



STRATHBOGIE SHIRE COUNCIL
PLANNING COMMITTEE
MINUTES

OF THE MEETING HELD ON TUESDAY 22 SEPTEMBER 2015

AT THE EUROA COMMUNITY CONFERENCE CENTRE

COMMENCING AT 4.00 P.M.

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 (Mount Wombat Ward)

Officers: Steve Crawcour - Chief Executive Officer
Phil Howard - Director, Sustainable Development
Jennifer Boyle - Manager, Planning
Roy Hetherington - Director, Asset Services
David Woodhams – Director, Corporate and Community

Business:

1. Welcome
2. Acknowledgement of Traditional Land Owners

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

3. Apologies

Councillor Graeme (Mick) Williams (Seven Creeks Ward)
Emma Kubeil – Executive Manager, Sustainable Development

4. Confirmation of Minutes of the Planning Committee meeting held on Tuesday 8 September 2015

51/15 **CRS SWAN/WEATHERALD** : *That the Minutes of the Planning Committee meeting held on Tuesday 8 September 2015 be confirmed*

CARRIED

5. Disclosure of Interests

Nil

6. Planning Reports

7. Other Business

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PLANNING COMMITTEE REPORT NO. 1 (MANAGER PLANNING – JENNIFER BOYLE)

6. PLANNING REPORTS

**6.1 Planning Permit Application No. 2015/017
- Subdivide Land into Two (2) Lots and the Use and Development of the Land for a Dwelling ~ 239 Cowells Lane, Euroa**

Application Details:

Application is for:	Subdivide land into two (2) lots and the use and development of the land for a dwelling
Applicant's/Owner's Name:	Rod & Michelle Andrews
Date Received:	18 February 2015
Statutory Days:	74
Application Number:	P2015-017
Planner: Name, title & department	Jennifer Boyle Manager Planning Sustainable Development Department
Land/Address:	Lot 2 Plan of Subdivision 94006, Certificate of Title Volume 8917 Folio 633, 239 Cowells Lane, Euroa VIC 3666
Zoning:	Farming Zone
Overlays:	Land Subject to Inundation Overlay, Floodway Overlay
Under what clause(s) is a permit required?	Clause 35.07-1 Clause 35.07-2 Clause 35.07-3 Clause 44.04-1 Clause 44.01-2
Restrictive covenants on the title?	Nil
Current use and development:	Agriculture and Dwelling

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 a two lot subdivision (house lot excision) and the use and development of the land for a dwelling.
- The site has an area of 24.98 hectares.
- The site is in the Farming Zone and is affected in part by both the Land Subject to Inundation Overlay and the Floodway Overlay.

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- The application was referred internally to Council's Asset Services and Environmental Health Departments who have consented to the proposal, subject to conditions.
- The application was referred externally to the Goulburn Broken Catchment Management Authority who has consented to the proposal subject to conditions regarding the floor height of the dwelling.
- An assessment against the Farming Zone, Floodway Overlay 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.
- The application was advertised to adjoining land owners and two objections have been received.
- A summary of the objections and officers response to the objections is detailed under Public Notification on page 6 & 7.
- Issues raised in the objections include dwelling density, amenity, drainage, groundwater contamination as well as inconsistencies of the proposal with the decision guidelines of the Farming Zone.
- The application is being presented to Planning Committee as objections have been received.
- The application has been assessed outside the 60 day statutory time period due to consultation with the objectors.
- It is recommended 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. P2015-017 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme**

and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to Grant a Permit under the provisions of Clause 35.07-1, Clause 35.07-2, Clause 35.07-3, Clause 44.04-1, Clause 44.01-2 of the Strathbogie Planning Scheme in respect of the land known as Lot 2 Plan of Subdivision 94006, Certificate of Title Volume 8917 Folio 633, 239 Cowells Lane, Euroa VIC 3666, for the Subdivision of land into two (2) lots and the use and development of the land for a dwelling, in accordance with endorsed plans, subject to the following conditions:

- 6.1 Planning Permit Application No. 2015/017
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Amended Plans

1. Prior to the commencement of development, amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of three copies must be provided. Such plans must be generally in accordance with the plan submitted but modified to show:
 - (a) Floor and elevation plans of the approved dwelling and sheds
 - (b) Site plan with exact dimensions

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, including house lot excision which increases the number of lots.
 - b) Recognise surrounding agricultural land uses

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.

Business Plan

3. Prior to the commencement of the buildings and works associated with the approved dwelling on proposed Lot 2, a business management plan relating to the equine spelling and agistment facility must be provided. The business management plan must detail the proposed staging of the agricultural use of the site to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit.

Environmental Health Conditions:

4. Any existing Septic Tank system within either of the approved lots must comply with the Environment Protection Authority EPA Publication 891.3 Code of Practice – *Onsite Wastewater Management 2013*, any relevant Certificates of Approval, and to the satisfaction of Council's Environmental Health Officer.
5. All existing septic system must retain and treat wastewater within the proposed subdivision boundary in relation to the Two (2) lot subdivision.

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6. Any new on site waste water disposal system must meet the following EPA requirements for management of onsite wastewater in unsewered areas;
- (a) Prior to the commencement of works, a permit to install a septic tank system is required from the Responsible Authority. An application to alter the existing septic tank may also be required if deemed wastewater generation will be increased.
 - (b) The effluent disposal field must be located 60 meters (primary treated effluent) or 30 meters (secondary sewage and greywater effluent) from waterways, wetlands, dams, lakes or reservoirs (non-potable water supply), to the satisfaction of the Responsible Authority.

Engineering Conditions:

- 7. Prior to the issue of Statement of Compliance for the subdivision the Applicant/ Owner must obtain a vehicle crossing permit from the Responsible Authority for each lot and construct the vehicle crossing in accordance with the requirements. The vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense. Final location of vehicle crossing must be approved by Responsible Authority via vehicle crossing permit. Refer to Clause 12.9.2 "Rural Vehicle Crossings" of the Infrastructure Design Manual and to standard drawing SD255.
- 8. All stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge drains to the satisfaction of the Responsible Authority/Goulburn Murray Water or dissipated within the site boundaries. No effluent or polluted water of any type may be allowed to enter the stormwater drainage system.
- 9. Appropriate steps must be taken to retain all silt and sediment on site during the construction phase to the satisfaction of the Responsible Authority, in accordance with the sediment control principles outlined in Construction Techniques for Sediment Pollution Control (EPA, 1991) and to the satisfaction of the Responsible Authority.
- 10. Any damage to the Responsible Authority's assets (i.e. sealed roads, kerb & channel, trees, nature strip etc), and boundary fences, must be repaired at the cost of the applicant all to the satisfaction of Responsible Authority.

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Subdivision Conditions

11. Prior to the certification of plans under the Subdivision Act 1988, the landowner must complete and duly sign a Statutory Declaration agreeing to the Allocation of Street Numbers.
12. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
13. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
14. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.

Dwelling Conditions

15. Access to the dwelling approved by this permit must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
16. The dwelling approved by this permit 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.
17. The dwelling approved by this permit 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 firefighting purposes.
18. The dwelling approved by this permit must be connected to a reticulated electricity supply or have an alternative energy source.
19. The use of the land for a dwelling must be used in conjunction with an agricultural pursuit on the subject site.
20. 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.

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21. 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.
22. 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.

Goulburn Broken Catchment Management Authority

23. The finished floor level of the proposed dwelling must be constructed at least 450 millimetres above the general ground surface level, or higher level deemed necessary by the responsible authority.
24. This permit will expire if one of the following circumstances applies:
 - (a) The development is not started within two (2) years of the date of this Permit,
 - (b) The development is not completed within four (4) years of the date of this Permit.
 - (c) the subdivision is not started (Certification) within two (2) years of the date of this permit;
 - (d) the subdivision is not completed (Statement of Compliance) within five(5) years of the date of Certification under the Subdivision Act 1988.

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

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

Planning Notes:

- This Permit does not authorise the commencement of any building construction works. Before any such development may commence, the Applicant must apply for and obtain appropriate Building approval.
- This Permit does not authorise the removal of any native vegetation including for access. Before any such works may commence, the Applicant must apply for and obtain appropriate Planning approval.

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- A Land Capability Assessment may be required and should be undertaken by a suitability qualified person. The Responsible Authority reserves the right to accept, reject or amend the recommendations of an LCA report.
- This Permit does not authorise the creation of a new access way/crossover. Before any such development may commence, the Applicant must apply for and obtain appropriate approval from Council.
- The dwelling to the north of the subject site was stated to be unoccupied by the permit applicant. The owner of the dwelling classed as unoccupied confirms it is occupied.

52/15 **CRS FURLANETTO/WEATHERALD** : *That the Recommendation be adopted, subject to the inclusion of an additional condition in the 'Planning Notes' as shown above, in italics and underlined.*

CARRIED

Proposal

An application has been received for a two lot subdivision and the use and development of land for a dwelling on the subject site. The subdivision proposes to excise an existing dwelling on the subject site and the two lots will be configured as follows:

- Lot 1 - 3.26 Hectares
- Lot 2 - 21.72 Hectares

The existing dwelling and shedding on the subject site will be retained within Lot 1. Access to Lot 1 will be from Cowells Lane. Access to proposed Lot 2 will be to the north from Wood Road.

The application also proposes to use and develop proposed Lot 2 for a dwelling. The dwelling will be located approximately 75 metres from the northern site boundary and approximately 400 metres from the eastern boundary. It is also proposed to construct two sheds near the proposed dwelling. No plans have been provided for the proposed buildings. The dwelling will be accessed from the proposed crossover to be constructed on Wood Road.

The proposed dwelling is to facilitate the use of this lot for an equine spelling and agistment facility.

Subject site & locality

The subject site is located on the western side of Cowells Lane and has an area of 24.98 hectares. The land is developed with a single dwelling and associated shedding in the north eastern corner. The balance of the land is used for agriculture, namely grazing. The site is generally flat in topography however contains a slight depression towards the eastern boundary. The site is currently accessed from Cowells Lane.

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The site is bound to the north east by the Euroa- Shepparton Road running in a south east to north west direction. To the north is the Euroa Gas Works and to the south west is a waterway surrounded by crown land.

Land surrounding the subject site is used primarily for agricultural purposes with dwellings scattered throughout.

Permit/Site History

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

- Planning Permit P2005/036 was issued for the use of land for construction of a dwelling and sheds.

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:

- Proposal is contrary to the Farming Zone
- Fragment productive farming land
- Dwelling density too high
- Amenity impacts
- Drainage issues
- Contaminating wastewater

Officers Response:

A house lot excision and development of the land for a dwelling is permissible in the Farming Zone. This is to allow flexibility to support agricultural uses. In this instance the proposed dwelling will be associated with an equine business.

The amenity of the area is unlikely to be impacted given the large area of the proposed lots and appropriate setbacks from existing dwellings, agricultural uses and the adjoining roads.

The application was referred internally to Council's Assets Services Department and Goulburn Broken Catchment Management Authority for consideration of drainage and flooding issues. Neither objected to the proposal subject to conditions that will be included on the permit should a permit be issued.

All wastewater will be required to be treated in accordance with the relevant Council and EPA standards.

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Consultation

The objections were sent to the applicant who was given the opportunity to respond. The applicant provided a response which highlighted the following points:

- The objectors dwelling is currently unoccupied
- There would be no impact on amenity due to the additional dwelling
- The proposed subdivision and dwelling would not impact on the objectors ability to farm.

The response was sent to both objectors, neither objection was withdrawn.

Referrals

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	Goulburn Broken Catchment Management Authority – no objection subject to conditions
Section 52 Notices	Public notice – two objections received

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

Assessment

The zoning of the land and any relevant overlay provisions

Farming Zone

Purpose:

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

A permit is required for the use and development of land for the purposes of a dwelling as the site is less than the minimum lot size (80 ha). A planning permit is required for the subdivision of land. The minimum lot size for subdivision in this area of the municipality is 80 hectares however a permit can be granted for lots under this size in the following circumstances:

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

As the proposed subdivision will create a lot for an existing dwelling, the application can be considered.

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.

The use and development of the site for a dwelling and the proposed house lot excision is unlikely to lead to a loss in productive agricultural land. 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. The use and development of the land for a dwelling is to be undertaken in conjunction with a proposed agricultural land use (equine spelling and agistment). An assessment of the proposal against the individual decision guidelines of the Farming Zone is provided in the table below:

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 site is considered capable of appropriately managing the proposed house lot excision and dwelling. Both lots will contain sufficient space for an on site effluent disposal system to the satisfaction of the Responsible Authority.

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<i>How the use or development relates to sustainable land management.</i>	Yes	The site has an area of approximately 25 hectares and is currently used primarily for residential purposes. There is limited opportunity to use the land for large scope agriculture due to surrounding residential land uses and the gas works to the north of the site. It is proposed to develop the larger lot with an equine training and boarding facility in conjunction with a dwelling on the site. 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 proposed vacant lot is considered to be a small lot suitable for an ancillary residential use in conjunction with an agricultural 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. The proposed equine enterprise will improve the agricultural use of the area.
<i>How the use and development makes use of existing infrastructure and service.</i>	Yes	Access is proposed to be via Wood Road which is located on the northern boundary of the site.
Agricultural Issues		
<i>Whether the use or development will support and enhance agricultural production.</i>	Yes	The subject site has an area of approximately 25ha. The site is characterised by its surrounding residential and agricultural land uses. The proposed dwelling will support a proposed equine boarding and training facility. Given the size of the lots, surrounding land uses and proximity to the Euroa town centre it is unlikely that the smaller lot containing the existing dwelling site could be sustainably used for agriculture. A business management plan for the proposed equine facility will be required to be submitted prior to the commencement of any buildings and works associated with the dwelling. This will be enforced by way of condition on any permit issued.

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<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 somewhat removed from agriculture. The proposed development is unlikely to have an impact on the potential future use of the land for agriculture. The proposed use and development of a dwelling and two lot subdivision will provide for further agricultural use of the subject site.
<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 on adjoining or nearby properties.
<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 however the proposed agricultural land use has been conceived around the capabilities and capacity of the site.
<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 25 ha.
<i>Any integrated land management plan prepared for the site.</i>	n/a	No integrated land management plan has been prepared for the subject site.
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 in part 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 appropriate setback from all boundaries.

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<i>Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	As detailed above the dwelling is not in proximity to large agricultural uses and is therefore unlikely to affect the operation and expansion of adjoining and nearby agricultural uses.
<i>The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.</i>	Yes	The proposed dwelling has been assessed on its merit. 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 an appropriate on site waste water disposal area to the satisfaction of the responsible authority.
<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	On site effluent disposal will be provided to both lots to the satisfaction of the responsible authority.
Design and siting issue		
<i>The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.</i>	Yes	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.

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

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 450mm 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.

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It is therefore considered that the proposal is consistent with the purpose and decision guidelines of Clause 44.04 of the Strathbogie Planning Scheme.

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
Objective

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

Clause 13.03-2 Erosion and Landslip
Objective

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

Clause 13.03-3, Salinity
Objective

- *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
Objective

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

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- Subdivide Land into Two (2) Lots and the Use and Development of the Land for
a Dwelling ~ 239 Cowells Lane, Euroa (cont.)

Clause 14.01-1, Protection of agricultural land

Objective

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

Clause 14.01-2, Sustainable agricultural land use

Objective

- *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

Objective

- *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

Objective

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

The subject site has an area of approximately 25 hectares. Land surrounding the site to the north south and west is predominantly used for agriculture with dwellings scattered throughout and a gas facility located directly north of the site on Wood Road. Land to the east of the site is located within an area identified for rural residential development. The application proposes a two lot subdivision (house lot excision) and the use and development of a single dwelling on the balance lot. The proposed excision and dwelling will facilitate an equine spelling and agistment facility on the site which will contribute to the agricultural use of this area on the western edge of Euroa.

6.1 Planning Permit Application No. 2015/017
- Subdivide Land into Two (2) Lots and the Use and Development of the Land for
a Dwelling ~ 239 Cowells Lane, Euroa (cont.)

It is considered that the proposed dwelling and subdivision 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 who have not raised any concerns with the proposal.

The agricultural productivity or potential of the land is not considered to be lost as part of this proposal. The land will be used as part of an equine boarding and training facility which will contribute to the agricultural use of the wider area while respecting nearby residential land uses. The land to the east of the site 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 residential 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

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 21.04-6, Flooding,

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.

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

- *The construction of a new dwelling on an existing small lot will be discouraged unless it meets all of the following requirements:*
 - *The lot is accessed by an all weather road and has appropriate service provisions.*
 - *Emergency ingress and egress is at an appropriate standard.*
 - *The dwelling will not inhibit the operation of agriculture and rural industries.*

6.1 Planning Permit Application No. 2015/017
- Subdivide Land into Two (2) Lots and the Use and Development of the Land for a Dwelling ~ 239 Cowells Lane, Euroa (cont.)

- *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 dwelling is required to allow for the pursuit of an equine business. Should a permit be issued a condition will be included requiring a farm management plan for the business. The site is in proximity to an area 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.

The decision guidelines of Clause 65

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

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

6.1 Planning Permit Application No. 2015/017
- Subdivide Land into Two (2) Lots and the Use and Development of the Land for
a Dwelling ~ 239 Cowells Lane, Euroa (cont.)

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

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 Farming Zone: The proposal is consistent with the purpose and decision guidelines of the Farming Zone and will provide for an additional agricultural land use just out of Euroa.

With regard to the Land Subject to Inundation Overlay: The proposal is unlikely to have any flooding implications and has been consented to by the Goulburn Broken Catchment Management Authority.

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, Floodway Overlay.

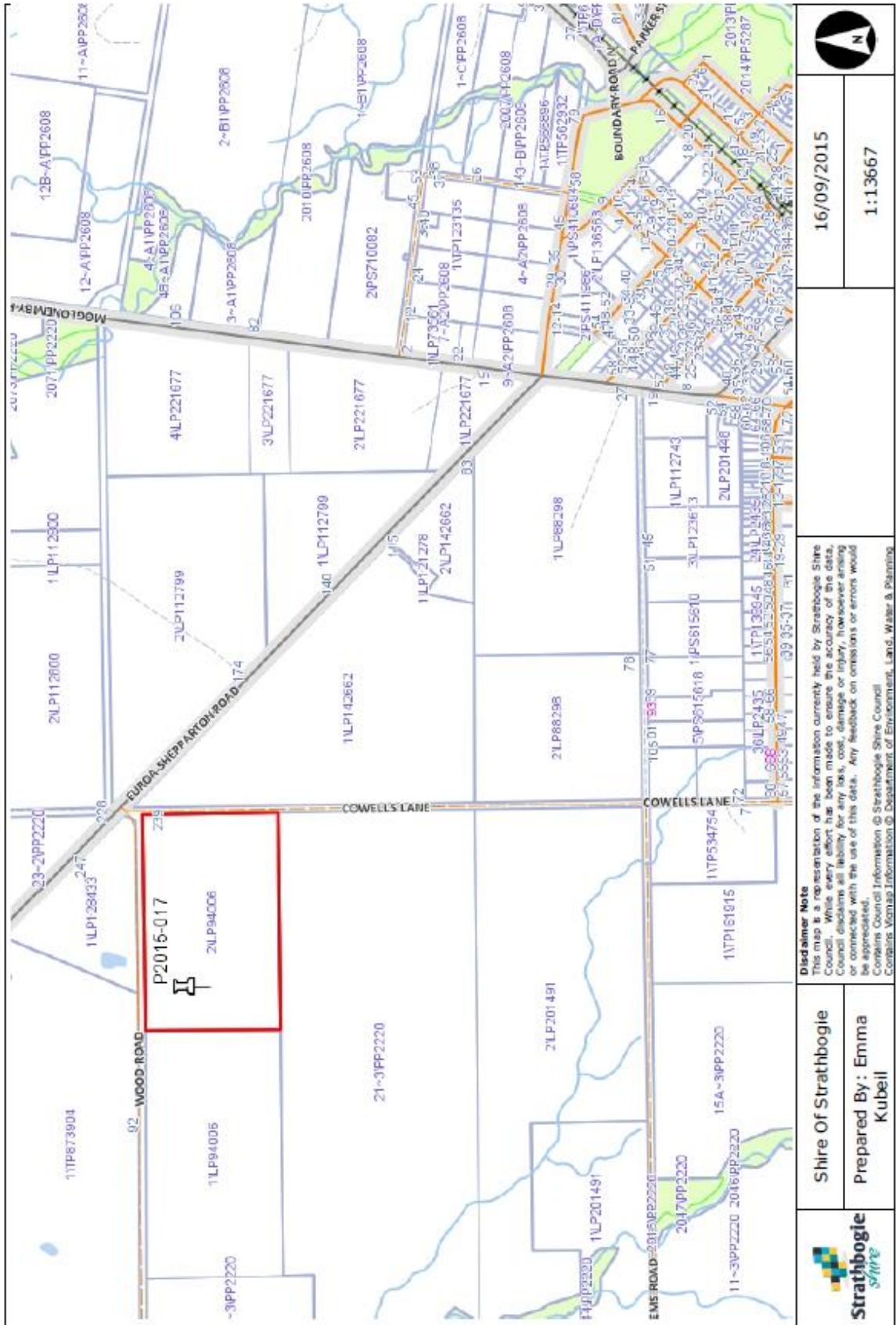
- 6.1 Planning Permit Application No. 2015/017
- Subdivide Land into Two (2) Lots and the Use and Development of the Land for a Dwelling ~ 239 Cowells Lane, Euroa (cont.)
-

Conclusion

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

Attachments

Site Plan



	Shire Of Strathbogie	16/09/2015 1:13667
	Prepared By: Emma Kubeil	
<p>Disclaimer Note This map is a representation of the information currently held by Strathbogie Shire Council. While every effort has been made to ensure the accuracy of this data, Council disclaims all liability for any loss, cost, damage or injury, howsoever arising or connected with the use of this data. Any feedback on omissions or errors would be appreciated. Contains Council Information © Strathbogie Shire Council Contains Mapping Information © Department of Environment, Land, Water & Planning</p>		

PLANNING COMMITTEE REPORT NO. 2 (DIRECTOR, SUSTAINABLE DEVELOPMENT - PHIL HOWARD)

7. OTHER BUSINESS

**7.1 Planning Applications Received
- 3 to 16 September 2015**

Following are listings of Planning Applications Received for the period 3 to 16 September 2015.

RECOMMENDATION

That the report be noted.

53/15 CRS SWAN/FURLANETTO : That the Recommendation be adopted.

CARRIED

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 4.24 P.M.

Confirmed as being a true and accurate record of the Meeting

.....
Chair

.....
Date

Planning Applications Received

Wednesday, 2 September 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
11 Main Street, Strathbogie VIC 3666	P2015-103	Two (2) lot re subdivision	Monger & Tomkinson- Graeme Schneider	\$0.00 *

Monday, 7 September 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
687 Goulburn Weir-Murchison Road, Whroo VIC 3612	P2015-105	Development of land for a machinery shed	Ronald Williams	\$36,000.00

Wednesday, 9 September 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
319 High Street, Violet Town VIC 3669	P2015-106	Development of land for an extension to an existing shed	Greg Ford	\$5,000.00
6 Baxters Road, Goulburn Weir VIC 3608	P2015-104	Development of land for a shed	Michael Gunn	\$40,000.00
Racecourse Road, Euroa Victoria 3666	P2012-087 PC1	Eleven Lot Subdivision	Nicholas Porritt	\$0.00 *

Wednesday, 16 September 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
45 Spencer Road, Avenel VIC 3664	P2014-045 - 1	Staged subdivision of the land into seven (7) lots and the creation of an easement	Michael Toll Land Management Surveys (Shepparton) Pty. Ltd.	\$0.00 *

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

Example Legend	Description
P2014-001	Planning permit application
P2014-001- PC 1	Plans to comply with a condition on the permit
P2014-001-1	Proposed amendment to a planning permit