



## STRATHBOGIE SHIRE COUNCIL

### PLANNING COMMITTEE

# AGENDA

MEETING TO BE HELD ON TUESDAY 22 AUGUST 2017

AT THE EUROA COMMUNITY CONFERENCE CENTRE

COMMENCING AT 4.00 P.M.

<b>Councillors:</b>	Malcolm Little (Chair)	(Hughes Creek Ward)
	Amanda McClaren	(Lake Nagambie Ward)
	John Mason	(Seven Creeks Ward)
	Kate Stothers	(Honeysuckle Creek Ward)
	Debra Swan	(Lake Nagambie Ward)
	Alistair Thomson	(Mount Wombat Ward)
	Graeme (Mick) Williams	(Seven Creeks Ward)

<b>Officers:</b>	Steve Crawcour - Chief Executive Officer
	Phil Howard - Director, Sustainable Development
	Emma Kubeil – Manager, Sustainable Development
	Cameron Fraser – Principal Planner
	David Roff – Director, Corporate and Liveability

#### **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'*
3. Apologies  

Roy Hetherington - Director, Asset Services
4. Confirmation of Minutes of the Planning Committee meeting held on Tuesday 25 July 2017
5. Disclosure of Interests

6. Planning Reports
7. Other Business

Phil Howard  
**ACTING CHIEF EXECUTIVE OFFICER**

11 August 2017

An audio recording of this meeting is being made for the purpose of verifying the accuracy of the minutes of the meeting, as per Local Law No. 1 - Meeting Procedure (2014) or as updated from time to time through Council Resolution

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**PLANNING COMMITTEE REPORT NO. 1 (PRINCIPAL PLANNER - CAMERON FRASER)**

**6. PLANNING REPORTS**

**6.1 Planning Permit Application No. 2016-161  
- Subdivision Five (5) Lots ~ 3-11 Boyd Street, Nagambie**

**Application Details:**

Application is for:	Subdivision five (5) lots
Applicant's/Owner's Name:	Rex Monahan
Date Received:	21 November 2016
Statutory Days:	197
Application Number:	P2016-161
Planner: Name, title & department	Cameron Fraser Principal Planner Sustainable Development Department
Land/Address:	Lot 2 on Plan of Subdivision 131626 Certificate of Title Volume 09411 Folio 084 3-11 Boyd Street, Nagambie VIC 3608
Zoning:	General Residential Zone
Overlays:	No Overlay
Under what clause(s) is a permit required?	Clause 32.08-3
Restrictive covenants on the title?	No
Current use and development:	Vacant

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**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*.

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**Summary**

- The application proposes a Five (5) Lot Subdivision of the land at 3-11 Boyd Street, Nagambie which includes retrospective buildings and works undertaken for a retaining wall.
- All five of the proposed lots are rectangular in shape, approximately 900 square metres in area and will be accessible from Boyd Street
- The application was advertised and three (3) objections were received. The objections raise a number of issues including amenity, the type of dwelling, the type of occupant, infrastructure and flooding.
- The application has not been assessed within the 60 day statutory timeframe due to allowing the applicant additional time to resolve flooding issues with the Goulburn Broken Catchment Management Authority.

6.1 Planning Permit Application No. 2016-161  
- Subdivision Five (5) Lots ~ 3-11 Boyd Street, Nagambie (cont.)

- The application is being heard before Planning Committee for the following reasons:
  - Unresolved objections.
  - At the request of Councillors
  - Refusal of the proposal is recommended
- The proposal does not meet the objectives of the State Planning Policy Framework, Local Planning Policy Framework, the General Residential Zone or Clause 65 of the Strathbogie Planning Scheme.
- It is recommended that Council resolve that, were they in a position to determine the application, they would have issued a refusal to grant a permit in accordance with the Officer's recommendation.

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## RECOMMENDATION

### That Council

- Pursuant to Section 84(1) of the *Planning and Environment Act 1987*, having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decide that as the Responsible Authority in a position to make a decision, it would have Refused to Grant a Permit under the provisions of Clause 32.08-3 of the Strathbogie Planning Scheme in respect of the land known as Lot 2 on Plan of Subdivision 131626 Certificate of Title Volume 09411 Folio 084, 3-11 Boyd Street, Nagambie VIC 3608, for the Subdivision of land into five (5) lots, in accordance with endorsed plans, subject to the following conditions:
  1. The proposal is inconsistent with the following objectives of the State Planning Policy Framework:
    - (a) *13.02-1 Floodplain Management*
    - (b) *14.02-1 Catchment Planning and Management*
  2. The proposal is inconsistent with the following objectives of the Local Planning Policy Framework:
    - (a) *22.02-1 Whole Municipality*
    - (b) *21.04-6 Flooding*
  3. The proposal is inconsistent with the purpose and decision guidelines of the General Residential Zone
  4. The Goulburn Broken Catchment Management Authority have objected to the proposal on the following grounds
    - (a) A significant part of the property is a considerable height below the Boyd Street level and would be subject to that depth inundation during the rarer flood events, when the Tabilk Depression fills.

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- (b) **The proposed allotments do not provide suitable building envelopes which can comply with the minimum offset of 30 metres from the designated waterway.**
  - (c) **The creation of new lot boundaries across the waterway would increase resistance to flood flows, leading to adverse flooding impacts to neighbouring properties.**
5. **The design of drainage submitted, blocks the natural flow of water and also fills a volume of existing storage in a defined waterway, thus transferring an equal volume of inundation during heavy rainfall to other areas of the network, particularly adjacent properties.**
  6. **The proposal does not meet the relevant the provisions and requirements of the Infrastructure Design Manual in relation to floodways.**
  7. **The outcomes of the proposal will not result in orderly planning of the area.**

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### **Proposal**

The application proposes a subdivision of the subject site into five separate parcels. The subdivision is proposed to be configured as follows:

- Lot 1 – 913 square metres
- Lot 2 – 913 square metres
- Lot 3 – 913 square metres
- Lot 4 – 913 square metres
- Lot 5 – 910 square metres

All lots are proposed to be accessed from Boyd Street and proposed to be connected to available reticulated services.

The application also includes retrospective works undertaken to fill the land. A retaining wall has been constructed on the southern side of the property and fill placed in the property. No information has been provided in relation to the source of fill on the land. The purpose of the retaining wall is to reduce inundation on the subject site.

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### **Subject site & locality**

The subject site is located on the western side of Boyd Street and adjoins an unmade section of Marie Street on its southern boundary. The site has a total area of 4553 square metres and is rectangular in shape. The land is currently vacant.

The site is clear of native vegetation and contains a watercourse, which is part of the Tabilk Depression which traverses the property diagonally.

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Prior to the works being undertaken on the land, the topography of the site varied throughout with land along the northern, north eastern and western boundary being approximately one metre higher than the south and south eastern boundaries. The southern end of the property is more prone to inundation. Since the installation of the retaining wall on the southern boundary, this inundation has reduced significantly.

All lots immediately surrounding the subject site are used for residential purposes of mixed densities. Nagambie Primary School is located nearby to the south of the site and the central business area of the township is located two blocks to the west.

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**Permit/Site History**

A search of Council's electronic records system shows the following planning application was been made for the subject site:

- Application P2007/126 was made for a 5 lot subdivision. This application lapsed and no decision was made. It is noted that similar issues in relation to inundation and flooding were raised by the Goulburn Broken Catchment Management Authority were raised at this time.

In addition to this previous application, the site has been part of ongoing Planning Compliance investigation since early 2016. Issues were raised by surrounding land owners in relation to the removal of vegetation and the construction of a retaining wall along the southern boundary of the property. The buildings and works for the retaining wall are considered part of the subdivision and require a planning permit which is being assessed as part of this application.

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**Public Notification**

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

- Sending letters to adjoining land owners
- Placing (a) sign on site
- Placing a notice in the newspaper

The notification has been carried out correctly.

Council received three objections in total, two objections were from adjoining land owners which raised the following issues:

- Impacts on infrastructure
- Flooding
- The site is regarded as a park
- Drainage/Stormwater
- Noise from additional dwellings constructed on the lots
- Increased traffic and street parking
- Loss of amenity
- Access along Boyd Street

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The third objection was received from the Goulburn Broken Catchment Management Authority (GBCMA). The GBCMA has identified a watercourse which diagonally traverses the property which although not identified through the Strathbogie Planning Scheme through any form of control (Urban Floodway Zone, Floodway Overlay or Land Subject to Inundation Overlay), causes significant flooding in excess of 0.5 metres in a flood event. The GBCMA has also advised that its position has not changed since the application in 2007 previously referred to in this report. GBCMA have recommended that Council refuse the application on the following grounds:

1. A significant part of the property is a considerable height below the Boyd Street level and would be subject to that depth inundation during the rarer flood events, when the Tabilk Depression fills.
2. The proposed allotments do not provide suitable building envelopes which can comply with the minimum offset of 30 metres from the designated waterway.
3. The creation of new lot boundaries across the waterway would increase resistance to flood flows, leading to adverse flooding impacts to neighbouring properties.

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### **Consultation**

Copies of the objections were forwarded to the applicant who provided a response. This response was a reproduction of the documentation originally provided with the application and was forwarded to the objectors. To date, no objections have been withdrawn.

Further discussions were had with the GBCMA in relation to the proposal. They have identified that their current floodmaps from flood modelling completed, once implemented into the Strathbogie Planning Scheme, will include whole or part of the land within the Floodway Overlay. If this was to occur, the subdivision would be prohibited. While this should not be the sole basis on which to make a decision, this advice from the GBCMA requires serious consideration.

Upon advising the applicant that officers were likely to recommend refusal of the application based on this response, the applicant requested the application be placed on hold to allow for some discussion with the GBCMA to attempt to resolve the issues raised in addition to drainage issues resulting from the development. The applicant has not resolved the issues to date. While the application was placed on hold for a short time, this does not stop the statutory clock.



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**Referrals**

External Referrals/Notices required by the Planning Scheme:

<b>Referrals/Notice</b>	<b>Advice/Response/Conditions</b>
Section 55 Referrals	Goulburn Valley Water – no objection, subject to conditions Ausnet Services – no objection, subject to conditions
Section 52 Notices	GBCMA – Objection, see above Public Notice

<b>Internal Council Referrals</b>	<b>Advice/Response/Conditions</b>
Asset Services	Objection

**Assessment**

**The zoning of the land and any relevant overlay provisions**

**General Residential 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 encourage development that respects the neighbourhood character of the area.*
- *To implement neighbourhood character policy and adopted neighbourhood character guidelines.*
- *To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other nonresidential uses to serve local community needs in appropriate locations.*

A permit is required for the subdivision of land within the General Residential Zone. As part of the assessment of an application for the subdivision of land in this zone, consideration must be given to the impact on amenity, the functionality of the development in the context of the township and the overall character of the proposal. Consideration must also be given to the relevant objectives and policies of the State and Local Planning Policy Frameworks and Clause 56, all contained within the Strathbogie Planning Scheme.

The layout of the subdivision is conventional and is consistent with surrounding development. The layout of the development is generally consistent with a number of the relevant objectives of Clause 56 of the Strathbogie Planning Scheme however is inconsistent with the overall purpose of the clause.

A number of objectives of both the State and Local Planning Policy Framework have been considered as part of this application. While the proposal meets some of these objectives in terms of services and location, there are a number of critical objectives which the proposal does not meet. These are discussed further into this report.

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The retaining wall constructed on the site is considered to be buildings and works associated with the subdivision of the land. The approval for the retaining wall has been considered retrospectively. No documentation has been provided as part of the planning which certifies that the retaining wall is stable, nor that the fill on the site is certified clean fill. Should a permit issue, this information would need to be supplied prior to the certification of any plan.

While public perceptions of the land as a community park, the type of dwelling to be constructed as well as the type of person who may live in those dwellings is not a relevant consideration under the planning permit application process, issues raised in terms of flooding and infrastructure must be considered.

For reasons discussed further into this report, the application is not considered to be consistent with a number of relevant objectives of the Strathbogie Planning Scheme. Overall, given the inconsistencies with a number of objectives, the proposal is inconsistent with the purpose and decision guidelines of the General Residential Zone.

**The State Planning Policy Framework (SPPF)**

*Clause 11.02-1 - Supply of urban land,*

*Objective:*

- *To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*

The proposed development makes use of an existing residential zoned parcel of land in relatively close proximity to the commercial centre of the Nagambie Township. The land is also located in close proximity to a range of community and education facilities in the township.

*Clause 11.04-2 – Housing choice and affordability,*

*Objective:*

- *To provide a diversity of housing in defined locations that cater for different households and are close to jobs and services.*

The proposed subdivision would provide five additional lots which will provide a greater supply of residential land. This will increase housing affordability in the town. The size of the lots proposed will allow for the construction of single dwellings however are large enough that medium density development, including unit development could be undertaken subject to the relevant approvals.

*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.*

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- Subdivision Five (5) Lots ~ 3-11 Boyd Street, Nagambie (cont.)

The subject site, although not identified through specific zone or overlay control, is susceptible to flooding. This lack of control results in a range of issues for the protection of the floodway at a planning level as a range of developments are not able to be considered. An example of this is single-dwelling residential development on flood prone land. While the lack of overlay control does result in some less than desirable development outcomes, developments such as this which would likely result in five additional dwellings plus driveways, outbuilding, solid boundary fences etc. will have significant flooding implications in the immediate area. The site, having been built up by the retaining wall, will limit the flooding impacts on site however the construction of this wall has resulted in significant pooling of water which in the event of significant rainfall will have larger impacts beyond the unmade road reservation and immediately surrounding properties.

The objection raised by the Goulburn Broken Catchment Management Authority refers to the inconsistency of this proposal with this clause of the Strathbogrie Planning Scheme. While this does not pose a mandatory requirement for the application to be refused, consideration must be given to this authority who offers greater expertise in terms of floodplain management/control.

The Nagambie Flood Study, which is currently in draft form, identifies the site as an area prone to flooding issues. The map below shows the extent of flooding on the site:



**LEGEND**

Flood Depth (m)

-  0.00 to 0.05
-  0.05 to 0.10
-  0.10 to 0.15
-  0.15 to 0.20
-  0.20 to 0.50
-  > 0.50

 Floodmapping  
Limit

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It is noted that this image is taken from the natural topography of the site, not the current conditions following the retaining wall and fill placed on the site.

While this document is currently in draft form, once completed, Goulburn Broken Catchment Management Authority will request an amendment to the Strathbogie Planning Scheme to implement the findings of this study. While this document does not form part of the planning scheme at this time, it would be negligent of officers to not consider the work undertaken and findings thus far.

*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.*

In its current state, with the retaining wall constructed and land filled, the proposed lots are able to appropriately discharge to Boyd Street. In saying this however, consideration of this objection is not applicable exclusively to the subject site. Consideration must be given to the cumulative effects on the wider area as a result of any proposal, particularly in relation to Flooding.

While the lack of specific zone or overlay control within the Nagambie Township is frustrating, consideration is still required under the provisions of both the State and Local Planning Policy Framework of the Strathbogie Planning Scheme. These tools have been utilised in a number of other more recent developments in Nagambie including a recent rezoning, to the east of the site as well as other subdivision proposals affected by the Tabilk Depression. It is considered that the proposal has not reasonably considered the wider catchment implications and does not meet this objective of the Strathbogie Planning Scheme.

*Clause 15.01-1 - Urban design,*

*Objective:*

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

The proposed layout of the subdivision does not consider the wider flooding implications on the subject site and surrounding area. In saying this, the layout of development following the installation of the retaining wall and associated fill (which is being considered retrospectively as part of this application) is well linked to the existing township.

*Clause 15.02-1 - Energy and resource efficiency,*

*Objective:*

- *To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.*

Each of the lots is of sufficient size and orientation to be appropriately developed for residential purposes.

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- Subdivision Five (5) Lots ~ 3-11 Boyd Street, Nagambie (cont.)

*Clause 16.01-2 - Location of residential development,  
Objective:*

- *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.*

As discussed previously the proposed subdivision is located in close proximity to a range of services in the Nagambie Township including retail, hospitality, public open spaces and education facilities.

*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.*

Water supply and sewerage will be provided in accordance with the requirements of Goulburn Valley Water should a permit issue.

Due to the topography of the land and fill required to enable development on the land, the drainage will be required to be provided in accordance with the requirements of the Responsible Authority. Should a permit issue, these requirements will be managed by way of conditions on any permit issued.

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

*21.02-1 Whole Municipality*

*Objective*

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

*Relevant Strategies*

- *Ensure residential development can be appropriately serviced and is developed considering good design principles.*

The proposed development will create additional residential land which can well serviced by both reticulated and social services and will respect the existing neighbourhood character of Nagambie. The proposed subdivision has been designed to include public open space which will be able to be linked into further development in this area of Nagambie. While this is applicable to the subject site, the development is considered contrary to this objective in relation to the wider township and municipality. The works required to alleviate flooding constraints on the site are not considered to be an appropriate outcome given the wider implications on flooding in the township area.

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- Subdivision Five (5) Lots ~ 3-11 Boyd Street, Nagambie (cont.)

21.03-4 Nagambie

Overview

- *Nagambie's population is growing significantly, albeit from a relatively small base. In recent times, the Strathbogie Shire has experienced increasing interest from the Melbourne and Shepparton property markets, particularly in the Strathbogie Ranges, Avenel and Nagambie. Building approvals leapt from \$2.25M to \$7.25M in value in the year to 2006. The population of Nagambie was approximately 1,550 people in 2011, however the permanent population is expected to grow to around 4,000 people in the near future. When considering the population of Nagambie there is considerable tourist population of an additional 4,000 to 5,000 people during the peak season. This increase in population must be considered when planning for the future of Nagambie.*

Objective

- *To grow Nagambie as an agricultural service centre as well as a visitor, lifestyle and retirement centre.*
- *Relevant Strategies*
- *Recognise Nagambie as a lakeside location.*
- *Improve connections between the town and the lake, and provide more opportunities for public access to the lake edge including moorings.*
- *Protect and enhance the environmental values of the lake and other natural features.*
- *Encourage more walking and cycling routes.*
- *Provide a variety of recreation opportunities as the town expands.*

The creation of new residential allotments in close proximity to Lake Nagambie and the commercial centre of the town will assist in the promotion of the town as a lifestyle centre. The development will be well linked to these facilities by the existing road and pedestrian networks. The development will be of significant detriment to the wider area with the retention of the r will be support the ongoing development of the township and will provide a large range of housing opportunities for the community.

21.04-6 Flooding:

Objective

- *To protect and manage floodplains.*

Strategies

- *Discourage development and subdivision of land subject to significant flooding.*
- *Ensure all new development maintains the free passage and temporary storage of floodwater, minimises flood damage, is compatible with flood hazard and local drainage conditions, and minimises soil erosion, sedimentation and silting.*
- *Ensure the Local Floodplain Development Plans are current and development proposals are consistent with these plans.*

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- Subdivision Five (5) Lots ~ 3-11 Boyd Street, Nagambie (cont.)

In addition to the State Planning Policy Framework, Clause 21.04 of the Strathbogie Planning Scheme contains objectives in relation to the protection and management of floodplains within the Municipality. The Tabilk Depression begins to the south of Nagambie and contains a number of different branches through the township which ultimately flow through to Lake Nagambie. The town has developed across this watercourse in some areas in the past, however seeing the effects of this provide a good understanding of the flooding consequences resulting from works within the watercourse. The construction of the retaining wall from on the southern boundary blocks the passage of water through the site which is inconsistent with the strategies to be implemented to achieve the objective of this clause. Goulburn Broken Catchment Management Authority, as the relevant floodplain authority has prepared a flood study which is currently in draft format. Council has approached GBCMA to offer assistance with the completion of this study for implementation into the Strathbogie Planning Scheme to assist with the future orderly development of Nagambie.

*21.05-3 Social services and infrastructure  
Objective*

- *To provide networked communities.*

*Strategies*

- *Encourage equitable access to facilities and services.*
- *Support the expansion of aged care facilities and services, where appropriate.*

The site is located within close proximity to the existing commercial centre of the town and is accessible to a range of other facilities and services including medical facilities, community facilities and recreation.

*21.07-2 Urban Services  
Objective*

- *To deliver sustainable services.*

*Relevant Strategies*

- *Ensure new developments are connected to reticulated services or have provision for adequate on-site treatment and disposal with no adverse impacts on nearby watercourses.*
- *Protect transfer stations from encroachment by inappropriate use and development.*
- *Support and lobby for the extension of natural gas to Avenel, Nagambie and Violet Town*

The development will be connected to all available reticulated services including electricity, water, sewerage, drainage and telecommunications. Gas is not currently available in Nagambie. Should Council decide to grant a permit, the provision of the available reticulated services should be done in accordance with the requirements of the relevant authorities.

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- Subdivision Five (5) Lots ~ 3-11 Boyd Street, Nagambie (cont.)

*21.07-5 Drainage*

*Objective*

- *To ensure that appropriate drainage infrastructure is installed and maintained. Strategies*
- *Ensure development contributions address drainage infrastructure needs.*
- *Develop strategies to ensure that future drainage infrastructure can accommodate for high rainfall events.*

The development of this site into five separate parcels of land with the associated retaining wall will result in significant flooding implications for the surrounding area. The natural passage of the watercourse and water health on the site and surrounding area would be significantly compromised by this development. The wider implications of the proposal on existing infrastructure in the area would be significant in the area and is not considered to be consistent with the objectives of this clause.

**Relevant Particular Provisions**

Clause 56, *Residential subdivision*, of the Strathbogie Planning Scheme is relevant to this proposal. The purpose of this clause is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To create livable and sustainable neighbourhoods and urban places with character and identity.*
- *To achieve residential subdivision outcomes that appropriately respond to the site and its context for:*
  - *Metropolitan Melbourne growth areas.*
  - *Infill sites within established residential areas.*
  - *Regional cities and towns.*
- *To ensure residential subdivision design appropriately provides for:*
  - *Policy implementation.*
  - *Livable and sustainable communities.*
  - *Residential lot design.*
  - *Urban landscape.*
  - *Access and mobility management.*
  - *Integrated water management.*
  - *Site management.*
  - *Utilities.*

The proposed layout of the subdivision is generally considered to be consistent with the surrounding area and able to accommodate residential land uses with all available reticulated services.

For the reasons identified previously in this report, the proposal is not consistent with the objectives of Clause 56 of the Strathbogie Planning Scheme in that it does not appropriately implement relevant state and local policies.



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- Subdivision Five (5) Lots ~ 3-11 Boyd Street, Nagambie (cont.)

The layout of subdivision is relatively conventional and should a permit be issued, it is considered that each of the lots could be appropriately developed. An assessment of the proposal against the relevant objectives of the Strathbogie Planning Scheme has been undertaken and is detailed below:

Std No.	Description	Assessment Comments	Complies?
Clause 56.01-1	<b>Subdivision site and context description</b>	A site description is provided in the proposal section of this report.	
Clause 56.01-2	<b>Subdivision design response</b>	A site description is provided in the proposal section of this report.	
Clause 56.03-5 C6	<b>Neighbourhood character</b>	A site description is provided in the proposal section of this report.	
Clause 56.04 C7	<b>Lot diversity and distribution</b>	The proposal contributes to lot diversity within the township. Each of the five lots proposed are approximately 900 square metres which allows for conventional residential development however further subdivision could be considered, subject to further approval.	✓
C8	<b>Lot area and building envelopes</b>	All lots are larger than 500 square metres and can contain a building envelope of 10m by 15m.	✓
C9	<b>Solar Orientation of Lots</b>	All lots are considered capable of being developed with a dwelling which has appropriate solar orientation.	✓
C10	<b>Street Orientation</b>	All lots have appropriate street frontage which can integrate appropriately with the existing character of the area.	✓
C11	<b>Common Area</b>	No common property is proposed	✓
Clause 56.05-1 C12	<b>Integrated urban landscape</b>	No landscaping is proposed however street trees could be required as a condition on any permit issued.	✓
Clause 56.06-2 C15	<b>Walking &amp; cycling network</b>	No walking or cycling infrastructure is proposed as part of this development.	✓
Clause 56.06-4 C17	<b>Neighbourhood street network</b>	No additional public streets are proposed as part of this development.	✓
Clause 56.06-5 C18	<b>Walking &amp; Cycling network detail</b>	No walking or cycling infrastructure is proposed as part of this development.	✓
56.06-7 C20	<b>Neighbourhood street network detail</b>	No additional public streets are proposed as part of this development.	✓

6.1 Planning Permit Application No. 2016-161  
- Subdivision Five (5) Lots ~ 3-11 Boyd Street, Nagambie (cont.)

Clause 56.06-8 C21	<b>Lot access</b>	Access to all lots can be achieved from Boyd Street.	✓
Clause 56.07 C22	<b>Drinking Water Supply</b>	A potable water supply will be provided in accordance with the requirements of Goulburn Valley Water.	✓
C23	<b>Re-used &amp; Re-cycled Water Objective</b>	No provisions have been made for the recycling of water on the site however this may be undertaken by future land owners when the lots are developed.	✓
C24	<b>Wastewater Management</b>	The site will be connected to reticulated sewerage in accordance with the requirements of Goulburn Valley Water.	✓
C25	<b>Urban Run-off Management</b>	The design of the subdivision and the fill required for facilitation goes against the objectives of this clause which seek to minimise the impacts of urban runoff on the community. This development compromises the natural path of a known floodway area.	✓
Clause 56.08 C26	<b>Site Management</b>	All appropriate controls will be implemented and ensured by placing conditions on any permit issued.	✓
Clause 56.09 C27	<b>Shared Trenching</b>	Where possible shared trenching would be pursued for reticulated utilities.	✓
C28	<b>Electricity, Telecommunications &amp; Gas</b>	Electricity and telecommunications will be provided to each lot in accordance with the service authorities' requirements.	✓
C29	<b>Fire Hydrants</b>	Existing fire hydrant infrastructure will accommodate the proposed development.	✓
C30	<b>Public lighting</b>	The subdivision will need to comply with Asset Service's conditions.	✓

While the layout of the subdivision provides for five additional lots capable of development into the future, this design does not account for the natural topography of the land and the associated flooding implications beyond the site.

**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. 2016-161  
- Subdivision Five (5) Lots ~ 3-11 Boyd Street, Nagambie (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.*

The provisions of Clause 65 of the Strathbogie Planning Scheme identify a number of issues that must be considered as part of any application. A number of issues in relation to flood hazard, catchment health, amenity as well as state and local policy have not been adequately addressed. The issue of a permit in this instance is considered by officers to not be orderly planning.

**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.

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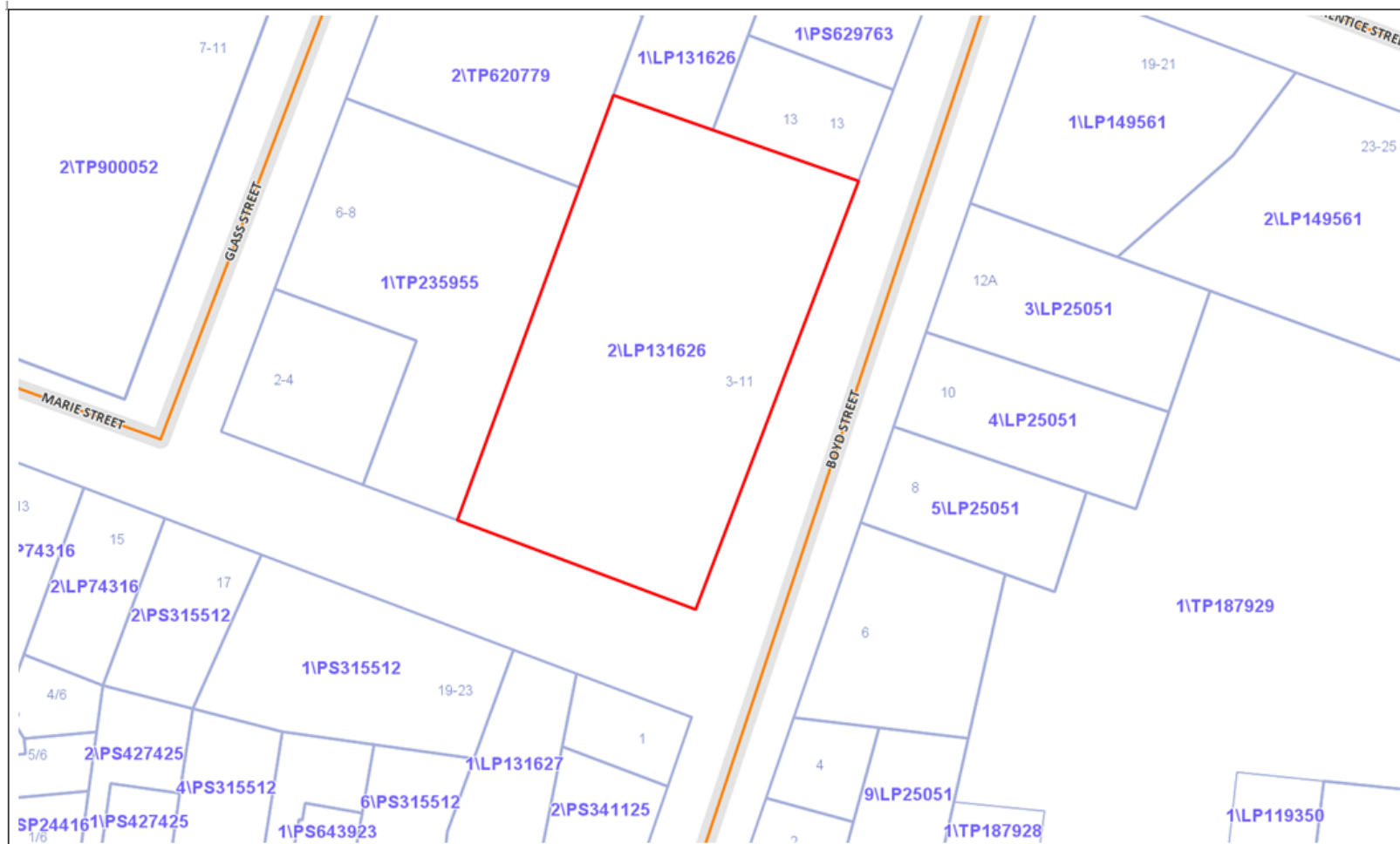
**Conclusion**



After due assessment of all the relevant factors, it is considered appropriate to inform the applicant that was the Responsible Authority in a position to make a decision on this application, it would have refused the application on the grounds listed in the recommendation.

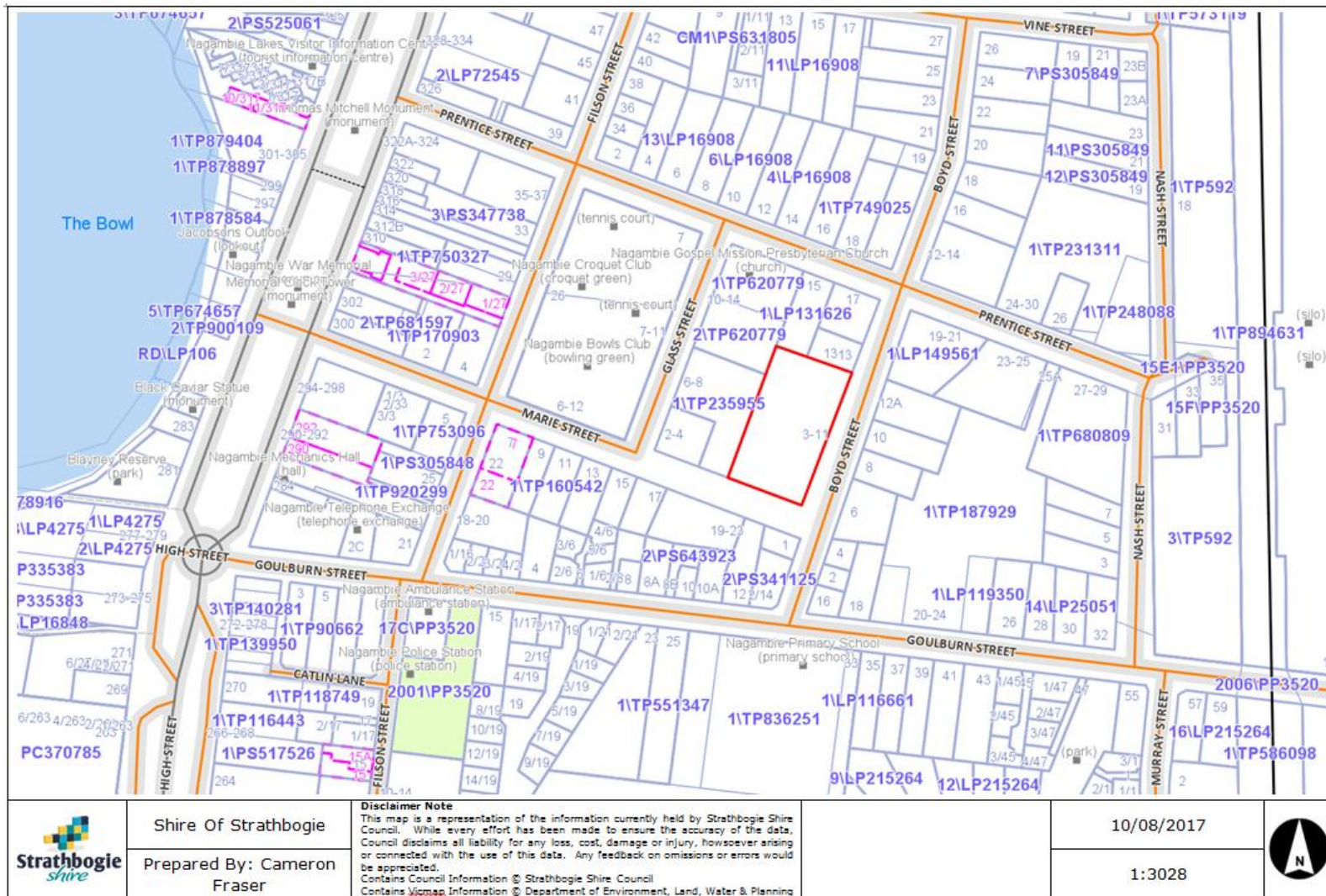
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**Attachments**

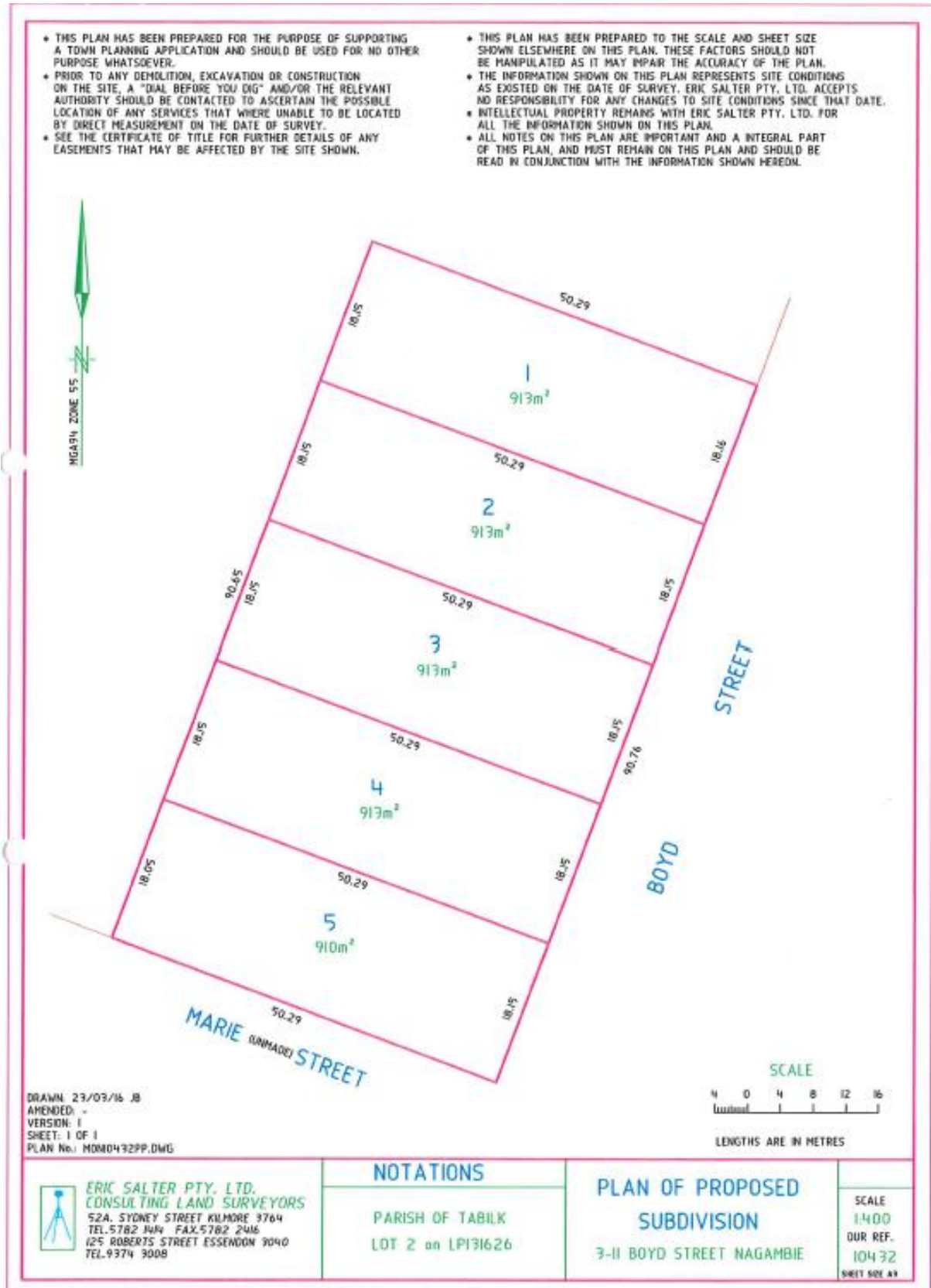
Locality Plan  
Proposed Plan



	Shire Of Strathbogie	<b>Disclaimer Note</b> This map is a representation of the information currently held by Strathbogie Shire Council. While every effort has been made to ensure the accuracy of the data, Council disclaims all liability for any loss, cost, damage or injury, 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 Vicmap Information © Department of Environment, Land, Water & Planning	10/08/2017	
	Prepared By: Cameron Fraser		1:992	







**PLANNING COMMITTEE REPORT NO. 2 (PRINCIPAL PLANNER - CAMERON FRASER)**

**6.2 Planning Application No. P2017-023  
- Consolidate Three (3) Existing Allotments and Re-Subdivide into Two (2) Lots ~ 87 McKernans Road, Balmattum**

**Application Details:**

Application is for:	Consolidate three (3) existing allotments and re-subdivide into two (2) lots
Applicant's/Owner's Name:	Monger & Tomkinson - Graeme Schneider
Date Received:	14 March 2017
Statutory Days:	154
Application Number:	P2017-023
Planner: Name, title & department	Cameron Fraser Principal Planner Sustainable Development Department
Land/Address:	Crown Allotment 24 Parish of Balmattum, Certificate of Title Volume 05672 Folio 242; Lot 1 on TP618875A, Certificate of Title Volume 08972 Folio 910; and Portion 28, Parish of Balmattum, Certificate of Title Volume 10692 Folio 597. 87 McKernans Road, Balmattum VIC 3666
Zoning:	Farming Zone
Overlays:	Erosion Management Overlay
Under what clause(s) is a permit required?	Clause 35.07-3 Clause 44.01-4
Restrictive covenants on the title?	Nil
Current use and development:	Agriculture

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

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

**Summary**

- The proposal is for the re-subdivision of three lots into two on the subject site.
- Both lots will exceed the minimum lot size of 40 hectares.
- The site has a total area of 80.59 hectares and is located in the Farming Zone.
- The land is affected in part (approximately 2500 square metres) by the Erosion Management Overlay.

6.2 Planning Application No. P2017-023  
- Consolidate Three (3) Existing Allotments and Re-Subdivide into Two (2) Lots ~  
87 McKernans Road, Balmattum (cont.)

- The application was referred internally to Council's Health Officer and Asset Services Department who offered no objection subject to conditions.
- The application was referred externally to Goulburn Murray Water (GMW) who has consented to the proposal. GMW has not required any conditions to be included on the permit.
- The application was advertised to adjoining landholders, 1 objection has been received.
- The objection raised issues in relation to:-
  - Water flows in the Duck Ponds Creek and the additional demand placed on this ephemeral watercourse as a result of the subdivision.
- An assessment against the relevant zone and overlay provisions as well as State and Local Policies indicates the proposal is consistent with these provisions of the Strathbogie Planning Scheme.
- The application is being presented to Planning Committee as a 1 objection has been received.
- The application has been assessed outside of the 60 day statutory time period due to allowing for time to enable the applicant to respond to the objection received.
- It is recommended that Council resolve to issue a Notice of Decision to Grant a Permit in accordance with the Officer's recommendation.

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## RECOMMENDATION

### THAT COUNCIL

- **having caused notice of Planning Application No. P2017-023 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 Clauses 35.07-3 and 44.04-1 of the Strathbogie Planning Scheme in respect of the land known as Crown Allotment 24 Parish of Balmattum, Certificate of Title Volume 05672 Folio 242, Lot 1 on TP618875A, Certificate of Title Volume 08972 Folio 910 and Portion 28, Parish of Balmattum, Certificate of Title Volume 10692 Folio 597, 87 McKernans Road, Balmattum VIC 3666, for the re-subdivision of land into two (2) lots, in accordance with endorsed plans, subject to the following conditions:**

### Endorsed Plans:

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



- 6.2 Planning Application No. P2017-023  
- Consolidate Three (3) Existing Allotments and Re-Subdivide into Two (2) Lots ~  
87 McKernans Road, Balmattum (cont.)

**Engineering Conditions:**

2. Prior to the issue of Statement of Compliance for the subdivision the Applicant/ Owner must obtain a vehicle crossing permit from the Responsible Authority to each lot for any new or otherwise vehicular entrances to the subject land from the road. The vehicular entrances must be constructed at the Applicant's expense to provide ingress and egress to the site and at a location and of a size and standard satisfactory to the Responsible Authority.
3. The vehicular crossing shall have satisfactory clearance to any power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense. Final location of vehicle crossing must be approved by Responsible Authority via vehicle crossing permit. Reference should be made to Clause 12.9.2 "Rural Vehicle Crossings" of the Infrastructure Design Manual. Refer to standard drawing SD255.
4. All disused or redundant vehicle crossings must be removed and reinstated to the satisfaction of the Responsible Authority.
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. roads, roadside drains, trees, etc.), and boundary fences, must be repaired at the cost of the applicant all to the satisfaction of Responsible Authority.

**General Conditions:**

8. 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.
9. 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.

6.2 Planning Application No. P2017-023  
- Consolidate Three (3) Existing Allotments and Re-Subdivide into Two (2) Lots ~  
87 McKernans Road, Balmattum (cont.)

10. 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.

**Telecommunications:**

11. The owner of the land must enter into an agreement with:
- (a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
  - (b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
12. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
- (a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
  - (b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

**Permit Expiry:**

13. This permit will expire if one of the following circumstances applies:
- (a) The plan of subdivision is not certified within two (2) years of the date of this permit;
  - (b) the subdivision is not completed within five (5) years of the date of Certification under the Subdivision Act 1988.

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

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

6.2 Planning Application No. P2017-023  
- Consolidate Three (3) Existing Allotments and Re-Subdivide into Two (2) Lots ~  
87 McKernans Road, Balmattum (cont.)

**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.**
- **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.**

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**Proposal**

It is proposed to re-subdivide the subject site into two allotments which will be configured as follows:

- Lot 1 – 40 hectares
- Lot 2 – 40.59 hectares

Lot 1 will be accessed via an existing crossover from McKernans Road,

Lot 2 will be accessed via new crossover from McKernans Road.

Each of the proposed lots will be connected to all available reticulated services.

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**Subject site & locality**

The subject site is located at 87 McKernans Road, Balmattum and comprises of three land parcels which encompasses a total site area of 80.59 hectares.

The site is irregular in shape, contains two road frontages, including a 402 metre road frontage to Sheans Creek Road to the north and a 1.35 kilometre road frontage to McKernans Road to the east. In addition, Faithfuls Creek abuts the sites southern boundary.

The site is largely vacant farm land however also contains an existing dwelling and associated farm buildings within the south east portion of the site. The remaining land is used largely for grazing purposes.

Scattered patches of remnant native vegetation and planted vegetation are located on the property.

Water is provided by Faithfuls Creek and dam reservoirs located to the north of the property. In addition, an on-site septic tank system has been provided to treat wastewater from the existing dwelling.

6.2 Planning Application No. P2017-023  
- Consolidate Three (3) Existing Allotments and Re-Subdivide into Two (2) Lots ~  
87 McKernans Road, Balmattum (cont.)

Land use and development surrounding the site is largely for agricultural purposes and predominately grazing.

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**Permit/Site History**

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

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**Public Notification**

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

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

The notification has been carried out correctly.

Council has received one objection to date. The main issue raised in the objection is in relation to Duck Ponds Creek which runs through the property along the northern boundary. Flows have been reducing annually in recent years. The area of the watercourse affecting the site will be contained within Lot 1 on the plan. Once separated from the site, there will be additional pressure placed on the waterway through the creation of a new lot, if developed for agriculture or residential purposes.

**Officers Response:**

The issues raised in the objection are not specifically able to be considered under the provisions of the planning scheme. While future uses may seek additional water in addition to what is already available on the site from an existing well, this will ultimately be at the discretion of Goulburn Murray Water as the rural water authority. With regard to this, the application has been referred to Goulburn Murray Water who have considered the application and advised of their consent.

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**Consultation**

Following receipt of the objection, a copy was forwarded to the applicant who provided a written response.

To date, the objector has not withdrawn their objection.

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**Referrals**

External Referrals/Notices required by the Planning Scheme:

<b>Referrals/Notice</b>	<b>Advice/Response/Conditions</b>
Section 55 Referrals	GMW - No objection, no conditions
Section 52 Notices	Public Notice

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

6.2 Planning Application No. P2017-023  
- Consolidate Three (3) Existing Allotments and Re-Subdivide into Two (2) Lots ~  
87 McKernans Road, Balmattum (cont.)

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**Assessment**

**The zoning of the land and any relevant overlay provisions**

**Farming Zone**

Purpose:

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

A permit is required for the proposed two lot re-subdivision under Clause 35.07-4 which states that a permit is required to subdivide land. This Clause also states that each lot must be at least the area specified for the land in a Schedule to this zone, which in this instance, is 40 hectares for the subject site.

The proposed re-subdivision meets the above mandatory minimum lot sizes by reducing the number of lots from 3 down to 2. Furthermore, the proposal meets the purpose of the Farming Zone through the provision of allotments which allow for the use of land for agriculture and encouraging the retention of productive agricultural land. An existing dwelling and outbuildings will be fully contained in Lot 2 with Lot 1 to be vacant.

Lot 1 will contain two ephemeral watercourses and will have access to an existing well on the site. While this lot may be able to access water in addition to existing entitlements, this would be subject to further approval by Goulburn Murray Water. The application has been referred to Goulburn Murray Water who are satisfied with the proposal.

The proposal results in a more efficient delineation of the land to better facilitate the potential future expansion of adjacent farmland.

It is considered that the proposal meets the relevant objectives and policies contained in the State and Local Planning Policy Framework. This is discussed further into this report.

**Erosion Management Overlay**

Purpose:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development.*

6.2 Planning Application No. P2017-023  
- Consolidate Three (3) Existing Allotments and Re-Subdivide into Two (2) Lots ~  
87 McKernans Road, Balmattum (cont.)

A planning permit is required for the proposed re-subdivision of land under Clause 44.01-4. The proposal is considered to meet the purpose and decision guidelines of the EMO given that the proposal will not result in any significant land disturbances which could result in erosion or landslip.

The Erosion Management Overlay extends over a small portion of the land in the area of land currently 2500 square metres on proposed Lot 2 of the proposed plans. This area of the site is part of what appears to be a former road reservation which is now included as a separate title on the site. The subdivision does not propose any additional boundaries or works in the area of this lot affected by this overlay. There is access available from Balmattum Church Road which is not the primary access to the land. This will not change as a result of the subdivision. It is considered that the proposed resubdivision of the land will not create any erosion issues on the site. The proposal is consistent with the purpose and decision guidelines of the Erosion Management Overlay

**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*

*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 flood.*

*Clause 14.01-1 Protection of agricultural land*

*Strategies:*

- *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 Application No. P2017-023  
- Consolidate Three (3) Existing Allotments and Re-Subdivide into Two (2) Lots ~  
87 McKernans Road, Balmattum (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*

*Strategies:*

- *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.*

This application is considered to be consistent with the relevant State planning policies as detailed above. Land surrounding the site is generally occupied by agricultural farm land which is used for cropping and grazing, particularly horses.

The applicant has submitted documentation which demonstrates that a 2 lot re subdivision is appropriate in this instance to reduce the number of lots from three to two with both lots meeting minimum lot size requirements. The land will continue to be utilised for agricultural use and production in accordance with the relevant policies within the State Planning Policy Framework.

In this instance, it is considered unlikely that a conflict over residential versus agricultural land uses is likely to result from the proposal given the dwelling is existing and established.

6.2 Planning Application No. P2017-023  
- Consolidate Three (3) Existing Allotments and Re-Subdivide into Two (2) Lots ~  
87 McKernans Road, Balmattum (cont.)

It is unlikely that the proposed subdivision will fragment the land nor will it contribute to a conflict in the land uses. Both parcels will operate as individual agricultural entities, which will both contribute to sustainable agricultural land use practices.

The application was referred to Council's Environmental Health Department who have consented to the proposal. As such, it is considered there are no environmental issues pending from the subdivision of land with regard to the treatment of effluent.

Given the above, the application is considered to be consistent with the relevant State planning policies and worthy of Council support.

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

Clause 22.01, Housing and House Lot Excision in the Farming Zone, is applicable to the application and contains the following policies in relation to the re-subdivision of land:

*An application for re-subdivision will only be supported if the application meets the following requirements:*

- *The proposal results in improved agricultural productivity through, for example, the adjustment of a boundary that accounts for existing infrastructure over 5 years old or topographic features on the site; and*
- *The proposal does not create lot/s for the sole purpose of creating a new lot which has the potential for a dwelling.*

Clause 22.01 also specifies the following in relation to subdivision:

- Subdivision will only be supported if the application meets all the following requirements:
  - Creates a density appropriate to the rural activities of the area.
  - The proposed lots have good access via an all weather road and have appropriate services available.
  - The subdivision does not encourage the proliferation of dwellings.

While the proposal is a re-subdivision as there is no overall increase in the number of lots, the policy direction in relation to subdivision is also considered relevant to the proposal. The density of lot sizes in the area varies throughout the area with some smaller parcels however larger allotments are more common. Both of the proposed lots meet the minimum lot size requirements for this area of the shire. While a dwelling is an 'as of right' use on both of the proposed lots, future development of Lot 1 will be subject to setback requirements into the future should this be sought. Existing locations along McKernans Road are available for access without crossing watercourses, areas affected by erosion or requiring the removal of native vegetation.



6.2 Planning Application No. P2017-023  
- Consolidate Three (3) Existing Allotments and Re-Subdivide into Two (2) Lots ~  
87 McKernans Road, Balmattum (cont.)

In addition, it is considered the proposed re-subdivision is consistent with the surrounding environment, given that the adjoining lots are of similar sizes and will ensure land is available for agricultural use. The proposal is consistent with the relevant objectives and policy direction of Clause 22.01 of the Strathbogie Planning Scheme.

**Relevant Particular Provisions**

No particular provisions are considered relevant to this proposal.

**The decision guidelines of Clause 65**

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

- *The matters set out in Section 60 of the Act.*
- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*

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

There are no relevant adopted State policies.

**Relevant incorporated, reference or adopted documents**

There are no relevant incorporated, reference or adopted documents.

**Relevant Planning Scheme amendments**

There are no relevant planning scheme amendments.

**Risk Management**

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

6.2 Planning Application No. P2017-023  
- Consolidate Three (3) Existing Allotments and Re-Subdivide into Two (2) Lots ~  
87 McKernans Road, Balmattum (cont.)

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

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

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**Summary of Key Issues**

With regard to the Farming Zone: The proposal is consistent with the requirements of the Farming Zone and will ensure the land can be used for agricultural purposes into the future.

With regard to the Erosion Management Overlay: Only a small area of the site is affected by this overlay. No boundaries are proposed over this area and it is considered unlikely that the proposal will create or worsen any erosion issues on the site.

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

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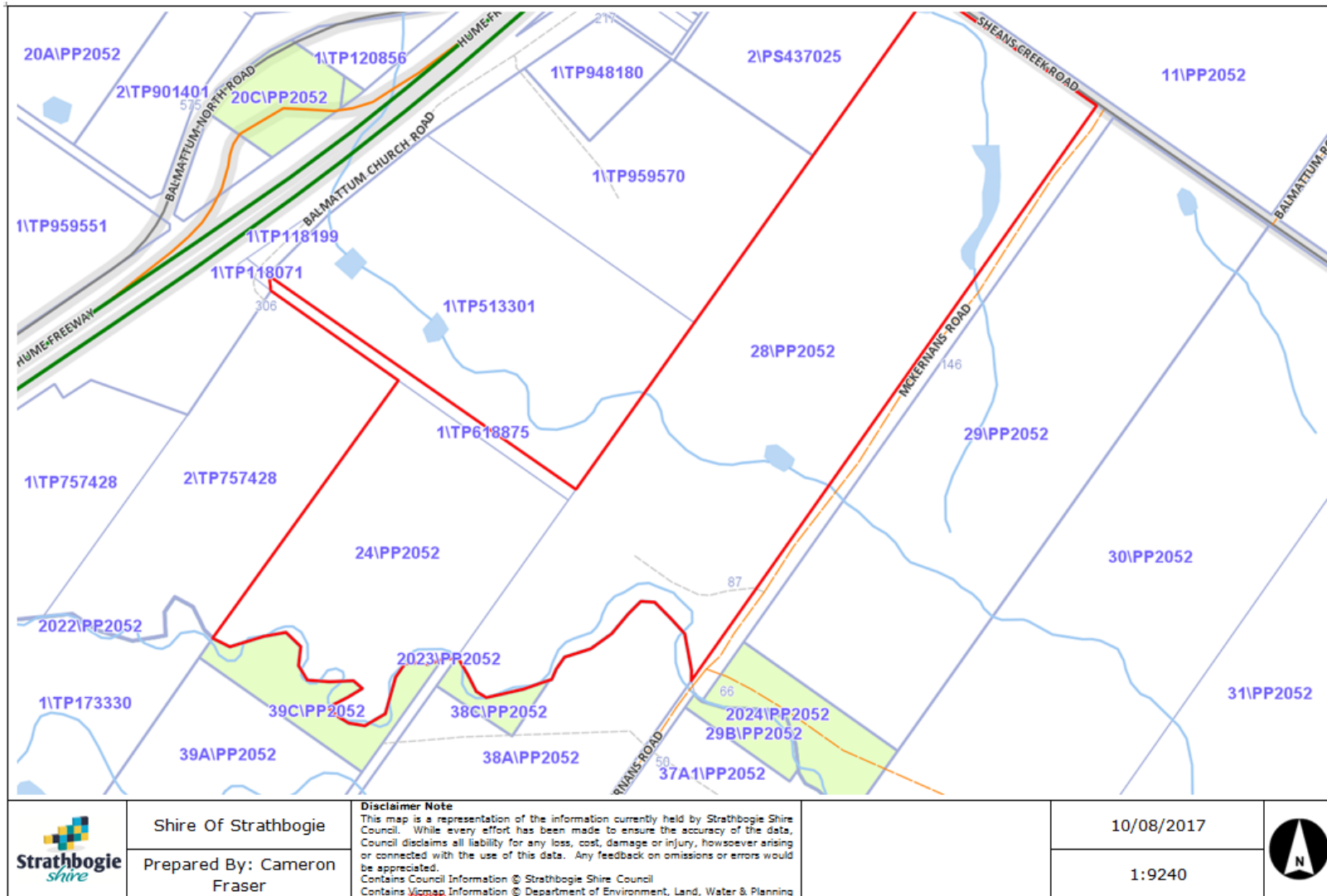
**Conclusion**

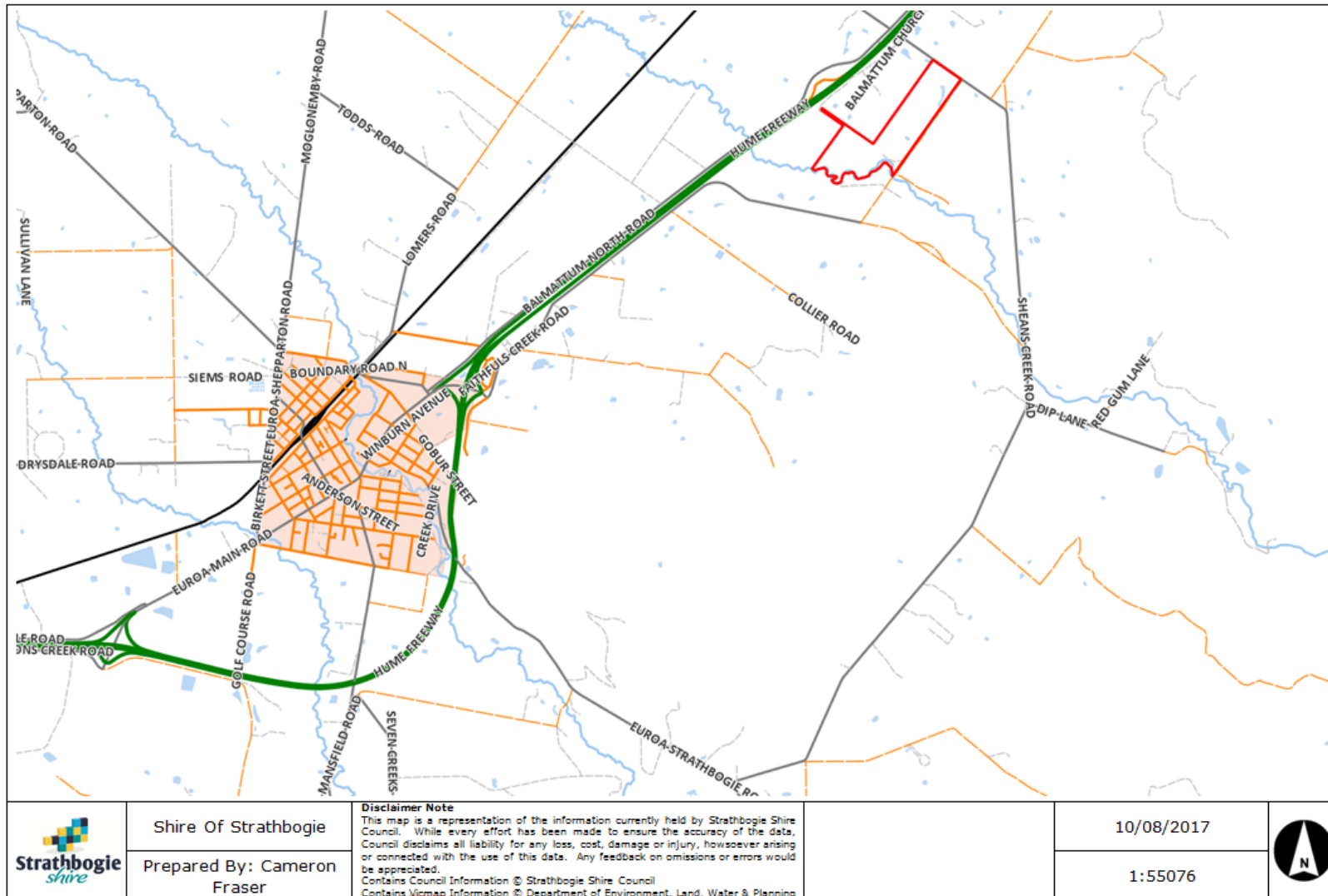
After due assessment of all the relevant factors, it is considered appropriate to issue a Notice of Decision to grant a permit in accordance with the officers recommendation.

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**Attachments**

Locality Plan  
Subdivision Plan







**PLANNING COMMITTEE REPORT NO. 3 (PRINCIPAL PLANNER - CAMERON FRASER)**

**6.3 Planning Permit Application No. P2017-037  
- Use and Development of Land for a Dwelling ~ 122 Delatite County Road, Gooram**

**Application Details:**

Application is for:	Use and development of land for a dwelling
Applicant's/Owner's Name:	T & C Developments-Troy Spencer
Date Received:	27 April 2017
Statutory Days:	80
Application Number:	P2017-037
Planner: Name, title & department	Cameron Fraser Principal Planner Sustainable Development Department
Land/Address:	Lot 4 on Plan of Subdivision 132652 Certificate of Title Volume 09458 Folio 655 122 Delatite County Road, Gooram VIC 3666
Zoning:	Farming Zone
Overlays:	Erosion Management Overlay
Under what clause(s) is a permit required?	Clause 35.07-1 Clause 35.07-4 Clause 44.01-1
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 application is for the use and development of the land at 122 Delatite County Road, Gooram for a dwelling.
- The site has an area of approximately 28 hectares and is located in the Farming Zone and is affected by the Erosion Management Overlay.
- The application was advertised and one (1) objection was received. The objection raised the issues of dwellings in the Farming Zone, contamination to groundwater, and the justification for the requirement of a dwelling.
- The application was referred internally to Council's Health Officer and Asset Services Department who offered no objection subject to conditions.

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- The application has been assessed outside of the 60 day statutory timeframe due to objections received.
- The application is being held before Planning Committee for the following reasons:
  - One (1) unresolved objection.
  - The application proposes a dwelling on a small lot
- The proposal meets the objectives of the State and Local Planning Policy Frameworks, the Farming Zone and the Erosion Management Overlay.
- It is recommended that Council resolve to issue a Notice of Decision to grant a permit in accordance with the Officer's recommendation.

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## RECOMMENDATION

### That Council

- having caused notice of Planning Application No. P2017-037 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 35.07-4, and Clause 44.01-1 of the Strathbogrie Planning Scheme in respect of the land known as Lot 4 on Plan of Subdivision 132652 Certificate of Title Volume 09458 Folio 655, 122 Delatite County Road, Gooram VIC 3666, for the Use and development of land for a dwelling, in accordance with endorsed plans, subject to the following conditions:

### Endorsed Plans:

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

### Land Management Plan:

2. Prior to the commencement of works for the dwelling, evidence must be provided to the satisfaction of the Responsible Authority that works detailed in the land management plan have commenced.

### Section 173 Agreement:

3. Prior to the commencement of the 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 ensure:
  - a) No subdivision of the land, including house lot excision, which increases the number of lots.

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- b) That the owner acknowledges and accepts that the possibility of nuisance from adjoining and/ or nearby agricultural operations may occur. The possible off site impacts include but are not limited to dust, noise, odour, waste, vibration, soot, smoke or the presence of vermin, from animal husbandry, animal waste, spray drift, agricultural machinery use, pumps, trucks and associated hours of operation.
- c) That the use will be carried out in association with the Land Management Plan endorsed as part of this permit.

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.

**Environmental Health Conditions:**

- 4. All waste water and liquid is to be contained and treated on site by an approved septic tank system or equivalent. The system must be at least 100 metres from Portable water reservoir and 60 metres from any watercourse and/or dam (non-potable water supply), on the subject or neighbouring properties, and must meet the Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management 891. 4 (2016).
- 5. A Medium Risk Land Capability Assessment must be provided for this proposal to determine if wastewater can be contained on site before any further comment can be made by the Environmental Health Department.

**Engineering Conditions:**

- 6. Prior to the commencement of the use new or otherwise vehicular entrances to the subject land from the road shall be constructed at a location and of a size and standard satisfactory to the Responsible Authority. 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. The final location of the crossing is to be approved by the Responsible Authority via a Vehicle Crossing Permit.
- 7. Prior to the commencement of buildings and works 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.
- 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.



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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.**

**General Conditions:**

11. **Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.**
12. **The dwelling must be connected to a reticulated sewage 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.**
13. **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.**
14. **The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.**
15. **The external cladding of the proposed buildings, including the roof, must be constructed of new materials of muted colours to enhance the aesthetic amenity of the area. Material having a highly reflective surface must not be used.**

**Permit Expiry:**

16. **This permit will expire if one of the following circumstances applies:**
  - (c) **The development is not started within two (2) years of the date of this Permit,**
  - (d) **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.**

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**Planning Notes:**

- **This Permit does not authorise the commencement of any building construction works. Before any such development may commence, the Applicant must apply for and obtain appropriate Building approval.**
- **This Permit does not authorise the removal of any native vegetation including for access. Before any such works may commence, the Applicant must apply for and obtain appropriate Planning approval.**
- **A Land Capability Assessment may be required and should be undertaken by a suitability qualified person. The Responsible Authority reserves the right to accept, reject or amend the recommendations of an LCA report.**
- **This Permit does not authorise the creation of a new access way/crossover. Before any such development may commence, the Applicant must apply for and obtain appropriate approval from Council.**

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**Proposal**

It is proposed to use and develop the land at 122 Delatite County Road, Gooram for a dwelling.

The dwelling is proposed to be 21 metres in length, and 5.7 metres wide. The dwelling is proposed to be 3.7 metres in height, with a flat roof. The eastern and western facades are proposed to be finished with blockwork brick. The northern and southern facades are proposed to have clear glazing. Windows will have metal trimming to match the metal roofing. Trims will be a dark grey to match in with the other materials proposed.

The dwelling is proposed to contain an open plan living/kitchen and laundry area, with a porch extending to the north. A hallway is proposed to connect to three bedrooms, a separate toilet and a separate shower room.

The dwelling is proposed to be located 354.1 metres south of Delatite Country Road, 81.6 metres to the western boundary and 79.4 metres to part of the northern boundary.

A wastewater treatment system will be provided for effluent disposal. Water tanks will be installed for potable water supply.

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**Subject site & locality**

The subject site is located at 122 Delatite County Road, Goram. The site is formally identified as Lot 4 on Plan of Subdivision 132652 Certificate of Title Volume 09458 Folio 655. The lot is an irregular shape and is approximately 27.38 hectares in area. The site is undulating in topography, with remnant patches of native vegetation scattered across the site. The site is within the Farming Zone and subject to an Erosion Management Overlay across the entirety of the site.

The site is bound by agricultural properties along all boundaries. The properties to the west of the site are typically used for orchards and fruit growing. The land to the south, north and east are used for cropping and grazing.

Vehicular access is gained via Delatite County Road to the west of the site.

There are several dwellings located in the surrounding area, typically on similar sized allotments associated with an agricultural use.

The site is located approximately 13.5 kilometres south-west of Strathbogie and 16 kilometres south of Euroa.

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**Permit/Site History**

A search of Council's electronic records showed that no planning permits have been issued for the subject site previously.

Prior to the receipt of the application, previous owners of the site had lived without approval. This residential use of the land was undertaken with no planning, building or environmental health (wastewater) permits being sought. This use has now ceased and it is noted that this application has not been presented as a result of previous compliance issues.

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**Public Notification**

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

- Sending letters to adjoining land owners

The notification has been carried out correctly.

Council has received one objection to date. The key issues that were raised in the objections are:

- The lot size is less than the minimum lot size for a dwelling in the Schedule to the Farming Zone.
- Potential contamination of the aquifer and associated springs on adjoining properties.
- The improvement of water quality, soil retention and vegetation improvements are not a reasonable justification to grant a planning permit in this instance.

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Officers Response:

Although the lot size is smaller than the minimum lot size within the Farming Zone to have a dwelling as of right, the planning scheme does allow for dwellings to be built on lots under the minimum lot size pursuant to a planning permit being issued.

The lot is unable to withstand a viable agricultural use given the terrain and vegetation on the site.

Through the proposed revegetation of the site it is likely to improve the aquifer and associated springs, given the increase to the environmental qualities of the land.

Each application is assessed on its merit. The use of the land for environmental benefits where agricultural is not a viable use is considered to be an appropriate justification in this instance.

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**Consultation**

A copy of the objection was forwarded to the applicant who provided a written response.

This response was then forwarded to the objector who was given the opportunity to withdraw their objection if the correspondence satisfied their concern.

The objection has not been withdrawn following the applicant's response.

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**Referrals**

External Referrals/Notices required by the Planning Scheme:

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

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

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**Assessment**

**The zoning of the land and any relevant overlay provisions**

**Farming Zone**

Purpose:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*

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- *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 a dwelling, pursuant to Clauses 35.07-1 and 35.07-4 of the Farming Zone in the Strathbogie Planning Scheme. Although the subject site is less than the minimum lot size for a dwelling as of right, the proposal is considered to be worthy of support.

As the site has an undulating and rocky terrain, the site is not viable for agricultural productivity. Although this does not automatically mean a dwelling is suitable, in this instance, the development of a dwelling is considered suitable, taking into consideration the surrounding land uses and the capability of the site to withstand a dwelling.

Submitted with the application is a land management plan that has identified the key actions the proponent intends to implement on the site, with regard to environmental improvements such as native vegetation enhancement, development of wildlife habitats and the eradication of pest plants and animals. Should a permit be issued, this land management plan will be endorsed and form part of the permit.

The design of the dwelling is considered appropriate and consistent with the characteristic of the agricultural area, given the dwelling is single storey in height and 21 metres in length.

When assessing an application in the Farming Zone, consideration must be given to the Decision Guidelines at Clause 35.07-6. Below is an assessment against these decision guidelines:

<b>General Issues</b>	<b>Complies</b>	<b>Officers Comment</b>
<i>The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</i>	Yes	Assessment against SPPF & LPPF is provided below.
<i>Any Regional Catchment Strategy and associated plan applying to the land.</i>	N/A	There is no relevant regional catchment strategy.
<i>The capability of the land to accommodate the proposed use or development, including the disposal of effluent.</i>	Yes	The application has been referred to Council's environmental health department who have consented to this application, subject to conditions. Given this, it is considered the land is capable of treating effluent waste on site.

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<i>How the use or development relates to sustainable land management.</i>	Yes	The nature of the subject site including its size, topography and location limit the capacity for agricultural production. However, in the application documentation, the applicant has indicated they will participate in environmental improvements for the land. These will be required to have commenced prior to the construction of a dwelling on the land.
<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 use of the land for a dwelling is compatible with the surrounding land uses. As the surrounding land uses are typically for agriculture with associated dwellings, the development of a dwelling on this lot is unlikely to create a detrimental impact.
<i>How the use and development makes use of existing infrastructure and service.</i>	Yes	Access is proposed via the existing crossover from Delatite County Road.
<b>Agricultural Issues</b>		
<i>Whether the use or development will support and enhance agricultural production.</i>	Yes	The proposal will support proposed environmental improvements of the land.
<i>Whether the use or development will permanently remove land from agricultural production.</i>	Yes	The area of land where the building envelope is sited has already been removed from agricultural production.
<i>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	It is considered the development will not limit the operation of adjoining and nearby agricultural uses given the rocky and undulating terrain and the high amount of vegetation on the site.
<i>The capacity of the site to sustain the agricultural use.</i>	Yes	The rocky and undulating terrain limits the agricultural productivity of the land to a high extent.

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Gooram (cont.)

<i>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</i>	Yes	The land is not identified as a significant piece of farming land.
<i>Any integrated land management plan prepared for the site.</i>	Yes	A land management plan has been prepared and submitted with the application documentation. This will be endorsed and form part of any permit issued for this proposal. Implementation of this plan will be required to have commenced prior to the construction of the dwelling proposed as part of this application.
<b><i>Dwelling Issues</i></b>	<b>Complies</b>	<b>Officers Comment</b>
<i>Whether the dwelling will result in the loss or fragmentation of productive agricultural land.</i>	Yes	The proposed dwelling and shed will not result in the loss or fragmentation of productive agricultural land, as the site is considered to be currently removed from agricultural production.
<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 use of the land for a dwelling is unlikely to impact on the surrounding agricultural properties. The dwelling has been sited on the lot away from the boundaries to ensure little to no impact is made to the adjoining agricultural properties from the dwelling.
<i>Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	The use of the land for a dwelling is very unlikely to limit the expansion of adjoining agricultural entities. Given the site's terrain and vegetation, the site is unlikely to be viable for agricultural productivity in the future.
<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	This dwelling is unlikely to contribute to a proliferation of dwellings in the area. It is noted that all but one of the lots fronting Delatite County Road are developed with single dwellings on lots of varying sizes.

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<b>Environmental issues</b>		
<i>The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.</i>	Yes	The dwelling has been sited appropriately on the site. It has an existing access track, and no vegetation is required to be removed to construct the dwelling. In addition, the applicant has put forward information regarding the improvements intended for the environmental values of the land, such as revegetating species.
<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. The subject site has scattered vegetation which through the application documentation submitted for this application will be improved by the on-going occupants on the land.
<i>The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.</i>	Yes	The proposal does not include the removal of any vegetation.
<i>The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.</i>	Yes	On site effluent disposal will be carried out in accordance with the requirements of the Responsible Authority.
<b>Design and siting issue</b>		
<i>The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.</i>	Yes	The building envelope is located appropriately on site from the boundaries and in a clear area away from significant vegetation.
<i>The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.</i>	Yes	The proposed siting is considered appropriate. Should a permit be issued, a condition will be placed on the permit requiring muted tones on the exterior of the dwelling.



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Gooram (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 detract from the existing character and amenity values of the area.
<i>The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.</i>	Yes	The proposed building envelope is considered to be appropriately located on the site away from significant vegetation, sightlines, and significant features.
<i>Whether the use and development will require traffic management measures.</i>	Yes	As the proposal is for a single dwelling, and the site has existing vehicular access, it is deemed not necessary for there to be traffic management measures implemented.

Taking into consideration all of the above, it is considered this application is consistent with the purposes of the Farming Zone, meets the decision guidelines and is worthy of a planning permit to be issued.

**Erosion Management Overlay**

Purpose:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development.*

A permit is required for the development of a dwelling, pursuant to Clause 44.01-1 of the Strathbogrie Planning Scheme. The subject site is undulating in nature. With regards to the dwelling, the proposed built form is unlikely to impact on the erosion of the site, given it has been sited appropriately on the lot and will be constructed to ensure stability of the dwelling. As such, it is considered this application is worthy of support.

**The State Planning Policy Framework (SPPF)**

*Clause 13.03-2 Erosion and landslip*

*Objective*

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

The site is subject to erosion, however due to placement of the dwelling on the site in a location that is generally flat, and accessed by an existing driveway, the proposal is unlikely to impact on any erosion issues or be subject to erosion or landslip.

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Clause 14.01-1 Protection of agricultural land

*Objective*

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

The proposal is considered to be consistent with this State planning policy as detailed in the Strathbogrie Planning Scheme. Although this land is not identified as locally or regionally significant, the use of the land for a dwelling is considered appropriate to support ongoing management of the land in accordance with the application documentation. Improvement of the subject site in terms of land management will likely be of greater benefit to surrounding land owners. Given this, the proposal is considered appropriate.

Clause 14.01-2 Sustainable agricultural land use

*Objective*

- *To encourage sustainable agricultural land use.*

The use of the land for a dwelling in conjunction with ongoing land management is an appropriate land use for the site. The use is sustainable, and will endeavour to protect the biodiversity of the site from stock, by appropriate fencing. Given this, the proposal is considered consistent with this State planning policy as detailed in the Strathbogrie Planning Scheme.

Clause 16.02-1 Rural residential development

*Objective*

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

Given the settlement pattern, with dwellings constructed throughout Delatite County Road, this proposed dwelling is unlikely to create a "rural residential development". The use of this property for a dwelling will assist in the management and conservation of environmental values on the land. As such, this site is considered to be consistent with this State planning policy as detailed in the Strathbogrie Planning Scheme.

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

*Clause 21.02-3 Rural Residential*

*Objective*

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

It is considered that the proposed use for a dwelling with limited agricultural component is consistent with this objective, in that there will not be any adverse impacts on productive agricultural land and a better environmental outcome overall. Further, the site is constrained in such a way that it has only limited agricultural potential itself.

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*Clause 21.02-4 Rural Zones*

*Objective*

- *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.*

The proposal is consistent with these objectives and will not affect established farming areas. The previously discussed Section 173 agreement will ensure that owners clearly understand that it is an agricultural area.

21.02-6 Building Material – Muted Tones

*Overview*

*The Shire has significant natural landscapes and views which provide an important asset, and opportunity for tourism and economic development.*

*Buildings can be intrusive in this type of environment if constructed of materials which are not sympathetic to the surrounding environment.*

*Objective*

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

The dwelling is proposed to be constructed of muted tones. The materials are unlikely to impact the aesthetic amenity currently enjoyed in the area. As such, this proposed is considered to be consistent with this Local planning policy within the Strathbogrie Planning Scheme.

*Clause 22.01-3 Dwellings on small lots in the Farming Zone*

*Policies:*

- *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.*

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- Use and Development of Land for a Dwelling ~ 122 Delatite County Road,  
Gooram (cont.)

- *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.*

Although this dwelling is proposed to be on a lot less than 40 hectares, there is a need for a dwelling on this site to support the environmental management of this site. The proposed works will assist in the ongoing management and maintenance of this undulating site which is not considered capable of a sustainable agricultural pursuit. This will likely provide some benefit to surrounding properties As such, this proposal being considered on its merit is worthy of Council's support.

It is generally policy within the Strathbogrie Planning Scheme that any permit issued for the use and development of a dwelling on a lot under the minimum size requires the permit holder enter into an agreement under Section 173 of the *Planning and Environment Act 1987* which prohibits further subdivision of the land. This is considered appropriate in this instance. This agreement prohibits the subdivision of the land and also requires that the land be continually managed. Failure to do so would be in breach of this legally binding agreement.

**Relevant Particular Provisions**

There are no particular provisions considered applicable to this planning permit application.

**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.*

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- Use and Development of Land for a Dwelling ~ 122 Delatite County Road, Gooram (cont.)

- *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.

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**Summary of Key Issues**

With regard to the Farming Zone: Although the lot is under the minimum lot size for a dwelling in the Farming Zone in this area of the Strathbogie Shire, the application is considered suitable when taking into account the lay of the land, the surrounding and uses and the viability of the land to withstand a viable agricultural entity.

With regard to the Erosion Management Overlay: The dwelling is not likely to contribute to erosion issues or be impacted by them.

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

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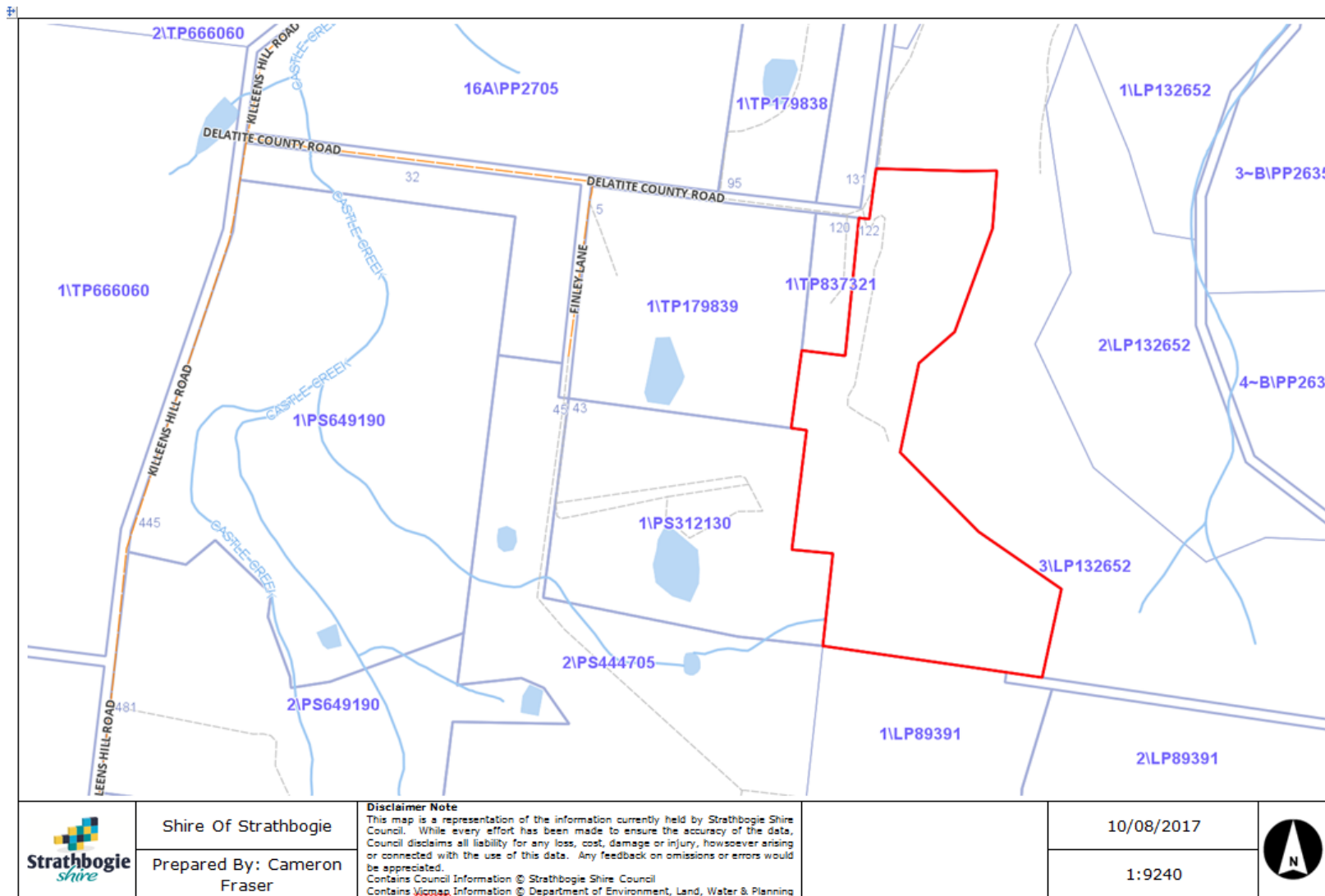
**Conclusion**

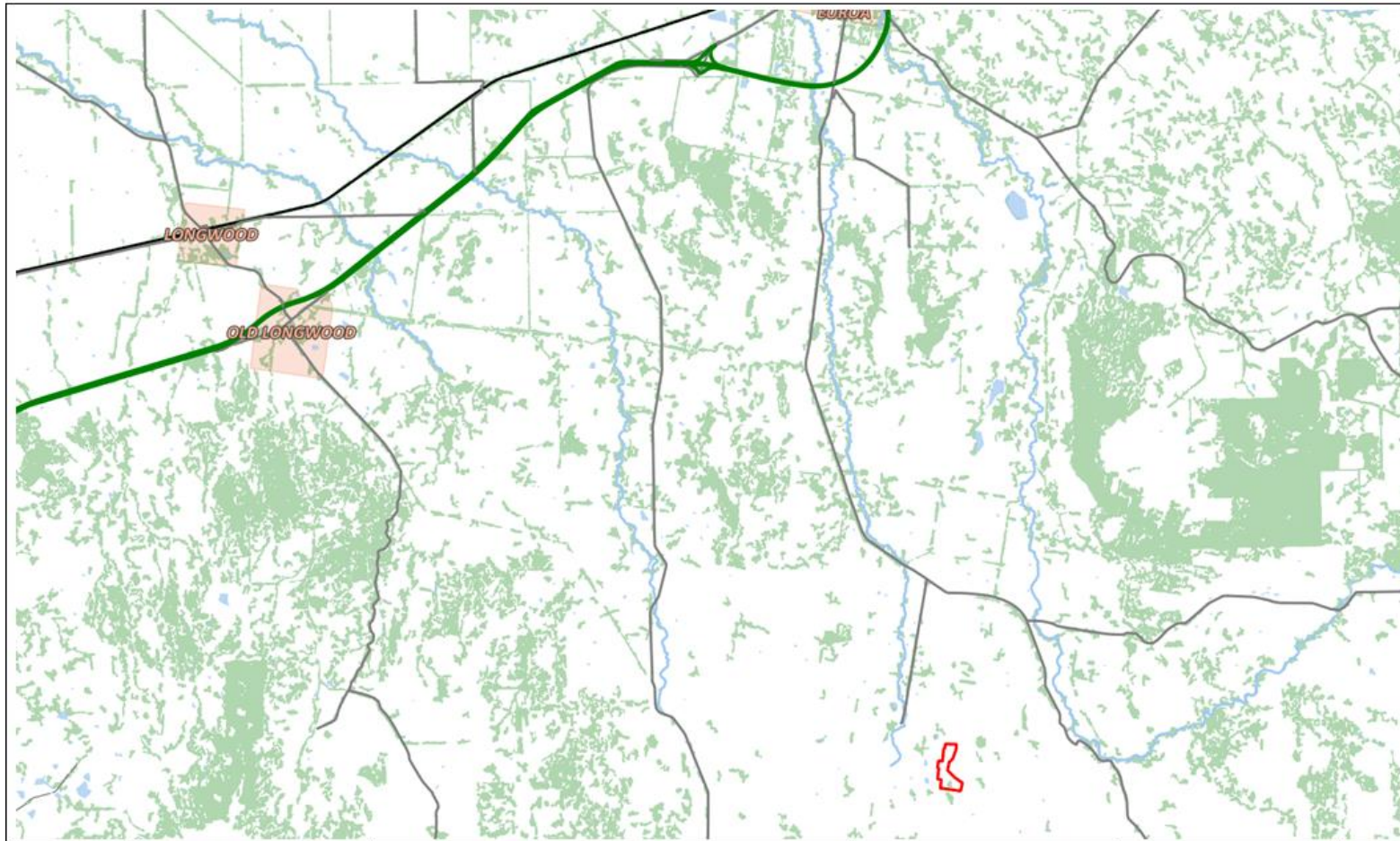
After due assessment of all the relevant factors, it is considered appropriate to issue a Notice of Decision to Grant a Planning Permit in accordance with the recommendation

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**Attachments**

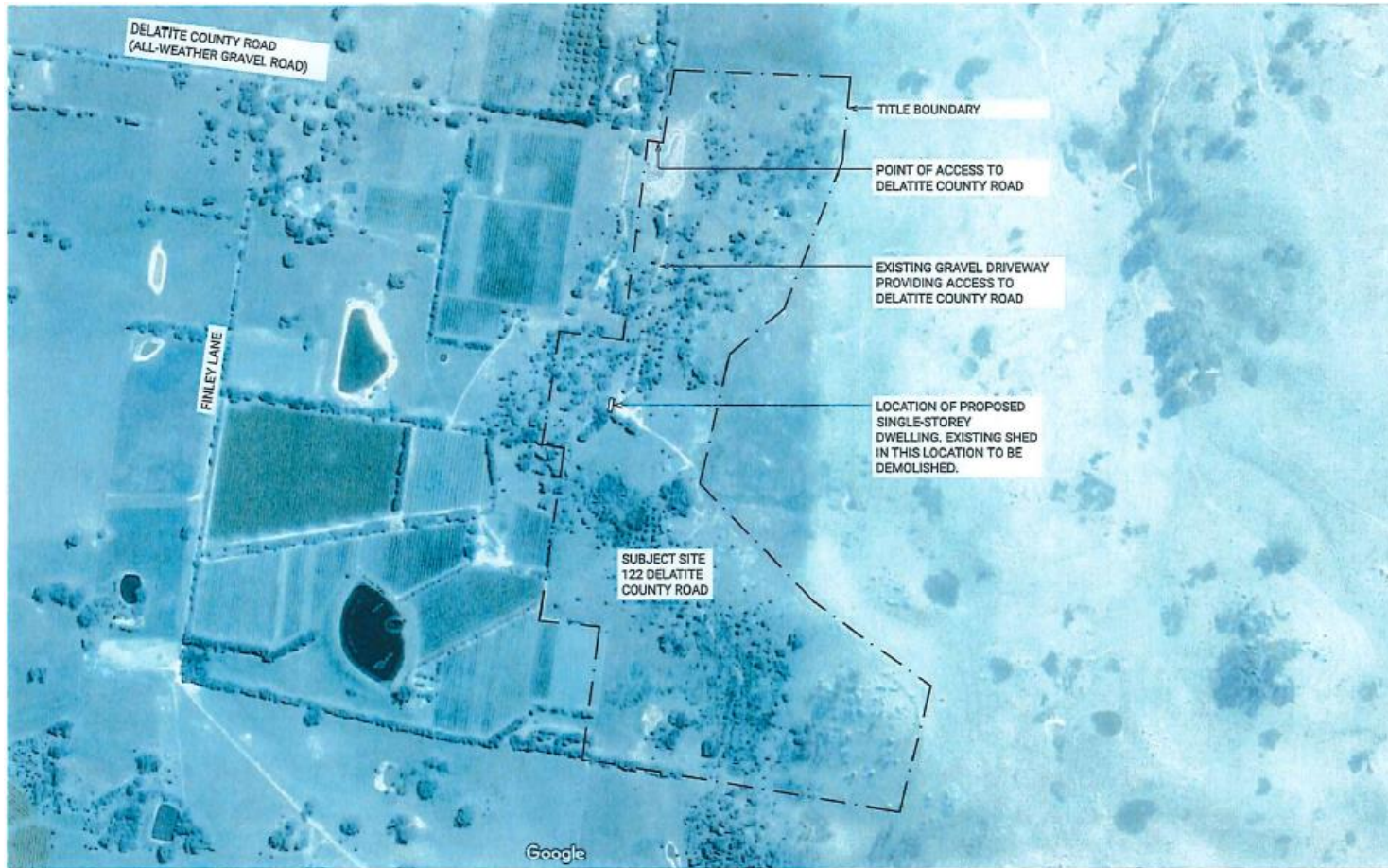
Site Plan  
Dwelling Plans





	Shire Of Strathbogie	<b>Disclaimer Note</b> This map is a representation of the information currently held by Strathbogie Shire Council. While every effort has been made to ensure the accuracy of the data, Council disclaims all liability for any loss, cost, damage or injury, 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 <a href="#">Vijimap</a> Information © Department of Environment, Land, Water & Planning	10/08/2017	
	Prepared By: Cameron Fraser		1:107571	





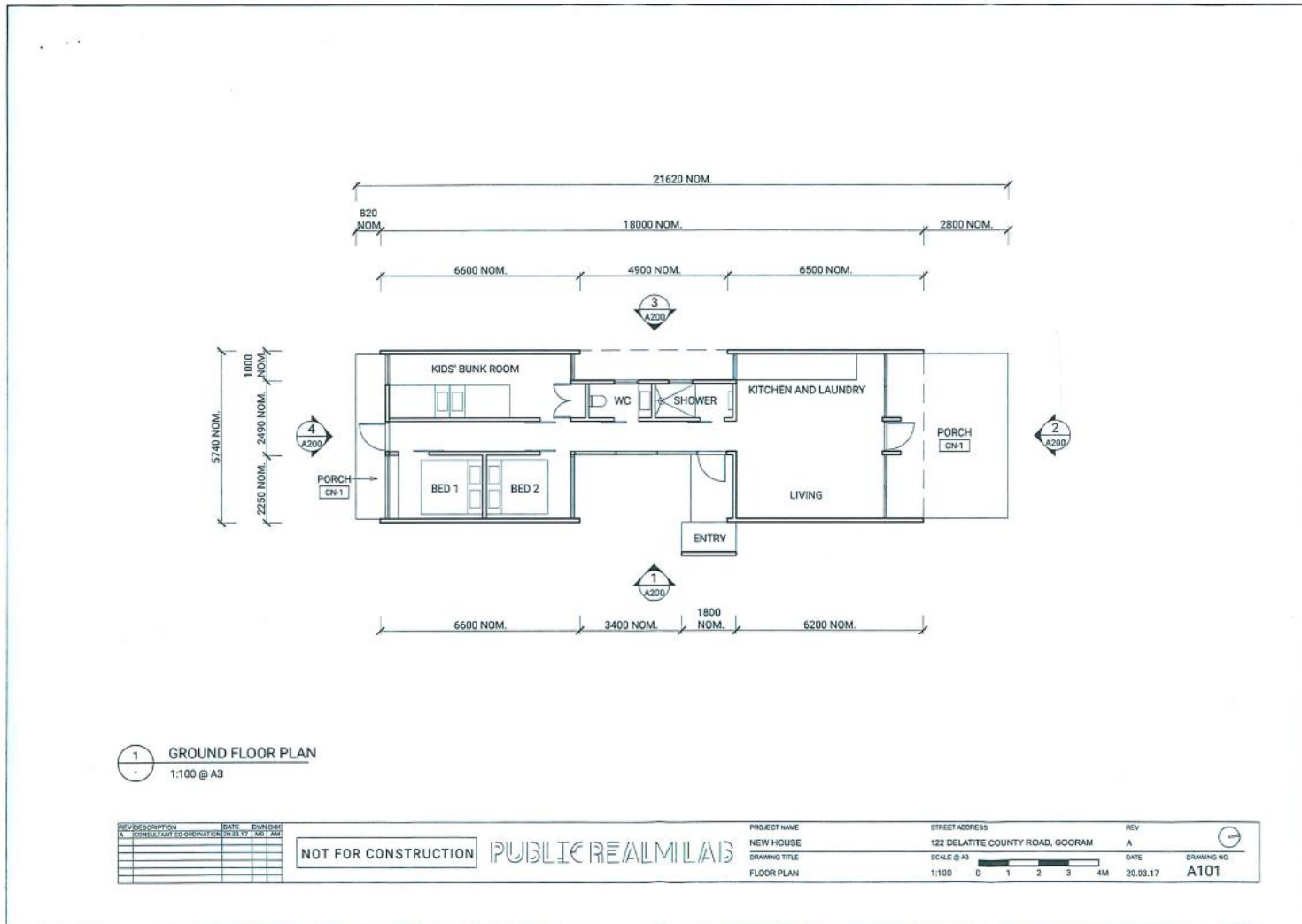
1 LOCATION PLAN  
 1:5000 @ A3

REV	DESCRIPTION	DATE	BY	CHECKED
A	CONSULTANT SUBMISSION	20/03/17	ME	AM

NOT FOR CONSTRUCTION PUBLIC REALM MILAB

PROJECT NAME	STREET ADDRESS	REV
NEW HOUSE	122 DELATITE COUNTY ROAD, GOORAM	A
DRAWING TITLE	SCALE (2/A3)	DATE
LOCATION PLAN	1:5000 0 50 100 150 200M	20.03.17
		DRAWING NO.
		A002





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

**7. OTHER BUSINESS**

**7.1 Planning Applications Received  
- 20 July to 10 August 2017**

Following are listings of Planning Applications Received for the period 20 July to 10 August 2017.

**RECOMMENDATION**

**That the report be noted.**

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

## Planning Applications Received

Friday, 21 July 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
1956 Upton Road, Upton Hill VIC 3664	P2017-076	Development of land for two additional poultry sheds	T & C Developments-Troy Spencer	\$170,000.00
231 Gap Road, Longwood East VIC 3666	P2017-077	Use and development of land for a dwelling and associated tree removal	Andrew Ferris	\$850,000.00

Monday, 24 July 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
599 Creightons Creek Road, Creightons Creek Victoria 3666	P2013/082 - 1	Development of land for a dwelling and sheds	HALSALL, Christopher Stanley	\$0.00 *

Tuesday, 25 July 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
114 Kennedy Street, Euroa VIC 3666	P2017-079	Use and development of land for a dwelling	T & C Developments-Troy Spencer	\$150,000.00
682 Moglonemby Road, Riggs Creek VIC 3666	P2017-078	Two (2) lot re-subdivision	T & C Developments-Troy Spencer	\$0.00 *

Wednesday, 26 July 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
1 Bank Street, Avenel VIC 3664	P2017-033 - 1	Development of a replacement balcony	Bruce Mactier Building Designers	\$0.00 *

Thursday, 27 July 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
113 Gold Diggers Road, Baillieston VIC 3608	P2017-080	Development of land for a storage shed	MANZONE, David	\$10,000.00

Tuesday, 1 August 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
304 Goulburn Weir-Murchison Road, Goulburn Weir VIC 3608	P2017-081	Development of land for a shed and a skillion carport	Clare Hogan	\$80,000.00

Monday, 7 August 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
11 Turnbull Street, Euroa VIC 3666	P2017-083	Development of land for a verandah to the miniature railway station and club rooms	Euroa Miniature Railway	\$2,000.00

Tuesday, 8 August 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
19 Goulburn Views Drive, Kirwans Bridge VIC 3608	P2017-084	Development of land for a carport and loft	CBA Building Designers	\$180,000.00
Penny Lane, Gooram VIC 3666	P2017-082	Development of land for a new entrance and a shed	Ashley Tokhi	\$8,000.00

Wednesday, 9 August 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
13 Baxters Road, Goulburn Weir VIC 3608	P2017-085	Development of land for a gable roofed verandah on an existing dwelling	Kevin Sidebottom	\$9,800.00

Thursday, 10 August 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
708 Galls Gap Road, Strathbogie VIC 3666	P2017-086	Use of land to operate a business for an art house, art store and a liquor licence	SLOAN, Lynda	\$0 *

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

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