



STRATHBOGIE SHIRE COUNCIL

PLANNING COMMITTEE

AGENDA

MEETING TO BE HELD ON TUESDAY 10 JUNE 2014

COMMENCING AT 4.00 P.M.

AT THE EUROA COMMUNITY CONFERENCE CENTRE

Councillors: Malcolm Little (Chair)
Alister Purbrick
Patrick Storer
Debra Swan
Robin Weatherald
Graeme (Mick) Williams

Officers: Steve Crawcour - Chief Executive Officer
Phil Howard - Director, Sustainable Development
Emma Kubeil – Manager, Economic Growth
Jennifer Dowling – Team Leader, Planning
Roy Hetherington – Director, Asset Services

Business:

1. Welcome
2. Acknowledgement of Traditional Land Owners

'In keeping with the spirit of Reconciliation, we acknowledge the traditional custodians of the land on which we are meeting today. We recognise indigenous people, their elders past and present'.

3. Apologies

Councillor Colleen Furlanetto

4. Confirmation of Minutes of the Planning Committee meeting held on Tuesday 27 May 2014
5. Disclosure of Interests

EXCERPT FROM MEETING PROCEDURE LOCAL LAW NO. 1

CONDUCT OF PUBLIC

52. VISITORS

- (1) Visitors must not interject or take part in debate.
- (2) Silence shall be preserved in the gallery at all times.
- (3) If any visitor is called to order by the Chairperson and again acts in breach of this Local Law, the Chairperson may order that person to be removed from the gallery.

53. CALL TO ORDER

Any person who has been called to order including any Councillor who fails to comply with the Chairperson's direction will be guilty of an offence.

Penalty: \$500

54. REMOVAL FOR DISRUPTION

The Chairperson has discretion to cause the removal of any person including a Councillor who disrupts any meeting or fails to comply with a direction under the provisions of this Local Law.

6. Planning Reports
7. Other Business

Steve Crawcour
CHIEF EXECUTIVE OFFICER

5 June 2014

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

6. PLANNING REPORTS

**6.1 Planning Permit Application No. P2014/007
- Use and Development of the Land for a Dwelling – 218 Boundary Road South, Euroa**

Application Details:

Application is for:	Use and development of the land for a dwelling
Applicant's/Owner's Name:	Darrell Groat
Date Received:	30 January 2014
Statutory Days:	48 Days
Application Number:	P2014-007
Planner: Name, title & department	Jennifer Dowling Team Leader Sustainable Development
Land/Address:	Lot 1 on Plan of Subdivision 704395Y, Certificate of Title Volume 11474 Folio 678, 218 Boundary Road South, Euroa
Zoning:	Farming Zone
Overlays:	Land Subject to Inundation Overlay (part),
Under what clause(s) is a permit required?	Clause 35.07-1 Clause 35.07-4
Restrictive covenants on the title?	AJ900856U – prohibits subdivision
Current use and development:	Vacant

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

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

Summary

- The proposal is for the use and development of land for a dwelling.
- The site is located in the Farming Zone.
- The lot size is 9822 square metres
- The character of the area is rural residential. The site is identified in the Strathbogie Shire Rural Residential Strategy as potential area for rural living opportunities.

6.1 Planning Permit Application No. P2014/007
- Use and Development of the Land for a Dwelling – 218 Boundary Road South, Euroa (cont.)

- The application was referred internally to Council's Asset Services Department and Council's Health Officer who offered no objection, subject to conditions.
- An assessment against the Farming Zone and State and Local Policies indicates the proposal is consistent with these provisions of the Strathbogrie Planning Scheme.
- The application was advertised to adjoining landholders, one objection has been received to date.
- The application is being presented to Planning Committee as the proposal is for a dwelling on an allotment under the minimum lot size in the Farming Zone, i.e. 40 hectares and an objection has been received.
- The application has been assessed within the 60 day statutory time period.
- It is recommended that Council resolve to issue a Notice of Decision in accordance with the Officer's recommendation.

RECOMMENDATION

That Council:

- *having caused notice of Planning Application No. P2014-007 to be given under Section 52 of the Planning and Environment Act 1987 and or the planning scheme*

and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Grant a Permit under the provisions of Clause 35.07-1, Clause 35.07-4, of the Strathbogrie Planning Scheme in respect of the land known Lot 1 on Plan of Subdivision 704395Y, Certificate of Title Volume 11474 Folio 678, 218 Boundary Road South for the use and development of the land for a dwelling, in accordance with endorsed plans, subject to the following conditions:

- 1. Prior to the commencement of the use/issue of the Certificate of Occupancy/issue of the Certificate of Final Inspection all internal access roads must be constructed, formed and drained to avoid erosion and to minimise disturbance to natural topography of the land to the satisfaction of the Responsible Authority. Internal access, including the turn-around areas for emergency vehicles, must be all weather construction with a minimum trafficable width of 4m.**
- 2. Prior to the commencement of works, a permit to install a septic tank system is required from the Responsible Authority. An application to alter the existing septic tank may also be required if deemed wastewater generation will be increased.**

6.1 Planning Permit Application No. P2014/007
- Use and Development of the Land for a Dwelling – 218 Boundary Road
South, Euroa (cont.)

3. 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.
4. 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.
5. 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.
6. You are required to consult a suitably qualified person to conduct a Land Capability Assessment for the proposed new dwelling. The LCA must consider, soil profiles, soil percolation rates wastewater generation per bedroom/studies.
7. Prior to the commencement of use, the Owner must provide and install a septic tank system (All Water Waste System or Treatment plant) in accordance with the current Septic Tank Code of Practice, in accordance with the recommendations of the approved Land Capability Assessment and to the satisfaction of the Responsible Authority.
8. All sewerage and sullage emanating from the permitted buildings shall be adequately treated, retained and disposed of within boundaries of the lot in accordance with Clause 40 of the state environmental protection policy (Waters of Victoria) 1988; Septic Tank Code of Practice; and AS/NZS 1547:2012.
9. A reserve effluent disposal area is required, on building or development plans, equivalent in size to the proposed effluent disposal area described within the Land Capability Assessment for the site. The reserve effluent disposal area must not have permanent structures built upon it.
10. The Responsible Authority reserves the right to accept, reject or amend the recommendations of an LCA report.
11. The ingress of surface and seepage water shall be diverted around the perimeter and upslope of the effluent disposal area.
12. The effluent disposal field must be located 60m (primary treatment) or 30m (secondary sewage and greywater effluent) from any waterways, dams, lakes or reservoirs (non-potable water supply).

6.1 Planning Permit Application No. P2014/007
- Use and Development of the Land for a Dwelling – 218 Boundary Road
South, Euroa (cont.)

13. The external cladding of the proposed buildings, including the roof, must be constructed of new materials of muted colours to enhance the aesthetic amenity of the area. Material having a highly reflective surface must not be used.
14. The 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.
15. The amenity of the area must not be detrimentally affected by the use, through the:
 - (a) Appearance of any building, works or materials;
 - (b) Transport of materials, goods or commodities to or from the land;
 - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil;
 - (d) Presence of vermin, and;
 - (e) Others as appropriate.
16. This permit will expire if one of the following circumstances applies:
 - (a) The development is not started within two (2) years of the date of this Permit,
 - (b) The development is not completed within four (4) years of the date of this Permit.

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

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

Planning Notes:

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

6.1 Planning Permit Application No. P2014/007
- Use and Development of the Land for a Dwelling – 218 Boundary Road South, Euroa (cont.)

Proposal

The application proposes the use and development of the land for a dwelling. The dwelling is proposed to be located 35 metres from the southern boundary and 12.5 metres from the eastern boundary. A building envelope was previously approved under P2012/008, the envelopment is registered on title.

The two storey dwelling is proposed to have a ground floor area of 169 square metres, first floor area of 117 square metres and height of 6.6 metres. The dwelling is proposed to include a kitchen living and dining area, balcony and verandah on the first floor and two bedrooms, one ensuite, a study, laundry, bathroom and verandah.

A wastewater disposal area is proposed to be located to the south of the property to the rear of the dwelling.

The dwelling is proposed to be accessed via an existing crossover from Boundary Road South.

Subject site & locality

The subject site is located to the south of Euroa. The site has an area of 9822 square metres and is a rectangular shape. The site has a frontage to and is accessed from Boundary Road South.

The adjoining and surrounding lots vary in size. To the south, east and west the lots vary between 4500 square metres to 2 hectares. To the north the lots are in the Residential 1 Zone and vary between 900 square metres and 2 hectares.

Permit/Site History

P2012/008 Two lot subdivision

Public Notification

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

- Sending notices to the owners and occupiers of adjoining land.
- Placing a sign on site

The notification has been carried out correctly. One objection has been received to date. The objection details the following:

- The location of the effluent area will result in wastewater flowing onto the adjoining property to the south.

Consultation

A copy of the objection was sent to the applicant for comment. The applicant discussed the proposal with Council however a written response was not provided.

6.1 Planning Permit Application No. P2014/007
- Use and Development of the Land for a Dwelling – 218 Boundary Road South, Euroa (cont.)

The application including location of the wastewater envelope was referred to Council Environmental Health Officer. They did not object and requested conditions including the following condition:

- *All sewerage and sullage emanating from the permitted buildings shall be adequately treated, retained and disposed of within boundaries of the lot in accordance with Clause 40 of the state environmental protection policy (Waters of Victoria) 1988; Septic Tank Code of Practice; and AS/NZS 1547:2012.*
1. This condition will ensure the wastewater does not enter any adjoining property. 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.

Referrals

External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	n/a
Section 52 Notices	Public notice – one objection received

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

Assessment

The zoning of the land and any relevant overlay provisions

Farming Zone

The purpose of the Farming Zone is to:

- *Implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and Local Planning Policies.*
- *Provide for the use of land for agriculture.*
- *Encourage the retention of productive agricultural land.*
- *Ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture.*
- *Encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*
- *Protect and enhance natural resources and the biodiversity of the area.*

6.1 Planning Permit Application No. P2014/007
- Use and Development of the Land for a Dwelling – 218 Boundary Road
South, Euroa (cont.)

A permit is required for use and development of the land for a dwelling.

General Issues	Complies	Officers Comment
<i>The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</i>	Yes	Assessment against SPPF & LPPF is provided below.
<i>Any Regional Catchment Strategy and associated plan applying to the land.</i>	N/A	There is no relevant regional catchment strategy.
<i>The capability of the land to accommodate the proposed use or development, including the disposal of effluent.</i>	Yes	The application was referred to Councils Health Officer who did not object subject to conditions being included on the permit.
<i>How the use or development relates to sustainable land management.</i>	Yes	The site has an area of approximately 2ha and is currently vacant of any buildings. There is limited opportunity to use the land for agriculture. The proposed dwelling is likely to ensure the land is maintained in terms of vermin and weeds.
<i>Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.</i>	Yes	The subject site is considered to be a small lot suitable for a residential use. The application proposes to setback the dwelling from the adjoining boundaries. This allows a buffer between the proposed use and development and the surrounding residential and agricultural uses.
<i>How the use and development makes use of existing infrastructure and service.</i>	Yes	Access is proposed to be via a government road to the north of the subject site.
Agricultural Issues		
<i>Whether the use or development will support and enhance agricultural production.</i>	No	The subject site has an area of approximately 2ha. The site is characterised as rural residential. The proposed dwelling is unlikely to support agricultural production. However given the size of the lot, surrounding land uses and proximity to Euroa town centre it is unlikely that the site would be used for agriculture.
<i>Whether the use or development will permanently remove land from agricultural production.</i>	Yes	Given the size of the lot it is considered that the subject site is already removed from agriculture. The proposed development is unlikely to have an impact on the potential future use of the land for agriculture.

6.1 Planning Permit Application No. P2014/007
- Use and Development of the Land for a Dwelling – 218 Boundary Road
South, Euroa (cont.)

<i>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	Given the adjoining land uses and lot sizes there is unlikely to be any operation or expansion of agricultural land uses.
<i>The capacity of the site to sustain the agricultural use.</i>	Yes	The site has limited capacity as detailed above due to its size.
<i>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</i>	Yes	The quality of the land in this area is generally considered productive. However as detailed above the lot had an area of approximately 1 ha.
<i>Any integrated land management plan prepared for the site.</i>	n/a	As detailed above the site is not capable of accommodating a large or intensive agricultural use.
Dwelling Issues	Complies	Officers Comment
<i>Whether the dwelling will result in the loss or fragmentation of productive agricultural land.</i>	Yes	As detailed above the dwelling is unlikely to result in the loss or fragmentation of productive agricultural land.
<i>Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.</i>	Yes	The dwelling is surrounded by rural residential uses and is proposed to be setback from all boundaries.
<i>Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	As detailed above the dwelling is not in proximity to large agricultural uses and is therefore unlikely to affect the operation and expansion of adjoining and nearby agricultural uses.
<i>The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.</i>	Yes	The proposed dwelling has been assessed on its merit. Therefore it is unlikely that the proposed dwelling would directly result in the proliferation of dwellings.
Environmental issues		
<i>The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.</i>	Yes	The application was referred to Council's Environmental Health Officer who assessed the application and did not object to the proposal subject to conditions.
<i>The impact of the use or development on the flora and fauna on the site and its surrounds.</i>	Yes	The proposal does not include the removal of any vegetation and is appropriately located not to damage any vegetation.

6.1 Planning Permit Application No. P2014/007
- Use and Development of the Land for a Dwelling – 218 Boundary Road
South, Euroa (cont.)

<i>The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.</i>	Yes	The proposal does not include the removal of any vegetation.
<i>The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.</i>	Yes	Should a permit be issued a condition will be included requiring a permit for a septic tank.
Design and siting issue		
<i>The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.</i>	Yes	As detailed above the dwelling is appropriately setback from the adjoining boundaries.
<i>The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.</i>	Yes	The proposed siting and design is considered appropriate. Should a permit be issued a condition will be placed on the permit requiring muted tones.
<i>The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.</i>	Yes	The proposed dwelling is unlikely to impact the character and appearance of the area.
<i>The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.</i>	Yes	The proposed dwelling and associated infrastructure is considered to be appropriately located.
<i>Whether the use and development will require traffic management measures.</i>	Yes	The application was referred to Councils Assets Department who raised no concerns in relation to traffic management measures. A single dwelling is unlikely to unreasonably increase traffic in the area.

Clause 44.04 Land Subject to Inundation Overlay

Purpose

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.*

6.1 Planning Permit Application No. P2014/007
- Use and Development of the Land for a Dwelling – 218 Boundary Road
South, Euroa (cont.)

- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- *To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.*
- *To protect water quality in accordance with the provisions of relevant State Environment*
- *Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*

A permit is required for buildings and works, including the development of the land for a dwelling.

The State Planning Policy Framework (SPPF)

Clause 11.05-3, Rural productivity

Objective:

- *“To manage land use change and development in rural areas to promote agriculture and rural production.”*

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.*
- *Restructure old and inappropriate subdivisions.*

Clause 14.01, Agriculture,

Objective:

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

Clause 17 Economic Development

Planning is to provide for a strong and innovative economy, where all sectors of the economy are critical to economic prosperity. Planning is to contribute to the economic well-being of communities and the State as a whole by supporting and fostering economic growth and development by providing land, facilitating decisions, and resolving land use conflicts, so that each district may build on its strengths and achieve its economic potential.

6.1 Planning Permit Application No. P2014/007
- Use and Development of the Land for a Dwelling – 218 Boundary Road
South, Euroa (cont.)

Assessment:

The proposed dwelling is in an area of existing settlement and is in keeping with the character of the area. The proposed dwelling is considered to be in accordance with the above policy.

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

Clause 22.01 Housing and house lot excisions in the Farming Zone

Policy

Dwellings on small lots

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

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

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

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

6.1 Planning Permit Application No. P2014/007
- Use and Development of the Land for a Dwelling – 218 Boundary Road
South, Euroa (cont.)

Assessment:

The proposed dwelling meets the above requirements as detailed below:

- Access can be gained via an all weather road.
- Emergency ingress and egress is considered to be at an appropriate standard.
- As detailed above the dwelling will not inhibit the operation of agriculture and/or rural industries.
- The site will be able to accommodate wastewater disposal.
- The subject site is identified in the Strathbogie Shire Rural Residential Strategy 2004 as rural residential.
- A section 173 Agreement is currently on the title prohibiting further subdivision.

Clause 65

Decision Guidelines

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 other policies/strategies to be considered.

Relevant incorporated, reference or adopted documents

There are no other documents to be considered.

6.1 Planning Permit Application No. P2014/007
- Use and Development of the Land for a Dwelling – 218 Boundary Road
South, Euroa (cont.)

Relevant Planning Scheme amendments

There are no relevant Planning Scheme amendments.

Risk Management

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

Strategic Links – policy implications and relevance to Council Plan

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

Summary of Key Issues

The proposal is for the use and development of land for a dwelling. The site is within the Farming Zone and is less than the area specified in the Schedule to the Farming Zone for a dwelling, 40 hectares.

With regard to the Farming Zone:

- The application was referred to Engineering who did not object subject to conditions regarding vehicle access, management of silt and erosion, storm water management and damage to assets. These conditions will be included on the permit, should a permit be issued.
- The application was referred to Council's Environmental Health Officer who did not object subject to conditions. The conditions refer to a permit being required for a septic system and associated works. These conditions will be included on the permit, should a permit be issued.

The proposal is consistent with the purpose of the Farming Zone and Land Subject to Inundation Overlay and meets the objectives of the State Planning Policy Framework and Local Planning Policy Framework.

Conclusion

After due consideration of all the relevant factors, it is considered that a Notice of Decision should be issued for the application, subject to conditions.

Attachments

Site Plan



PLANNING COMMITTEE REPORT NO. 2 (TEAM LEADER, PLANNING – JENNIFER DOWLING)

**6.2 Planning Permit Application No. P2014/026
- Two (2) Lot Subdivision and Construction of Two Dwellings ~ 97 Anderson Street, Euroa**

Application Details:

Application is for:	Two (2) lot subdivision and construction of two dwellings
Applicant's/Owner's Name:	Abcad Design Pty Ltd
Date Received:	03 March 2014
Statutory Days:	62
Application Number:	P2014-026
Planner: Name, title & department	Jennifer Dowling Team Leader - Planning Sustainable Development
Land/Address:	Lot 2 Plan of Subdivision 019594, Certificate of Title Volume 07479 Folio 122 Parish of Euroa, 97 Anderson Street, Euroa VIC 3666
Zoning:	Residential 1 Zone
Overlays:	Land Subject to Inundation Overlay
Under what clause(s) is a permit required?	Clause 32.01-2 Clause 32.01-4 Clause 44.04-1
Restrictive covenants on the title?	No
Current use and development:	Vacant

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

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

Summary

- The application is for the development of land at 97 Anderson Street, Euroa for two dwellings and a two lot subdivision.
- The dwellings will each be single storey and comprise three bedrooms, two bathrooms and a combined kitchen/living/dining area.

6.2 Planning Permit Application No. P2014/026
- Two (2) Lot Subdivision and Construction of Two Dwellings ~ 97 Anderson Street, Euroa (cont.)

- The application was advertised and one (1) objection was received. The objection related to flood/drainage impacts.
- An additional submission was received which raised concerns to noise impacts throughout the construction period. This submission has not been considered as an objection as the applicant is required under the relevant regulations to comply with guidelines in relation to residential noise
- Goulburn Valley Water (GVW) were notified of the application. GVW did not object to the application, subject to amendments to the plan and conditions.
- The application was referred externally to Goulburn Broken Catchment Management Authority (GBCMA) who did not object, subject to conditions.
- The application was referred internally to Council's Asset Services department who did not object, subject to conditions.
- The application has not been assessed within the 60 day statutory timeframe due to consultation with the applicant and Council Assets Services Department regarding the objection.
- The application is being heard before Planning Committee due to one (1) unresolved objection.
- The proposed dwellings comply with the Objectives and Standards of Rescode (Clause 55).
- In summary, the proposal meets the objectives of the State Planning Policy Framework, Local Planning Policy Framework, Residential 1 Zone and Land Subject to Inundation Overlay.

RECOMMENDATION

That Council

- **having caused notice of Planning Application No. P2014-026 to be given under Section 52 of the *Planning and Environment Act 1987* and 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 32.01-2 Clause 32.01-4 Clause 44.04-1, of the Strathbogrie Planning Scheme in respect of the land known as Lot 2 Plan of Subdivision 019594 Certificate of Title Volume 07479 Folio 122 Parish of Euroa, 97 Anderson Street, Euroa VIC 3666 for the Two (2) lot subdivision and construction of two dwellings, in accordance with endorsed plans, subject to the following conditions:

6.2 Planning Permit Application No. P2014/026
- Two (2) Lot Subdivision and Construction of Two Dwellings ~ 97 Anderson Street, Euroa (cont.)

2. **Prior to the issue of Statement of Compliance for the subdivision the Applicant must obtain a vehicle crossing permit from the Responsible Authority for each lot and construct the vehicle crossing in accordance with the requirements. The vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense. Final location of vehicle crossing must be approved by Responsible Authority via vehicle crossing permit. Reference should be made to Clause 12.9.1 "Urban Vehicle Crossings" of the Infrastructure Design Manual and relevant standard drawing.**
3. **Prior to the commencement of use for each dwelling, the drainage system must be constructed as per the approved plans.**
4. **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.**
5. **Prior to the issue of a Statement of Compliance for 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.**

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6. Prior to the Certification of the subdivision, the Owner must complete and duly sign a Statutory Declaration agreeing to the Allocation of Street numbers.
7. Prior to the issue of Statement of Compliance for the subdivision, the Owner must display street numbers for each lot which clearly identifies the address of each lot to the satisfaction of the Responsible Authority.
8. 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.
9. 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.
10. 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. No effluent or polluted water of any type may be allowed to enter the stormwater drainage system.
11. The drainage system must be designed and constructed so that the rate of storm water runoff from the development must not be more than the rate of runoff from the site prior to the development. The drainage design must incorporate on site storage for 100 year two hour storm event. The stormwater drainage system for the development shall incorporate water sensitive urban design. The system must include rainwater tanks and the development must be plumbed to supply reuse water for laundry and toilet flushing.
12. The subdivision must be in accordance with the endorsed plans. The endorsed plans can only be altered or modified with the prior written approval of the Responsible Authority, or to comply with statutory requirements
13. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the Plan of Subdivision submitted for certification in favour of the Relevant Authority for which the easement or site is to be created.
14. The Plan of Subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant Authority in accordance with Section 8 of that Act.

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15. Goulburn Broken Catchment Management Authority Condition:

- (a) The finished floor levels of the proposed dwellings must be constructed at least 300 millimetres above the 11-year ARI flood level of 176.65 metres AHD, i.e. 176.95 metres AHD, or higher level deemed necessary by the responsible authority.

16. Goulburn Valley Water Condition:

- (a) Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment.
- (b) Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment.
- (c) Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.

In the case of multi tenement development, the works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage', and to the satisfaction of the Corporation's Property Services Section;

- (d) A notation is to be placed on the plan of subdivision to note that pursuant to Section 12(2) of the Subdivision Act 1988, there exists "implied easements" over all of the allotments and the common property within the development;
- (e) Alternatively, the developer is to provide a two metre wide sewerage easement over the common portion of the house connection drain, in favour of the benefiting land, to the satisfaction of the Goulburn Valley Region Water Corporation;
- (f) The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act, 1988.
- (g) The Corporation also requires the following for the construction of the two dwellings:
- Provision of separate water services and individual water supply meters to each allotment within the development;
 - Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation. All works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage', and to the satisfaction of the Corporation's Property Services Section;

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17. The 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.
18. The amenity of the area must not be detrimentally affected by the use, through the:
 - (f) Appearance of any building, works or materials;
 - (g) Transport of materials, goods or commodities to or from the land;
 - (h) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil;
 - (i) Presence of vermin, and;
 - (j) Others as appropriate.
19. This permit will expire if one of the following circumstances applies:
 - (a) The subdivision is not certified within two (2) years of the date of this permit;
 - (b) The registration of the subdivision is not completed within five (5) years of the date of certification of the plan of subdivision.
 - (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.

Planning Notes:

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

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Goulburn Broken Catchment Management Authority Notes:

- **The 100-year ARI flood is not the maximum possible flood. There is always a possibility that a flood larger in height and extend, than the 100-year ARI flood, may occur in the future.**

Proposal

It is proposed to construct two dwellings on the land and subdivide the subject site into two lots each containing a single dwelling.

The proposed subdivision contains two lots. Proposed lot 1 will have an area of 391 square metres and will have street frontages to both Anderson and Atkins Street. Proposed lot 2 will have an area of 314 square metres and will be accessible from Atkins Street. The two lots will be connected to all available reticulated services.

The dwellings will each contain three bedrooms, two bathrooms, combined kitchen/living/dining area and a double garage. Proposed unit 1 will face Anderson Street and will have a setback from the street of 7.525 metres. Unit 2 will face Atkins Street and will have a setback of 3.3 metres.

Each lot will have separate vehicular access from their respective street frontages. The dwellings will be constructed with brick walls and tiled rooves.

Subject site & locality

The subject site is located on the north western corner of Anderson and Atkins Streets and has a total area of 705 square metres. The land is rectangular in shape and is currently vacant. The site is generally flat in topography and currently does not have any approved vehicular access location. The site is clear of vegetation.

Land surrounding the site is developed for residential purposes. Generally the lots are larger lots with an area varying between 700 square metres and 1800 square metres. The character of the area is single storey dwellings on each lot.

Permit/Site History

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

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Public Notification

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

- letters to all adjoining land owners
- a sign being displayed on site for a two week period.

The notification has been carried out correctly.

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

- Increased stormwater runoff into Anderson Street
- Existing curb and channelling does not comply with the Infrastructure Design Manual

An additional submission was received with concerns regarding the impact of noise throughout the construction period. It cited the Victorian Environment Protection (Residential Noise) Regulations 2008 which restrict construction activity and seeks Council's enforcement of these regulations. This submission has not been treated as an objection as the developers are required, under these regulations to comply with guidelines should a permit issue.

Consultation

Consultation was undertaken with the applicant and Council Assets Services Department regarding the objection received.

Council Assets Services Department have confirmed that the drainage in area surrounding the subject site is of low standard. To ensure the proposed development does not impact on the existing situation should a permit be issued conditions will be included on the permit to require on site storage of stormwater and a limited permissible discharge rate to reduce peak flows.

Referrals

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	GBCMA – No objections, subject to conditions
Section 52 Notices	Goulburn Valley Water – No objections, subject to conditions

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

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Assessment

The zoning of the land and any relevant overlay provisions

Residential 1 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 residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.*
- *To encourage residential development that respects the neighbourhood character.*
- *In appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.*

A permit is required for the development of two dwellings and subdivision of land within this zone. When assessing an application for two dwellings and subdivision of land in this zone, consideration must be given to the requirements of the State and Local Planning Policy Framework as well as the Objectives and Standards of Clause 55 and Clause 56. It is considered that the proposal is consistent with the guidelines and objectives of the state and local policies as well as the objectives of Clause 55 and Clause 56. These are discussed further into this report.

Land Subject to Inundation Overlay

Purpose:

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

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A permit is required for buildings and works and subdivision on land affected by the Land Subject to Inundation Overlay. Consideration must be given to the impacts of the proposed development on flooding and inundation issues. It is considered that the proposed development will not impact on flooding within the area. The applicant has provided written advice from Goulburn Broken Catchment Management Authority which advises that they have no objection to the development subject to a condition requiring the floor levels of the proposed dwellings to be more than 300mm above the 100-year ARI flood level. The proposed development is considered to be consistent with the purpose and decision guidelines of the Land Subject to Inundation Overlay.

The State Planning Policy Framework (SPPF)

Clause 11.02-1, *Supply of urban land*, of the Strathbogrie Planning Scheme states its objectives:

- *To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*
- *New housing should have access to services and be planned for long term sustainability, including walkability to activity centres, public transport, schools and open space.*
- *Planning for housing should include providing land for affordable housing.*

Clause 14.01 - *Planning for urban settlement* contains the following objectives:

- *To ensure a sufficient supply of land is available for residential, commercial, industrial, recreational, institutional and other public uses.*
- *To facilitate the orderly development of urban areas.*

Clause 15 - *Built environment and heritage* contains the following objectives:

- *Planning should ensure all new land use and development appropriately responds to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.*

Clause 15.01-5 - *Cultural identity and neighbourhood character* contains the following objectives:

- *To recognise and protect cultural identity, neighbourhood character and sense of place.*

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Clause 16.01-4 - *Medium Density Housing* contains the following objectives:

- *To encourage the development of well-designed medium-density housing which:*
 - *Respects the neighbourhood character.*
 - *Improves housing choice.*
 - *Makes better use of existing infrastructure.*
 - *Improves energy efficiency of housing.*

The proposal is for an infill medium density development within the township area of Euroa in a location very close to a number of educational facilities. The proposal is generally consistent with the Clause 16.01-4 which encourages the development of medium-density housing which respects the neighbourhood character, improves housing choice, makes better use of existing infrastructure and improves the energy efficiency of housing. The requirements of Clause 15 have been taken into account and the development will appropriately respond to its landscape, valued built form and cultural context.

The site is located approximately 1km from the centre of town using the existing road network however is located closer to education and other community facilities

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

Consideration has been given to Clause 21.03-1 in relation to *Housing and lot size diversity*:

“Increased options for housing this population will be required, particularly in the four main towns of Euroa, Nagambie, Avenel and Violet Town where there is greater access to both physical and social services. A range of housing options needs to be provided within walking distance to facilities or transport to such facilities, and in a form such as smaller one and two bedroom dwellings. Alternative forms of housing such as retirement or aged care facilities need to be investigated. Diversity in housing options is also important in maintaining a diverse population mix within the Shire.”

Clause 21.03-2, *Euroa*, of the Strathbogie Planning Scheme is relevant to this proposal. Its objectives include:

- *To maintain and enhance the Euroa “Village” character through strengthening its compact central area, the strong presence of services and the attractive historic buildings and streetscapes.*

The Euroa Structure Plan within this Clause identifies the site as residential. The proposed development of the land for two dwellings and a two lot subdivision is considered to be consistent with local policy which seeks to retain the ‘village’ character of the town. The proposal is also considered to be consistent with local policy as it adds to the existing supply of residential land and dwellings.

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Relevant Particular Provisions

Clause 55, *Two or more dwellings on a lot and residential buildings*, of the Strathbogie Planning Scheme applies to the proposal. A response to Clause 55 is provided in the table below.

Std No.	Description	Assessment Comments	Complies?
B1	<p>Neighbourhood character</p> <p><i>The design response must be appropriate to the neighbourhood and the site.</i></p> <p><i>The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.</i></p>	<p>The proposed development is in an established residential area. The proposal will provide for two dwellings in proximity to the Euroa town centre. The proposal is at a higher density to the existing character of the area, though it is the preferred character due to the proximity of the site to the town.</p>	✓
B2	<p>Residential policy</p> <p><i>Written statement of State policy and local planning policy framework</i></p>	<p>The proposal complies with the State and Local Planning Policies. It provides for two dwellings within the Euroa town centre.</p>	✓
B3	<p>Dwelling diversity</p> <p><i>Range of dwelling sizes and types for developments of 10 or more dwellings</i></p>	N/A	✓
B4	<p>Infrastructure</p> <p><i>Able to be connected to reticulated services. Capacity of the existing infrastructure.</i></p>	<p>There is existing infrastructure available and the dwellings can be connected to reticulated services.</p>	✓
B5	<p>Integration with the street</p> <p><i>Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.</i></p> <p><i>Development oriented to the street frontage.</i></p> <p><i>High fencing in front of dwelling should be avoided.</i></p>	<p>The development provides adequate and safe vehicle & pedestrian links. Both dwellings will have individual street frontages. No front fencing is proposed</p>	✓
B6	<p>Street setback</p> <p>Minimum Setback from front street (m).</p>	<p>The proposed setbacks of the dwellings is consistent with the adjoining properties</p>	✓
B7	<p>Building Height</p> <p><i>9 metres maximum</i></p>	<p>Both proposed dwellings are less than 9m in height</p>	✓
B8	<p>Site Coverage</p> <p><i>60% maximum coverage</i></p>	<p>The proposal has a maximum site coverage of less than 60%.</p>	✓
B9	<p>Permeability</p> <p><i>Pervious surfaces 20% min</i></p>	<p>The amount of pervious surface is greater than 20%. This meets the objective of the clause.</p>	✓

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B10	<p>Energy Efficiency</p> <p><i>Orientation</i></p> <p><i>Living areas located on the north side of development.</i></p> <p><i>Maximise north facing windows</i></p>	<p>The dwellings have been designed to maximise north facing windows, living areas and private open spaces areas. The proposed driveways have been sited to allow for private open space to be located to the rear of the dwelling to the north of the site.</p>	✓
B11	<p>Open Space</p> <p><i>If any public or communal open space is provided on site it should: be fronted by dwellings, provide outlook for dwellings, be designed to protect any natural features, be accessible and useable.</i></p>	<p>No communal open space is proposed.</p>	✓
B12	<p>Safety</p> <p><i>Entrances to dwellings should not be obscured or isolated from the street and internal access ways.</i></p> <p><i>Planning which creates unsafe spaces along streets and access ways should be avoided.</i></p> <p><i>Developments should be designed to provide good lighting, visibility and surveillance of car parking and internal access ways.</i></p> <p><i>Private spaces within developments should be protected from inappropriate use as public thoroughfares.</i></p>	<p>The entrances to each of the proposed dwellings are visible from the street.</p> <p>No public thoroughfare areas will be created.</p>	✓
B13	<p>Landscaping</p> <p><i>Protect any predominate landscape character of the neighborhood.</i></p> <p><i>To provide appropriate landscaping</i></p> <p><i>To encourage the retention of mature vegetation on the site.</i></p>	<p>A condition will be included on the permit requiring a landscaping plan.</p> <p>The plan must be to the satisfaction of the Responsible Authority and completed prior to the issue of Statement of Compliance</p>	✓
B14	<p>Access</p> <p><i>Allow convenient, safe and efficient vehicle movements and connections within the development and the street network</i></p> <p><i>Forward direction exit</i></p> <p><i>Be at least 3 metres wide</i></p> <p><i>Have an internal radius of at least 4 metres at changes of direction</i></p> <p><i>Accessways width not exceed 33% or frontage >20metre 40%</i></p>	<p>Access to the dwellings is simple and has been designed to enable a sufficient space for vehicles to exit the subject site in a safe and efficient manner.</p> <p>Council Assets Services has not objected to the proposal subject to conditions.</p> <p>Accessways for this development does not exceed 40% of the lot frontage and is at least 3m wide.</p>	✓

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B15	<p>Parking location</p> <p><i>Reasonably close and convenient to dwellings and residential buildings</i></p> <p><i>Be secure</i></p> <p><i>Allow safe and efficient movements within the development</i></p>	All dwellings are provided with a double lock-up garage and located in proximity to the front entrances of each dwelling.	✓
B17	<p>Side and rear yard setbacks</p> <p><i>Side or rear setbacks - 1 m plus 0.3m for every metre of height over 3.6 m up to 6.9m, plus 1m for every metre over 6.9m</i></p>	The proposed dwellings are single storey and have a side setback of 1.4m. The standard requires 1.33m.	✓
B18	<p>Walls on boundary</p> <p><i>A new wall constructed on or within 200mm of a side or rear boundary of a lot or carport constructed on or within 1m of a side or rear boundary should not abut a boundary for a length of no more than – 10m plus 25% of the remaining length of the boundary of an adjoining lot</i></p>	The garages of the proposed dwellings are located on the site boundaries. The length of walls on the boundaries is less than 10m each which is consistent with the standard.	✓
B19	<p>Daylight to existing windows</p> <p><i>Impact on existing dwellings</i></p>	The proposed dwellings will not impact on daylight to existing dwellings.	✓
B20	<p>North facing windows</p> <p><i>North facing habitable rooms</i></p>	The dwelling on the lot to the north is located away from the boundary.	✓
B21	<p>Overshadowing Open Space</p> <p><i>The impact of the proposal on the amenity of existing dwellings and their private open space areas</i></p>	The proposal will not impact on the amenity of private open space for the dwelling to the north.	✓
B22	<p>Overlooking</p> <p><i>Habitable room windows balcony, terrace, deck or patio should be located and designed to avoid direct views into a secluded private open space of an existing dwelling. Views should be measured from a height of 1.7metres above floor level with a horizontal distance of 9m and a 45-degree angle for the setback.</i></p>	The proposed dwellings are single storey and have a 1.8m fence. Overlooking to adjoining properties will be in accordance with the relevant standard.	✓
B23	<p>Internal views</p> <p><i>Windows and balconies should be designed to prevent overlooking of more than 50% of the secluded private open space of a lower-level dwelling or residential building directly below of within the same development.</i></p>	As the dwellings are single storey, there will be no internal views between the dwellings.	✓

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B24	<p>Noise impacts</p> <p><i>Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings.</i></p> <p><i>Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take into account noise sources on immediately adjacent properties</i></p>	<p>The proposal does not include mechanical plants near proposed bedrooms nor is there a plant on existing properties that will result in noise impacts to proposed bedrooms.</p>	✓
B25	<p>Accessibility</p> <p><i>The dwelling entries of the ground floor of dwellings and residential buildings should be made accessible to people with limited mobility.</i></p>	<p>Low floor levels provide easy and efficient accessibility to the dwellings.</p>	✓
B25	<p>Dwelling entry</p> <p><i>Entries to dwellings and residential buildings should:</i></p> <ul style="list-style-type: none"> - <i>Be visible and easily identifiable from streets and other public areas.</i> - <i>Provide shelter, a sense of personal address and transitional space around the entry.</i> 	<p>Each dwelling's entry is well defined. A porch area at the entrance of the dwelling provides a comfortable access to the dwelling.</p>	✓
B27	<p>Daylight to new windows</p> <p><i>A window in a habitable room should be located to face:</i></p> <ul style="list-style-type: none"> - <i>An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot</i> 	<p>Habitable room windows are well located to receive adequate daylight.</p>	✓
B28	<p>Private open space</p> <p><i>An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room.</i></p>	<p>The application proposes greater than 40m² open space with at least 27.5m² private open space to the rear of the dwelling with access directly from the living areas.</p>	✓
B29	<p>Solar access to open space</p> <p><i>The private open space should be located on the north side of the dwelling or residential building, if appropriate.</i></p> <p><i>The southern boundary of secluded open space should be setback from any wall on the north side of the space at least (2+0.9h metres, where 'h' is the height of the wall.</i></p>	<p>The orientation of the lots allows for private open space to be located to the north of the lots. The secluded private open space to each lot is located to the north of the dwelling.</p>	✓

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B30	Storage <i>Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.</i>	There is sufficient space within the rear private open space areas to provide 6 cubic metres for storage.	✓
B31	Design Detail <i>To encourage design detail that respects the existing or preferred neighbourhood character.</i>	The design of the proposed dwellings responds to the existing character of the area.	✓
B32	Maximum front fence height <i>Should not exceed 1.5 metres in height when adjoining a road that is not located in a road zone.</i>	No front fences are proposed.	✓
B33	Common property <i>Clearly delineate public, communal and private areas.</i> <i>Common property should be functional and capable of efficient management.</i>	No common property is proposed	✓
B34	Site services <i>Ensure site services can be installed, maintained and look attractive.</i>	The application states that all mailboxes will be located at the entrance to the driveway and there is sufficient space for storage of bins.	✓

Clause 56, *Residential subdivision*, of the Strathbogie Planning Scheme is relevant to this proposal. A response to the relevant standards is provided in the table below.

Std No.	Description	Assessment Comments	Complies?
C6	Neighbourhood character	The proposal will provide an additional lot as well as two additional dwellings in the Euroa Township. The design and layout of the proposal is consistent with the existing neighbourhood character.	✓
C8	Lot area and building envelopes	Each of the proposed lot can fit a 10m x 15m building envelope.	✓
C9	Solar Orientation of Lots	The lots are orientated to allow for ample solar access, with northern rear and side boundaries.	✓
C11	Common Area	No common areas are proposed.	✓
C21	Lot access	Lot access will comply in accordance with Asset Service's requirements.	✓
C22	Drinking Water Supply	All lots will be connected to reticulated water supply in accordance with Goulburn Valley Water's requirements.	✓

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C23	Re-used & Re-cycled Water Objective	It is not proposed to provide a reuse or recycled water system. The lots will be connected to reticulated water.	✓
C24	Wastewater Management	The lots will be connected to reticulated sewer in accordance with Goulburn Valley Water's requirements.	✓
C25	Urban Run-off Management	Stormwater drainage will be directed towards to a legal point discharge in accordance with Asset Service's requirements.	✓
C26	Site Management	All appropriate controls will be implemented and ensured by placing conditions on the permit.	✓
C27	Shared Trenching	Where possible shared trenching will be pursued for reticulated utilities.	✓
C28	Electricity, Telecommunications & Gas	Electricity and telecommunications will be provided to each lot in accordance with the service authorities' requirements.	✓

The decision guidelines of Clause 65

Clause 65.01, Approval of an application or plan, of the Strathbogie Planning Scheme is relevant to this proposal. It states that the following must be considered when assessing an application:

- *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.*

6.2 Planning Permit Application No. P2014/026
- Two (2) Lot Subdivision and Construction of Two Dwellings ~ 97 Anderson Street, Euroa (cont.)

Furthermore, Clause 65.02, *Approval of an application to subdivide land*, states that; *before deciding on an application to subdivide land, the responsible authority must also consider, as appropriate:*

- *The suitability of the land for subdivision.*
- *The existing use and possible future development of the land and nearby land.*
- *The availability of subdivided land in the locality, and the need for the creation of further lots.*
- *The effect of development on the use or development of other land which has a common means of drainage.*
- *The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.*
- *The density of the proposed development.*
- *The area and dimensions of each lot in the subdivision.*
- *The layout of roads having regard to their function and relationship to existing roads.*
- *The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.*
- *The provision and location of reserves for public open space and other community facilities.*
- *The staging of the subdivision.*
- *The design and siting of buildings having regard to safety and the risk of spread of fire.*
- *The provision of off-street parking.*
- *The provision and location of common property.*
- *The functions of any body corporate.*
- *The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.*
- *If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.*
- *Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.*

The application has been assessed against the relevant decision guidelines of Clause 65 of the Strathbogie Planning Scheme. The proposal is consistent with the relevant policies of the State and Local Planning Policy Framework as well as the relevant zoning, overlay and particular provisions. The development proposes two dwellings and a two lot subdivision close to education and community facilities within the township of Euroa and is considered to be orderly planning of this area of town. The development is not considered to have any impact on the amenity of the surrounding area and the issues raised by objectors should be appeased by the inclusion of conditions on any permit issued. The site has been identified as having flooding issues however development has been consented to by Goulburn Broken Catchment Management Authority subject to a condition relating to the floor levels of the proposed dwellings. The new lots will be connected to all available reticulated services and is considered to be orderly planning of the area.

6.2 Planning Permit Application No. P2014/026
- Two (2) Lot Subdivision and Construction of Two Dwellings ~ 97 Anderson Street, Euroa (cont.)

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

There are no relevant adopted State policies.

Relevant incorporated, reference or adopted documents

There are no relevant incorporated, reference or adopted documents.

Relevant Planning Scheme amendments

There are no relevant planning scheme amendments.

Risk Management

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

Strategic Links – policy implications and relevance to Council Plan

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

Summary of Key Issues

The application seeks the development of land at 97 Anderson Street, Euroa for a two lot subdivision and the development of two dwellings on the land.

The proposed dwellings will each be single storey with three bedrooms and will be accessed from two crossovers proposed as part of the application on Anderson Street and Atkins Street. The proposed dwellings will be setback from the street in accordance with the relevant objectives at Clause 55 of the Strathbogrie Planning Scheme.

The application was advertised and one (1) objection was received. The objection related to flood/drainage impacts of the proposed development.

The application has come to Planning Committee due to the unresolved objection.

With regard to the Zone:

- The application was referred internally to Council's Asset Services department who did not object, subject to conditions.
- The proposal provides for increased density within a central part of Euroa in close proximity to schools and other community facilities including public open space areas. It is considered that the location is appropriate for such an increase in density provided the built form is of a high quality.
- The proposed dwellings meet the Objectives and Standards of Rescode (Clause 55). The design of the dwellings being single storey brick dwellings with tiled pitched roof forms and a landscaped frontage is consistent with the character of Anderson Street and Atkins Street.

6.2 Planning Permit Application No. P2014/026
- Two (2) Lot Subdivision and Construction of Two Dwellings ~ 97 Anderson Street, Euroa (cont.)

With regard to the Overlay:

- The application was referred externally to GBCMA who did not object, subject to conditions regarding finished floor levels.
- Drainage conditions (Assets Services) will be included on the permit to ensure stormwater drainage is appropriately managed on site.

In summary, the proposal meets the objectives of the State Planning Policy Framework, Local Planning Policy Framework, Residential 1 Zone and Land Subject to Inundation Overlay.

Conclusion

After due consideration, it is recommended that Council resolve to issue a Notice of Decision to grant a permit in accordance with the officers recommendation.

Attachments

Plans



PLANNING COMMITTEE REPORT NO. 3 (DIRECTOR, SUSTAINABLE DEVELOPMENT - PHIL HOWARD)

7. OTHER BUSINESS

7.1 Planning Applications Received
- 21 May to 5 June 2014

Following are listings of Planning Applications Received for the period 21 May to 5 June 2014.

RECOMMENDATION

That the report be noted.

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

PLANNING APPLICATIONS RECEIVED

21 MAY TO 5 JUNE 2014

22 May 2014

Site Address	Application Number Display	Application Description	Applicant Name
339 High Street, Nagambie VIC 3608	P2014-057	Amend Planning permit P2013/123 to vary Condition 2 Opening Hours	Adam Bourke

23 May 2014

Site Address	Application Number Display	Application Description	Applicant Name
3 Burns Avenue, Euroa VIC 3666	P2014-059	Use & development of land for a second dwelling	Troy Spencer
470 Mitchellstown Road, Mitchellstown VIC 3608	P50/2002-1	Amend Planning permit P 50/2002 to include an extension to liquor-licenced area	John Beresford
8 Hemley Avenue, Euroa VIC 3666	P2014-058	Use & development of land for a second dwelling	Troy Spencer

26 May 2014

Site Address	Application Number Display	Application Description	Applicant Name
2135 Euroa-Mansfield Road, Gooram VIC 3666	P2014-060	Use & development of land for a dwelling, outbuilding and swimming pool	Troy Spencer

29 May 2014

Site Address	Application Number Display	Application Description	Applicant Name
7 Hill Close, Ruffy VIC 3666	P2014-061	Use and development of land for a dwelling.	Alan Monger - Monger & Tomkinson

30 May 2014

Site Address	Application Number Display	Application Description	Applicant Name
498 Ponkeen Creek Road, TARCUMBE VIC 3666	P2014-062	Use and development of land for a dwelling extension and machinery shed	Heather Doxey

02 June 2014

Site Address	Application Number Display	Application Description	Applicant Name
5 Lewis Street, EUROA VIC 3666	P2014-063	Subdivide land into 2 lots	Brett Petrie