uses when assessing any future applications within the neighbouring industrial land.

In relation to the economic and social effects, the development envisaged following this amendment will increase the housing choice in Nagambie, provide for residential lots within close proximity to the Nagambie town centre, provide a net benefit for local business and support for local community organisations.

- **Does the amendment address relevant bushfire risk?**

The site is not located within a Bushfire Management Overlay; however a large portion of the land is identified as bushfire prone for the purpose of the Building Regulations. Given the site is relatively flat and clear of significant vegetation it is considered the property is not at a high risk of bushfire.

The amendment does not increase the risk to life, property or community infrastructure from bushfire.

Preliminary advice from the CFA confirms the site is relatively low risk from bushfire.

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

The amendment is consistent with Ministerial Direction 1, Potentially Contaminated Land. There is no known contamination of the site.

The amendment has been prepared in accordance with Ministerial Direction 11 – Strategic Assessment of Amendments.

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

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

The amendment supports and gives effect to the State Planning Policy Framework (SPPF) by facilitating the orderly development of urban areas in accordance with the goals and principles outlined in the SPPF. The relevant SPPF Clauses are Settlement

(Clause 11), Environmental & Landscape Values (Clause 12), Environmental Risks (Clause 13), Natural Resource Management (Clause 14), Built Environment and Heritage (Clause 15), Housing (Clause 16), Economic Development (Clause 17), Transport (Clause 18) and Infrastructure (Clause 19).

Of particular relevance to this amendment is Clause 16 *Housing*:

- *Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure.*
- *New housing should have access to services and be planned for long term sustainability, including walkability to activity centres, public transport, schools and open space.*
- *Planning for housing should include providing land for affordable housing.*

The objective of *Clause 11.02-1 Supply of urban land* is to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

The objective of *Clause 16.01-2 Location of residential development* is to locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport.

The relevant strategies include:

- *Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.*
- *Ensure that sufficient land is available to meet forecast demand.*
- *Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.*
- *Planning for urban growth should consider:*
 - *Opportunities for the consolidation, redevelopment and intensification of existing urban areas.*
 - *Neighbourhood character and landscape considerations.*
 - *The limits of land capability and natural hazards and environmental quality.*
 - *Service limitations and the costs of providing infrastructure.*
- *Monitor development trends and land supply and demand for housing and industry.*

The subject site has been identified for future urban growth within the MSS and within the Nagambie Growth Management Plan based on the strategies at Clause 16.01-2.

The amendment will allow for subdivision in a location with access to existing physical and social infrastructure, and will provide for a range of lot sizes, a convenient and safe road network, appropriate pedestrian and cycle links and sufficient usable public open space.

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

The Local Planning Policy Framework including the MSS supports rezoning the subject site for residential purposes. The Nagambie Structure Plan at Clause 21.03 shows the site within Area B identified as “*Potential future extent of urban area*” and within the Nagambie Growth Management Plan.

The subject land has attributes that support the inclusion of the land for residential use:

- Given the proximity of the land to established residential areas and its relatively small size, the use of the land for agricultural purposes is already constrained and restricted.
- The railway line to the east of the land is a logical settlement boundary for Nagambie.
- Infrastructure and services are readily available to the site.

- **Does the amendment make proper use of the Victoria Planning Provisions?**

It is proposed to include the site in a General Residential Zone. The VPPs contain a number of zones, other than the General Residential Zone, which seek to achieve a residential land use outcome, including:

- Rural Living Zone – encourages larger rural residential lots.
- Residential Growth Zone – encourages medium and higher densities.
- Mixed Use Zone – encourages a variety of land uses.
- Low Density Residential Zone – encourages larger lots.
- Township Zone – typically applied to small towns and villages.

For this Amendment, the General Residential Zone is preferred as it allows for flexibility in lot sizes and flexibility to respond to market demand. The proposed zoning is consistent with the adjoining land to the north and west of the site.

Strathbogie Shire Council has not completed a housing strategy to justify application of Neighbourhood Residential Zone or Residential Growth Zone to specific areas and intend for all Residential 1 Zone to default to General Residential Zone as part of the Government’s implementation of the reformed residential zones.

- **How does the amendment address the views of any relevant agency?**

Comments have been sought from the CFA in relation to bushfire risk. The CFA indicated the site has a low bushfire risk and have not specified any particular requirements.

Comments from the EPA have been sought in relation to potential conflict between the Industrial 1 Zone to the east and the proposed extension to the residential area. EPA have advised they have no objection to the proposal and suggested council carefully consider amenity issues should further development in the Industrial 1 Zone be proposed.

This amendment does not seek to introduce new referral requirements. The views of relevant authorities will be sought during the exhibition period of the amendment.

- **Does the amendment address relevant requirements of the Transport Integration Act 2010?**

The requirements of the *Transport Integration Act 2010* have been considered as part of this amendment. The proposal involves a minor addition to the residential area and is unlikely to have a significant or unplanned effect on the current or future transport system. The lot, when subdivided is likely to yield approximately 25 lots and additional vehicle movements created are unlikely to change service levels or impact on public safety.

The existing road network will support the development with direct access via Murray Street to Ballantynes Road and connecting network to High Street via many possible routes including: Barwon Street, Goulburn Street and Prentice Street.

Nagambie is reasonably well serviced by public transport, including a train station serviced by with V/line trains; V/Line buses with access to three routes: Griffith - Melbourne, Shepparton - Melbourne and Echuca/Moama – Melbourne; and a taxi service.

Pedestrian and cycle infrastructure is available throughout the area and future development will be connected as appropriate.

Given the capacity of existing infrastructure, there will be no significant impact on the surrounding transport network from this amendment.

Resource and administrative costs

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

It is anticipated that the amendment will not have an adverse impact on the resource and administrative costs of the responsible authority.

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 VIC 3666

www.strathbogie.vic.gov.au

Nagambie Tourist Information Centre

317 High Street

Nagambie Vic 3608

The amendment can also be inspected free of charge at the Department of Planning and Community Development website at www.dpcd.vic.gov.au/planning/publicinspection.

Submissions

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by 30th May 2014

A submission must be sent in writing to:

Strathbogie Shire Council

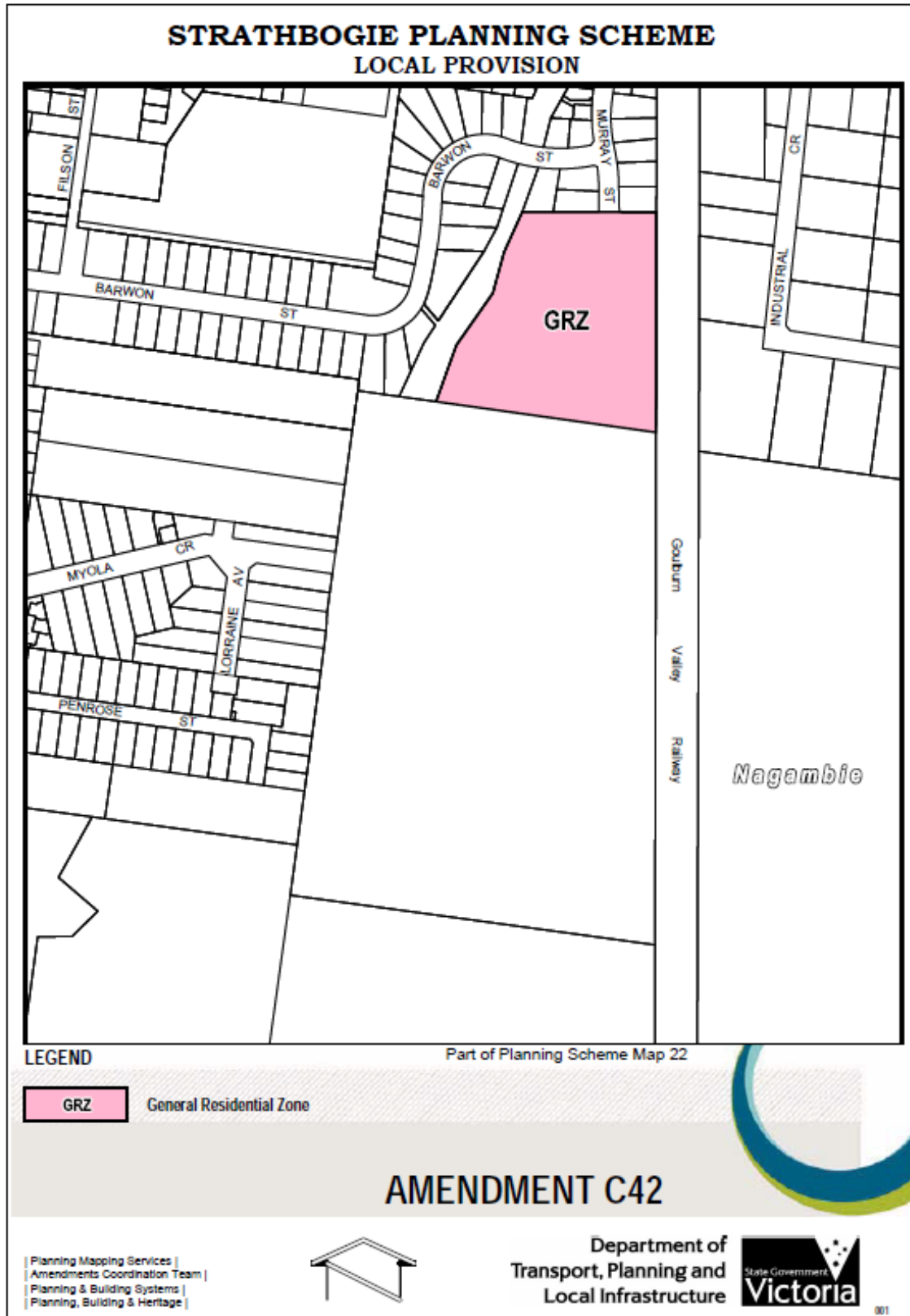
Po Box 177

Euroa Vic 3666

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: 11 August 2014
- panel hearing: 8 September 2014



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

7.2 Planning Applications Received
- 4 September to 22 October 2014

Following are listings of Planning Applications Received for the period 4 September to 22 October 2014.

RECOMMENDATION

That the report be noted.

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

Planning Applications Received – 4 September to 22 October 2014

05 September 2014

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
649 Harrys Creek Road, Boho VIC 3669	P2013-108 - 1	Development of land for an extension to an existing dwelling	TJ Barlow & SM Curmi	Not applicable

08 September 2014

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
87 Vickers Road, Nagambie VIC 3608	P2013-038 - 2	Seven (7) lot re-subdivision & create/alter access to Road Zone Category 1	Verge Motors Pty Ltd	Not applicable

09 September 2014

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
12-14 Howitt Avenue, Euroa VIC 3666	P2013-095 - PC2	Use and development of land for six dwellings and removal of easement	Tony Quattrochi	Not applicable
168-194 High Street, Nagambie VIC 3608	P2014-103	Use of land for a Liquor Licence	Merryl McNamara	Not applicable
99-103 Boundary Road South, Euroa Victoria 3666	P2011/108 - PC3	Seven Lot subdivision	Esler & Associates	Not applicable

11 September 2014

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
113 Gold Diggers Road, Bailieston VIC 3608	P2014-102	Develop land for an outbuilding	David Manzone	\$14,000.00

12 September 2014

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
286 Galls Gap Road, Gooram VIC 3666	P2014-105	Development of land for an outbuilding	Nicola Bush	\$34,608.00
60 Old Dargalong School Road, Wahring VIC 3608	P2014-104	Use and development of the land for a broiler farm, eight (8) sheds to house 400,000 birds	134th Larena Pty Ltd	\$10,000,000.00
Cowslip Street, Violet Town VIC 3669	P2014-112	Use and development of land for leisure and recreation (wetland)	Sam Campi	\$228,900.00

16 September 2014

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
164-182 Ewings Road, Avenel VIC 3664	P2014-107	Development of land to construct twelve (12) dwellings	James Rylah Peart	\$2,000,000.00
570 Arcadia Two Chain Road, Arcadia South VIC 3631	P2014-106	Use and development of land to construct sheds, dam/bore septic tank and breaking in track for breeding, rearing and training of up to one Hundred (100) greyhounds	Janine Gayle Walker	\$190,000.00

18 September 2014

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
470 Mitchellstown Road, Mitchellstown VIC 3608	P2014-108	Use of the land for a place of assembly on 13 December 2014	Michael Newton	Not applicable
8 Magiltan Drive, Strathbogie Victoria 3666	P2012/004 - 1	Development of land for a dwelling and shed	Troy Spencer	Not applicable

25 September 2014

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
307 Millards Lane, Euroa VIC 3666	P2014-110	Re-subdivision of the land into two allotments	Graeme Schneider	Not applicable

30 September 2014

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
33 Filson Street, Nagambie VIC 3608	P2014-111	Development of land for two steel sheds	David Keall	\$30,000

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

01 October 2014

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
48 Hunter Street, Euroa VIC 3666	P2014-115	Development of land for an extension to an existing dwelling	Christopher Thomas Burke	\$72,800.00

02 October 2014

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
21 Grenada Road, Mangalore VIC 3663	P2014-116	Development of land for the construction of a machinery shed	Patrick O'Connor	\$40,000.00

03 October 2014

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
686 Drysdale Road, Euroa Victoria 3666	P2008/130 - 2	Amended site layout - Three (3) Egg Layer Farms One (1) Rearer Pullet Farm Managers Residence Ancillary Accessways Outbuildings Amendities and removal of Four (4) Trees from Creighton Siding Road Reserve	Bruce Mitchell	Not applicable
Loddings Lane, Nagambie VIC 3608	P2014-118	Use and development of land for a Camping and Caravan Park	Spiire Australia PTY LTD	\$3,700.00

07 October 2014

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
167 Halsalls Lane, Creightons Creek VIC 3666	P2014-030 - PC1	Use & development of land for a dwelling and associated infrastructure	Neal Cartledge	Not applicable

08 October 2014

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
18 Platt Street, Euroa VIC 3666	P2014-087 - 1	Development of land for an extension to an existing dwelling	Graeme Matthews	Not applicable

09 October 2014

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
321 Alexandersons Road, Locksley VIC 3665	P2014-117	Development of land for an extension to existing dwelling and the addition of relocatable portables	Neal Cartledge	\$9,000.00

13 October 2014

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
142 Longwood-Gobur Road, Longwood East VIC 3666	P2014-114	Development of land for an extension to an existing dwelling	Ian Edwards Ball	\$182,323.00

14 October 2014

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
2016 Cemetery Road, Koonda VIC 3669	P2014-113	Development of land for an extension to an existing dwelling	Gary Edward Martin	\$65,000.00

15 October 2014

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
Arcadia Two Chain Road, Arcadia South Victoria 3631	P2012/029 - 1	Use and development of land for a dwelling and shed	Lynne Sangster G.J. Lewis Homes Pty. Ltd.	Not applicable

16 October 2014

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
23 Rowe Street, Euroa VIC 3666	P2014-119	Development of land for four (4) units	David Van Mannenberg	\$600,000.00

17 October 2014

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
937 Morgans Lane, Tabilk VIC 3607	P2014-109	Subdivision of existing house and land into two (2) lots	Brian Leo Neylon	Not applicable

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