

**Date Issued: 21 June 2024**

**NOTICE OF AN APPLICATION FOR A PLANNING PERMIT**

The land affected by the application is located at: **877 Euroa-Shepparton Road,  
Miepoll VIC 3666**

The application is for a Permit for: **Use and development of land  
for a dwelling and shed**

The applicant for the Permit is: **Onleys**

The application Reference Number is: **P2024-053**

You may view the application and any documents that support the application on our website at:

<https://www.strathbogie.vic.gov.au/services/building-and-planning/planning-applications-currently-advertised/>

or at the office of the Responsible Authority during office hours:

*Strathbogie Shire Council* 109A Binney Street Euroa

Telephone: (03) 5795 0000

Any person who may be affected by the granting of the Permit may object or make other submissions to the Responsible Authority.

An objection must be sent to the Responsible Authority in writing, include the reasons for the objection and state how the objector would be affected.

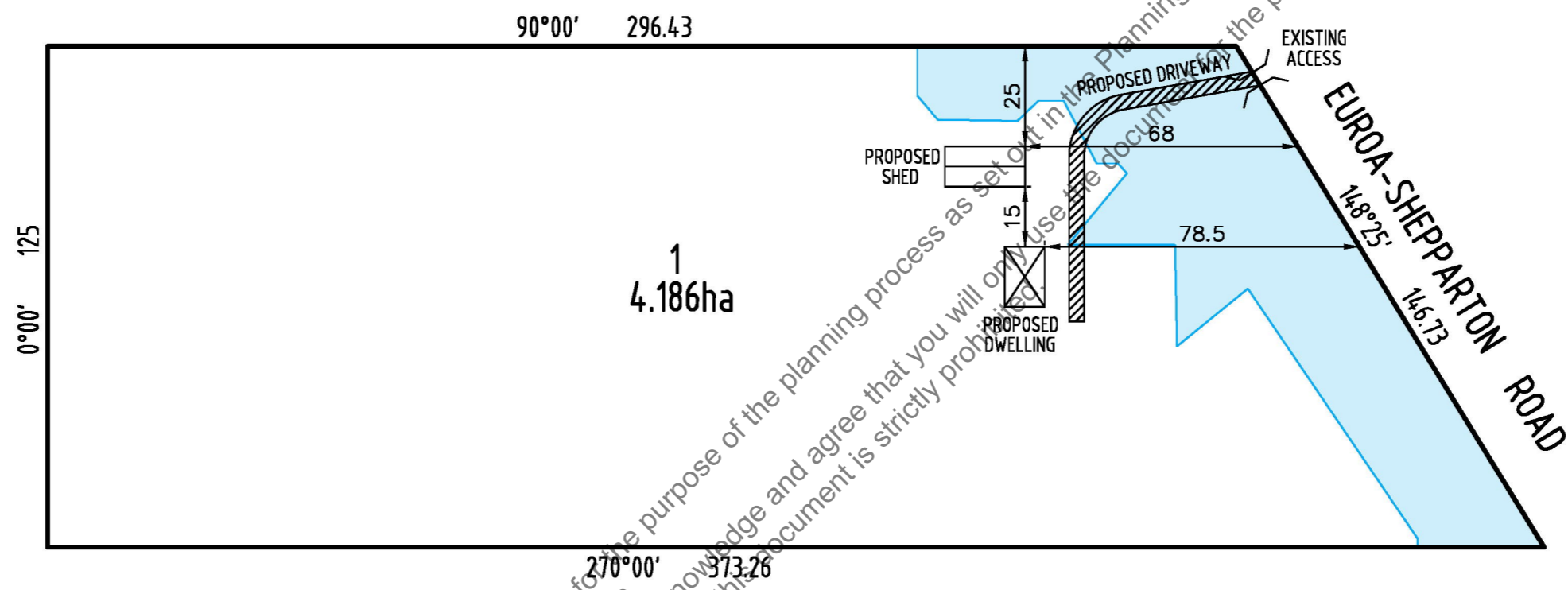
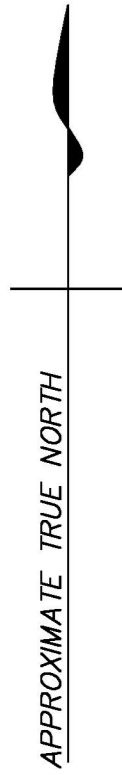
*The Responsible Authority will not decide on the application before: 12 July 2024*

All objections are placed on the relevant Planning Permit application file, which is publicly available at all times. Objections can therefore be read and used by other parties.

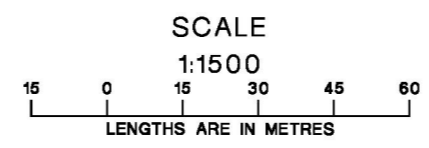
An objection form is available from Strathbogie Shire Council office, by phoning Council on (03) 5795 0000 or at:

<https://www.strathbogie.vic.gov.au/development/statutory-planning/objections>

If you submit an objection, the Responsible Authority will tell you of its final decision.



- PROPOSED ACCESS
- PROPOSED DWELLING
- PROPOSED SHED
- 100-YEAR FLOOD ZONE
- PROPOSED DRIVEWAY



PO Box 2120  
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SURVEYORS REF: <b>6199</b>	Sheet 1 of 1 Sheets	
VERSION: <b>03</b>	SCALE 1 : 1500	SHEET SIZE <b>A3</b>

ADDRESS OF LAND:  
877 EUROA-SHEPPARTON ROAD  
MIEPOLL 3666  
MEASUREMENTS AND AREAS ARE APPROXIMATE  
ONLY AND ARE SUBJECT TO SURVEY.  
LENGTHS ARE IN METRES.  
.PTS DRAFTED BY: JG 6199 PROPv03.dwg

<b>PROPOSED DWELLING</b>
COUNTY OF MOIRA PARISH OF MIEPOLL CROWN ALLOTMENT: 60A (PART) SECTION: - TITLE: C/T V.9006 F.991 TITLE:

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# TOWN PLANNING REPORT

DWELLING AND ASSOCIATED SHEDDING  
IN A FARM ZONE

**ADDRESS**

877 Euroa-Shepparton Road, Miepoll

**DATE**

23<sup>rd</sup> May 2024



# Onleys

SURVEY DESIGN PLANNING

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## 1.0 APPLICATION

### 1.1 INTRODUCTION

This report has been prepared by Onley's on behalf of our client and landowners in support of a planning permit application seeking approval for the construction of a dwelling and associated shedding in a Farm Zone. The subject land parcel is located at 877 Euroa-Shepparton Road, Miepoll, being Lot 2 on Plan of Subdivision 099135. The subject lot is zoned Farming Zone (FZ1) and is subject to a Land Subject to Inundation Overlay and Bushfire Management Overlay.

### 1.2 PLANNING SCHEME REQUIREMENTS

Under the Strathbogie Planning Scheme, a proposal of this nature generates a planning permit requirement addressing the following provisions.

- Clause 35.07-2 Use of land for a dwelling in Farming Zone
- Clause 35.07-4 Building and works in Farming Zone
- Clause 44.01-2 Building and works in a Land Subject to Inundation Overlay
- Clause 44.06-2 Building and Works in a Bushfire Management Overlay

### 1.3 SUMMARY

The application seeks approval to establish a dwelling and associated shedding in a farm zoned area. The area has a significant settlement pattern that is more akin to a Low Density Residential Zone and was previously referenced in the Shire of Strathbogie Rural Residential Strategy 2004 as part of the Arcadia-Two Chain Road area as being used rural living purposes.

The address is known as 877 Euroa-Shepparton Road, Miepoll and is shown on title as Lot 2 on PS099135. The land is subject to a covenant which prevents the undertaking of any offensive trade or piggery within the meaning of the Health Act 1958, a Commercial Poultry Farm and no more than 3 dogs are allowed to be kept on the property. This does not impact the application at hand.

The proposal is to establish a dwelling on the site, which will be utilised as a lifestyle property.

The parcel of land is located within the Farming Zone and marginally impacted by a Bushfire Management Overlay and a Land Subject to Inundation Overlay.

## 2.0 NOMINATED SITE & LOCALITY

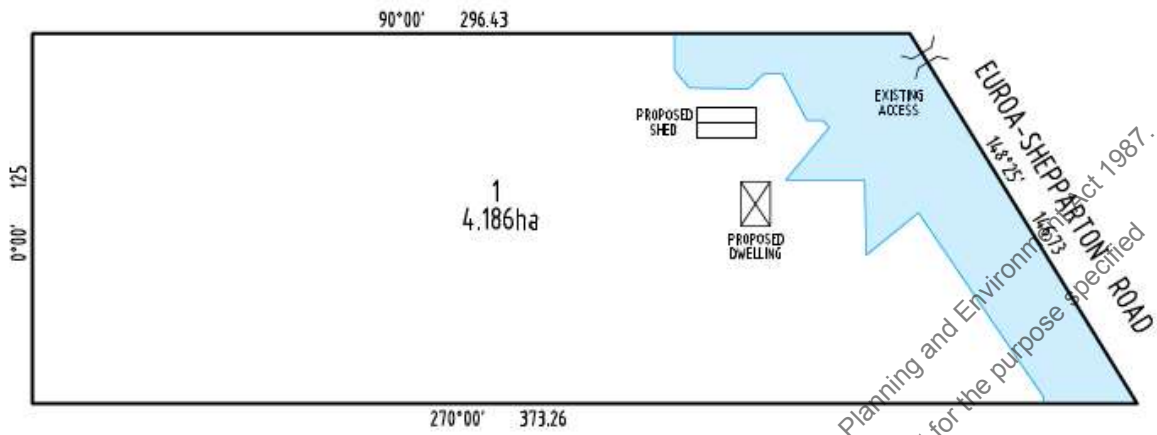
### 2.1 SITE SUMMARY

The subject site located at 877 Euroa-Shepparton Road, Miepoll which is described on title as Lot 2 on PS099135. The lot is subject to a covenant, which is determined will not have an impact on this application.

The site has a combined total site area of 4.186 Ha. Topographically, the site is described as flat.

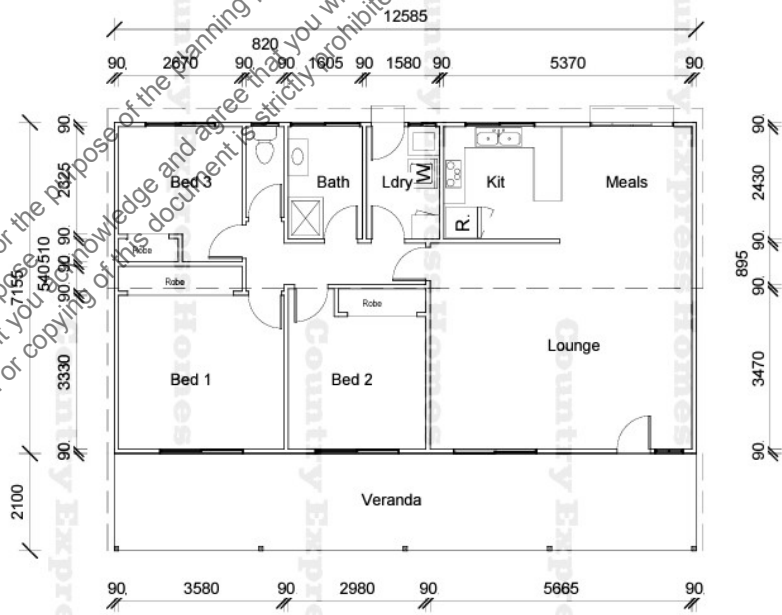
The subject site is located in the west side of Euroa-Shepparton Road approximately 125 metres north of the Leckies Road intersection. Lifestyle allotments with dwellings share the title boundaries to the north, west and south of the allotment. Significant stands of native vegetation exist in the western third of the property, as well as significant trees along the frontage to Euroa-Shepparton Road. None of the trees will be impacted by the proposed development. A small stock dam is situated centrally to the property. The allotment is located on the west side of Euroa-Shepparton Road, approximately 9.7 kilometres northwest of the Euroa Township.





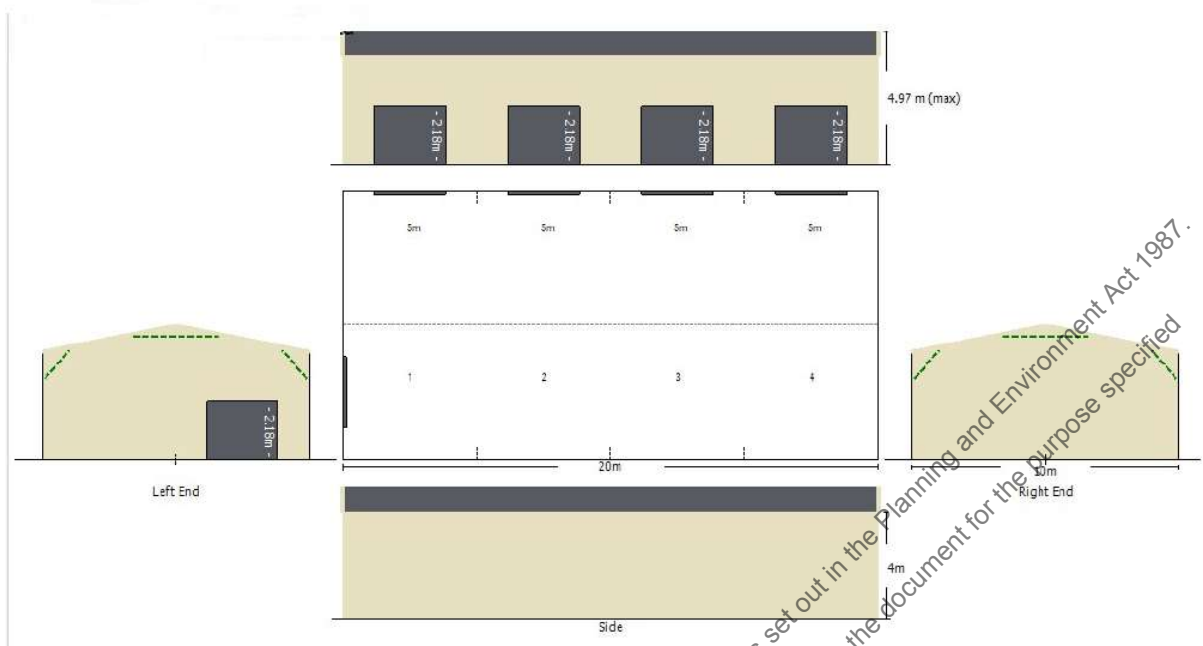
**Area Analysis**

Veranda	26.42 Sqr Mtrs
Living Area	90.04 Sqr Mtrs
Total Area	116.46 Sqr Mtrs



**1** Floor Plan  
1 : 100

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**Figure 1 – Aerial Image of the allotment and proposed house and shed plans.**

## 2.2 SURROUNDING LOCALITY

The immediate surrounding area is zoned for farming purposes, however the allotment is situated amongst a number of lifestyle sized lots that support dwellings and sheds as part of lifestyle based allotments. Outside of the pseudo lifestyle settlement the balance of the land is dryland grazing and cropping land, with the Sevens Creek being located just east of Euroa Shepparton Road. The Euroa Township is located approximately 9.7 kilometres southeast of the proposed development.

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### 3.0 PROPOSAL

The applicant seeks permission for the use and development of a dwelling on the proposed allotment. The allotment measuring 4.186 ha in size is situated in a farming zone and is surrounded by lifestyle sized allotments supporting dwellings and shedding.

The proposal is to establish a dwelling and supporting shedding on the allotment, with a view to establishing a lifestyle property in a similar vein to the lifestyle properties that immediately surround the property.

It is noted that the allotment is zoned farming, however the historical settlement pattern of the immediate surrounds would prohibit any meaningful agricultural works being undertaken on the small parcel of land. This opinion is also supported in the Strathbogie Shire Councils Rural Residential Strategy of 2004, where the Arcadia-Two Chain Road was identified as being used for rural living purposes.

The proposal is to establish a dwelling and surrounds that are consistent properties that immediately surround the subject allotment.

### 4.0 PLANNING ASSESSMENT

The application is assessed against the following provisions of the Strathbogie Planning Scheme.

Section	Clause #	Provision
<b>General Provisions</b>		
Planning Policy Framework		
	02.01	Context
	02.02	Vision
	02.03-1	Settlement
	02.03-4	Natural Resource Management - Agriculture
	14.01-1S	Protection of Agricultural Land
	14.01-2S	Sustainable Agricultural Land Use
	17	Economic Development
	17.01-1S	Diversified Economy
	17.01-1R	Diversified Economy – Hume Strategy
<b>Particular Provisions</b>		
Zones		
	35.07	Farming Zone
	35.07-6 & 65	Decision Guidelines
<b>Overlays</b>		
	44.04-2	Land Subject to Inundation Overlay
	44.06-2	Bushfire Management Overlay

## 4.1 PLANNING POLICY FRAMEWORK

### Clause 2.01 Context

Strathbogie Shire Council (The Shire) is in the Goulburn Valley region of Victoria, amidst the picturesque Strathbogie Plateau. Situated midway between Melbourne and Albury on a number of national road and rail transport links, the Shire is accessed by the Hume and Goulburn Valley Freeways, as well as Mangalore Airport. The majority of the shire is used for a variety of agricultural enterprises that are supported by four major towns: Euroa, Nagambie, Avenel and Violet Town with smaller townships including Longwood, Ruffy and Strathbogie. The Shire is home to many specialist enterprises including equine, poultry, pig, and other specialist industries. It has a rural economic base of wool, grain and cattle production, extensive vineyards at Nagambie and throughout the Strathbogie Ranges, as well as intensive cool climate horticultural enterprises.

### Clause 2.02 Vision

The vision in the Shire of Strathbogie Council Plan 2013-2017 is to provide a framework for improving the social, physical, environmental and economic wellbeing of the community.

From a land use and development perspective, this vision means:

- Supporting investment for population growth, shared wealth and wellbeing.
- Facilitating the provision of infrastructure and sustainable economic and community development.
- Planning for long term sustainability in settlement patterns, the natural and built environment, community services, economic development and growth.

### Clause 2.03-1 Settlement

Strathbogie's principle towns are Euroa, Nagambie, Avenel and Violet Town. Other smaller townships and settlements include Longwood, Ruffy and Strathbogie.

### Clause 2.03-4 Natural Resource Management - Agriculture

Given the Shire's proximity to Melbourne and regional centres and the picturesque nature of the area, it is often faced with land use conflicts, commonly between lifestyle properties and rural industries.

Within the Shire approximately 230,000 hectares of land is farmed, supporting around seven hundred farming enterprises. The predominant agricultural activities are livestock grazing and broadacre. Recently, other agricultural pursuits such as intensive animal husbandry, horticulture and the equine industry have emerged.

The Shire is recognised as a preferred location for horse breeding due to its climate and access to Melbourne, Sydney and other regional centres. Important local infrastructure and services are also key drivers of this industry.

Small crown allotments are prominent within the Farming Zone. Council continues to experience demand for development of dwellings on these lots that are not consistent with the primary purpose of the Farming Zone.

There are a number of existing intensive agricultural developments throughout the Shire. These businesses provide for economic growth within their regions and Council continues to support the sustainable operation of these existing businesses.

Council's strategic directions for agriculture are to:

- Retain areas of high-quality rural land for farming and agricultural purposes.
- Encourage consolidation of small rural lots within the Farming Zone.
- Encourage emerging rural enterprises, such as intensive animal husbandry, horticulture and the equine industry.
- Prioritise productive farming development over residential development.
- Encourage value adding rural industries.
- Protect, maintain and grow environmentally sustainable intensive agriculture.

### **Clause 14.01-1S Protection of agriculture land**

This clause is of relevance to this application as the objective is to protect the state's agricultural base by preserving productive farmland.

Strategies that are relevant to the proposal include:

- *Identify areas of productive agricultural land, including land for primary production and intensive agriculture.*
- *Consider state, regional and local issues and characteristics when assessing agricultural quality and productivity.*
- *Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.*
- *Protect productive farmland that is of strategic significance in the local or regional context.*
- *Protect productive agricultural land from unplanned loss due to permanent changes in land use.*
- *Prevent inappropriately dispersed urban activities in rural areas.*
- *Protect strategically important agricultural and primary production land from incompatible uses.*
- *Identify areas of productive agricultural land by consulting with the Department of Economic Development, Jobs, Transport and Resources and using available information.*

In considering a proposal to use, subdivide or develop agricultural land, consider the:

- *Desirability and impacts of removing the land from primary production, given its agricultural productivity.*
- *Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.*
- *Compatibility between the proposed or likely development and the existing use of the surrounding land.*
- *The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.*

- *Land capability.*
- *Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.*
- *Balance the potential off-site effects of a use or development proposal (such as a degradation of soil or water quality and land salinization) against the benefits of the proposal.*

Response: The application is for a dwelling and associated shedding in an area that was historically laid out to a more residential living style of settlement. Due to the historic settlement, and establishment of neighbouring dwellings, there is little value of a dryland lot of 4.186 hectares nestled amongst a lifestyle based settlement. It is considered that the proposed development will have no impact on what would be deemed viable agricultural land.

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

*This clause is of relevance to this application as its objective is to encourage sustainable agricultural land use.*

*Strategies that are relevant to the proposal include:*

- *Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.*
- *Support the development of innovative and sustainable approaches to agricultural and associated rural land use practices.*
- *Support adaption of the agricultural sector to respond to the potential risks arising from climate change.*
- *Encourage diversification and value-adding of agriculture through effective agricultural production and processing, rural industry, and farm-related retailing.*
- *Assist genuine farming enterprises to embrace opportunities and adjust flexibly to market changes.*
- *Support the agricultural investment through the protection and enhancement of appropriate infrastructure.*
- *Facilitate ongoing productivity and investment in high value agriculture.*
- *Facilitate the establishment and expansion of cattle feedlots, pig farms and other intensive animal industries in a manner consistent with orderly and proper planning and protection of the environment.*

Response: The allotment is a 4.186 hectare allotment located amongst a number of lifestyle based properties. Due to the size of the allotment, the surrounding settlement pattern, and the native vegetation that exists on the allotment, a viable agricultural pursuit would be highly unlikely on this allotment.

### **Clause 17 Economic Development**

This clause is of relevance as it seeks to ensure that planning provides for a strong and innovative economy, where all sectors of the economy are critical to economic prosperity.

Planning is to contribute to the economic well-being of communities and the State as a whole by supporting and fostering economic growth and development by providing land, facilitating

decisions, and resolving land use conflicts, so that each district may build on its strengths and achieve its economic potential.

### Clause 17.01-1R Diversified economy – Hume

This Clause is relevant to the application as its strategy is to encourage appropriate new and developing forms of industry, agriculture, tourism, and alternative energy production.

Response: As previously indicated the viability of the land in the form of an agricultural pursuit is questionable. The proposal would create a rural living opportunity amongst other lifestyle based allotments,

## 4.3 ZONING

### Clause 35.07 Farming Zone (FZ)

The subject land is located within the Farming Zone (FZ) as shown in Figure 4 below. Clause 35.07-2 of the Farming Zone details the requirement for a lot used for a dwelling.

Clause 35.07-1 Schedule 1 to the Zone indicates that the Minimum area for which no permit is required for a dwelling is eighty hectares.

The purposes of the Farming Zone include:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- 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.
- To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

### Clause 35.07-3 & Clause 65 Decision Guidelines

The Municipal Planning Strategy and the Planning Policy Framework.	The historic subdivision pattern of the Arcadia-Two Chain Road area and the subsequent settlement of the properties which more reflect a lifestyle layout, prohibit any viable agriculturally based development on this allotment.
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Any Regional Catchment Strategy and associated plan applying to the land.	No
The capability of the land to accommodate the proposed use or development, including the disposal of effluent	The size of the land is considered adequate to properly handle and disperse all effluent associated with the proposed development
How the use or development relates to sustainable land management.	The land has historically been a vacant lifestyle allotment, which may have had small scale agistment in the past to keep the block tidy. Historic aerial imagery also indicates fire breaks have previously been cut around the perimeter of the property.
Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.	The proposal is for a dwelling, which is consistent with all the properties that are immediately adjacent.
How the use and development make use of existing infrastructure and services.	The property fronts Euroa Shepparton Road, which an access will need to be created to the relevant authorities' standards.
Whether the use or development will support and enhance agricultural production.	Due to the size and location of the allotment, the proposed dwelling will have a neutral impact on agriculture.
Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production	The development will meet all requirements regarding any effluent disposal requirements of the Responsible Authority.
The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.	The proposed development is a dwelling in an area that supports a number of lifestyle properties. It is not envisaged to impact any local agricultural activities.
The capacity of the site to sustain the agricultural use.	The land has no viable agricultural production in recent history.
The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure	The allotment is surrounded by dry land parcels of lifestyle sized allotments. The allotment is a 4.186 ha dryland block with no recent historical production. The allotment sits amongst a lifestyle based settlement.
Any integrated land management plan prepared for the site.	The allotment is a 4.186 ha allotment
Whether the dwelling will result in the loss or fragmentation of productive agricultural land.	The proposed dwelling will be on an allotment that can be best described as a lifestyle sized allotment, amongst a further

	settlement of lifestyle sized properties supporting dwellings.
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.	The proposed development is surrounded by previously established lifestyle based allotments complete with dwellings, and as such will not be impacted by neighbouring farming activities.
Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.	The dwelling will be on an allotment that is surrounded by further lifestyles based properties and would not be considered as a viable agricultural expansion opportunity.
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.	Historic settlement pattern has seen this area already become a rural living style settlement, as indicated in Councils Rural Residential Strategy of 2004. The lifestyle sized allotment is existing and would not be a viable agricultural property due to the size and location.
The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.	No impact will be made on the surrounding physical features and resources of the area.
The impact of the use or development on the flora and fauna on the site and its surrounds.	The proposed dwelling will not impact any native vegetation, or watercourse that are located within the title boundary
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.	The development will have no impact on the existing natural features of the property.
The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.	The allotment is of size to adequately deal with effluent disposal on site. It has been requested that a Land Capability Assessment, if deemed required, form part of the conditions of the permit, and effluent control will be undertaken within the specifications of the LCA
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.	The dwelling is located central to the allotment, avoiding any native vegetation, achieving setbacks from the TR22 zone, and outside of the BMO overlay which marginally encroaches on the southeast corner of the



property.

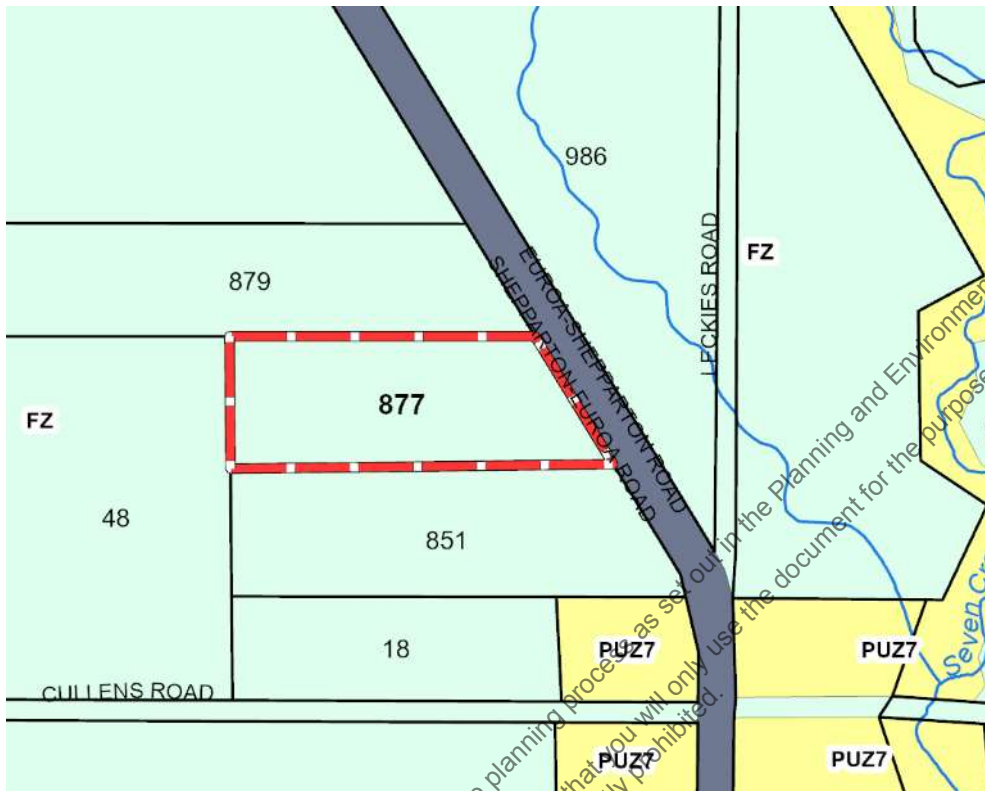


Figure 4 – Zoning map showing the subject lands in the Farm Zone

#### 4.4 OVERLAYS

##### Clause 44.04 Land Subject to Inundation Overlay (LSIO)

The subject site is affected by a Land Subject to Inundation Overlay (LSIO) as shown in Figure 5 below.

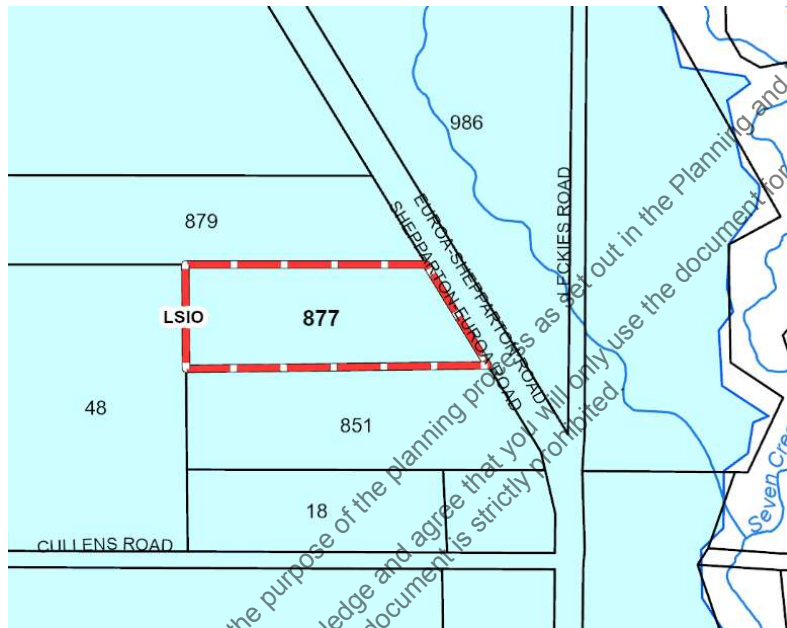
The purpose of this overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- 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 minimise the potential flood risk to life, health and safety associated with development.
- 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.

Pursuant to Clause 44.04-3 A permit is required to subdivide land.

Response: The proposed dwelling would be established at or above the required floor level as set by the Responsible Authority.



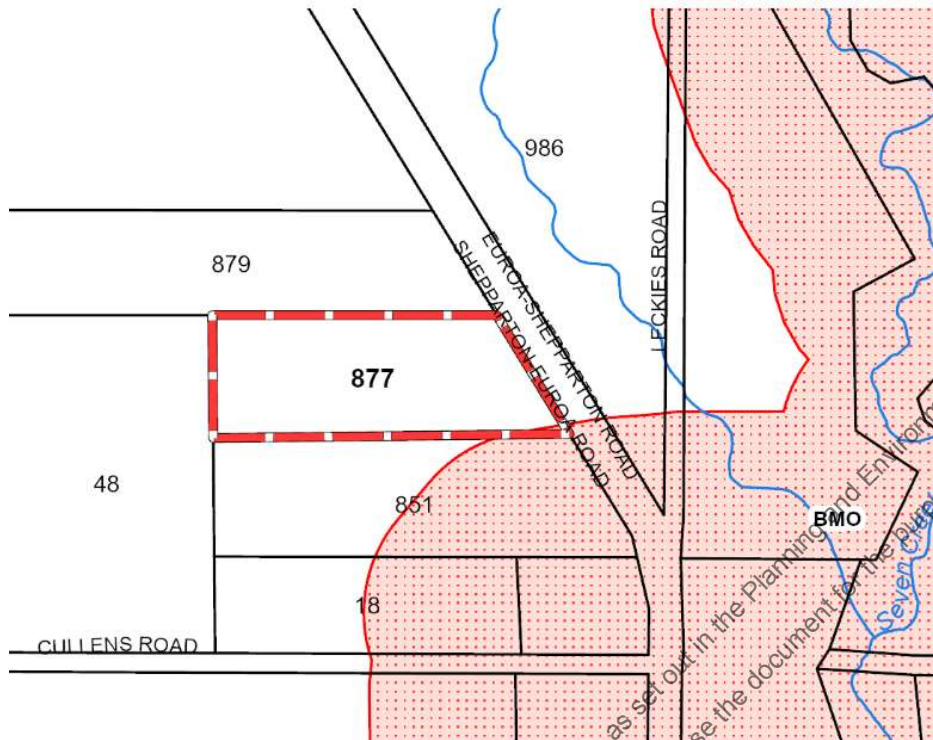
**Figure 5 – Overlay map showing the land affected by a Land Subject to Inundation Overlay Clause 44.06 Bushfire Management Overlay – (BMO)**

The subject site is affected by Bushfire Management Overlay as shown in Figure 6 below.

The purpose of the overlay is;

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- 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.

Response: The allotment is marginally impacted by a Bushfire Management Overlay. The proposed dwelling will be significantly outside of the Bushfire Management Zone Overlay and as such has not been addressed.



**Figure 6 – Overlay map showing the land affected by a Land Subject to Inundation Overlay**

## 5.0 CONCLUSION

The proposal for the construction of a dwelling and associated rural shedding at 877 Euroa-Shepparton Road, Miepoll, has responded appropriately to the Strathbogie Planning Scheme in particular within the Farming Zone, Planning Policy Framework and Local Policy and it is therefore requested approval of a planning permit be granted.