



STRATHBOGIE SHIRE COUNCIL
PLANNING COMMITTEE
MINUTES

OF THE MEETING HELD ON TUESDAY 23 JUNE 2015

COMMENCING AT 4.00 P.M.

AT THE EUROA COMMUNITY CONFERENCE CENTRE

Councillors:

Malcolm Little (Chair)	(Hughes Creek Ward)
Colleen Furlanetto	(Seven Creeks Ward)
Patrick Storer	(Honeysuckle Creek Ward)
Debra Swan	(Lake Nagambie Ward)
Robin Weatherald	(Mount Wombat Ward)
Graeme (Mick) Williams	(Seven Creeks Ward)

Officers:

Steve Crawcour - Chief Executive Officer
Phil Howard - Director, Sustainable Development
Emma Kubeil - Manager, Sustainable Development
Roy Hetherington - Director, Asset Services
David Woodhams – Director, Corporate and Community

Business:

1. Welcome
2. Acknowledgement of Traditional Land Owners

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

3. Apologies

Councillor Alister Purbrick (Lake Nagambie Ward)
Jennifer Dowling - Assistant Manager, Sustainable Development
Kristina Murray - Planner

4. Confirmation of Minutes of the Planning Committee meeting held on Tuesday 9 June 2015

32/15 **CRS WILLIAMS/SWAN** : *That the Minutes of the Planning Committee meeting held on Tuesday 9 June 2015 be confirmed.*

CARRIED

Cr Weatherald abstained from voting on the Confirmation of the Minutes

5. Disclosure of Interests
6. Planning Reports
7. Other Business

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PLANNING COMMITTEE REPORT NO. 1 (TOWN PLANNER – KRISTINA MURRAY)

6. PLANNING REPORTS

**6.1 Planning Permit Application No. 2015/001
- Use and Development of Land for the Construction of a Dwelling ~ 144
Arcadia Two Chain Road, Arcadia South**

Application Details:

Application is for:	Use & Development of land for the construction of a dwelling
Applicant's/Owner's Name:	Michael Schuster
Date Received:	08 January 2015
Statutory Days:	103
Application Number:	P2015-001
Planner: Name, title & department	Kristina Murray Planner Sustainable Development Department
Land/Address:	Lot 13 on Plan of Subdivision 098549 Certificate of Title Volume 09005 Folio 880 144 Arcadia Two Chain Road, Arcadia South VIC 3631
Zoning:	Farming Zone
Overlays:	Land Subject to Inundation Overlay
Under what clause(s) is a permit required?	Clause 35.07-1 Clause 35.07-4
Restrictive covenants on the title?	Yes Covenant F337210
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

- This application was initially presented to the Planning Committee meeting held on Tuesday 14 April 2015, however, was deferred due to Councillors determining to undertake a site inspection which, subsequently, took place on Tuesday 16 June 2015. The application is now re-presented for consideration and determination.
- The proposal is for the use and development of land for a dwelling.

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- The site is located in the Farming Zone and Land Subject to Inundation Overlay.
- The lot size is approximately 3.6 hectares.
- The subject site is located near to the north-western boundary of the Shire, approximately 30 kilometres north-west of Euroa.
- The subject site is identified in Area 6 of the *Rural Residential Strategy 2004* as an area used for rural living purposes.
- The application was referred internally to Council's Asset Services Department and Council's Health Department who offered no objection, subject to conditions.
- The application is being presented to Planning Committee as the proposal is for a dwelling on an allotment under the minimum lot size (80 hectares) in the Farming Zone and there is an unresolved objection.
- The application was advertised to adjoining landholders, one objection was received.
- The main concerns of the objection were:
 - Insufficient information to make an informed decision.
 - Potential increased risk of flooding to objectors eastern adjoining property
 - The need for the applicant to install a raised roadway
 - Previously built earth embankment could increase the risk of flooding to the objector's adjoining property.
- Sufficient information has been provided by the application to assess the application and the proposed development is considered appropriate in the Farming Zone. The dwelling is also proposed to be located outside the Land Subject to Inundation Overlay. It is noted that the earth embankment is being dealt with by Planning Enforcement through Council's Statutory Services Department.
- The application has been assessed within a 60 day statutory period.
- It is recommended 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. P2015-001 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 and Clause 35.07-4 of the Strathbogie Planning Scheme in respect of the land known as Lot 13 on Plan of Subdivision 098549 Certificate of Title Volume 09005 Folio 880, 144 Arcadia Two Chain Road, Arcadia South VIC 3631, for the use & development of land for the construction of a dwelling, in accordance with endorsed plans, subject to the following conditions:

Section 173 Agreement:

1. Prior to the commencement of use, the owner must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority. Such agreement shall:
 - a. Prevent the excision of the dwelling from the parent lot.

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:

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.
3. The effluent disposal field must be located 60 metres from the nearest waterway, dam, lake or reservoir (non-potable water supply) to the satisfaction of the Responsible Authority.

Engineering Conditions:

4. Prior to the commencement of the use 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.

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5. All stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge drains to the satisfaction of the Responsible Authority/Goulburn Murray Water or dissipated within the site boundaries. No effluent or polluted water of any type may be allowed to enter the stormwater drainage system.
6. Appropriate steps must be taken to retain all silt and sediment on site during the construction phase to the satisfaction of the Responsible Authority, in accordance with the sediment control principles outlined in Construction Techniques for Sediment Pollution Control (EPA, 1991) and to the satisfaction of the Responsible Authority.
7. Any damage to the Responsible Authority's assets (i.e. sealed roads, kerb & channel, trees, nature strip etc), and boundary fences, must be repaired at the cost of the applicant all to the satisfaction of Responsible Authority.

General Conditions:

8. All accessways on site must be constructed at general natural surface elevations to the satisfaction of the Responsible Authority.
9. 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.
10. 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.
11. 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.
12. 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.

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

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

Planning Notes:

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

33/15 **CRS WILLIAMS/FURLANETTO** : *That the Recommendation be adopted.*

CARRIED

Proposal

This application proposes the use and development of land for the construction of a dwelling at 144 Arcadia Two Chain Road, Arcadia. Proposed vehicular access is via Arcadia Two Chain Road with the driveway to be constructed 30 metres from the south-eastern boundary. The proposed dwelling is to be located 70 metres from the eastern boundary.

The proposed dwelling will consist of three-bedrooms with the master bedroom containing a walk-in-robe/dressing room and ensuite, a study, open kitchen/dining area, a family room, a living room, bathroom, separate water closet, and entrance hall. External features include an attached double-garage, verandah, and alfresco dining area. The dwelling as an area of 297.56 metre squared and height of 5.3 meters.

The dwelling is proposed to be located in the Farming Zone and outside the Land Subject to Inundation Overlay.

Subject site & locality

The subject site is located near to the north-eastern boundary of the Shire. The site has an area of 3.6 hectares and an irregular rectangle. The site has a frontage to and is accessed from Arcadia-Two Chain Road. The site is currently vacant of any buildings. A designated waterway runs from the north-eastern to the south-eastern boundary. Native vegetation is predominately located towards the northern boundary.

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The adjoining and surrounding lots to the north, south and west are used for rural living. Lot sizes are similar to the subject site. Most lots are developed with a dwelling. This area is identified in the *Rural Residential Strategy 2004* as an area for rural living. The adjoining lot to the east is a larger lot used for agriculture. Most of the surrounding lots are partially covered in vegetation. The land is generally flat in topography. There is a waterway located in the north-eastern corner of the site which is prone to inundation.

A covenant is registered on the title of the land. Details of each are summarised below:

- Agreement F337210 – This agreement prohibits:
 - Keeping more than three dogs on the property
 - Having offensive trades such as a piggery onsite

It is considered that the proposed development will not breach the requirements of either the Covenant which is registered on the title of the land.

Permit/Site History

A search of Council's electronic records shows that there are relevant planning applications for the subject site.

P2004/236- Use of the land for the construction of a dwelling- Approved

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 (1) objection to date. The key issues that were raised in the objections are:

- Insufficient information to make an informed decision.
- Potential increased risk of flooding to objectors adjoining property
- The need for the applicant to install a raised roadway
- Previously built earth embankment that could increase the risk of flooding to the objectors' property.

Consultation

The objection was forwarded to the Applicant. The applicant responded addressing the above mentioned issues. Stating that the proposed dwelling was located outside of Flood Overlay, they did not intend to build an elevated driveway, no intention to alter change landscape, and that the previously constructed embankment was not the responsibility of the applicant as they were not and are still not owners of the subject site.

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Further discussions occur between the Objector, Council and the Applicant. No resolution was able to be achieved and the objection stands.

Several areas of concern by the Objector relate to flooding. It is noted that the proposed dwelling is located outside the Land Subject to Inundation Overlay. The issue of the embankment is being dealt with by Council's Statutory Services Department through Planning Enforcement. This is a separate matter unrelated to the proposed dwelling.

Referrals

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	N/A
Section 52 Notices	Public Notice

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

Assessment

The zoning of the land and any relevant overlay provisions

Farming Zone

Purpose:

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

A permit is required for the use and development of land for a dwelling as the site is less than the minimum lot size (80 hectares) and the dwelling is located within 100 metres of a waterway. In assessing an application for a dwelling consideration needs to be given to the capacity of the site for agriculture, the impact of a dwelling on surrounding agricultural uses and a number of environmental and design issues. It is considered that the location, size and surrounding development restricts the future use of this site for agricultural purposes. Surrounding lots are developed with single dwellings and a rural residential character has emerged as a result of past development.

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The use and development of the site for a dwelling will not lead to a loss in productive agricultural land. The land is not currently used for agricultural production and is unlikely to be sufficiently utilised in the future. The impact of the proposed dwelling on surrounding lots and broader agricultural activity will be minimal as most lots immediately surrounding the site are developed with single dwellings.

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

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 Environmental Health Officer who did not object subject to a condition being included on the permit. The condition requires the applicant to attain a septic permit licence from the Responsible Authority, Council, prior to commencement of the use.
<i>How the use or development relates to sustainable land management.</i>	Yes	The site has an area of approximately 3.6 hectares and is currently vacant of any buildings. There is limited opportunity to use the land for agriculture. The presence of a dwelling could assist in managing the site for weeds and vermin.
<i>Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.</i>	Yes	The subject site is considered to be a small lot suitable for a residential use. The proposed dwelling location allows for adequate setbacks from the adjoining boundaries. This allows a buffer between the proposed use and development and the surrounding residential and agricultural land uses.

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<i>How the use and development makes use of existing infrastructure and service.</i>	Yes	Access is proposed to be via Arcadia Two Chain Road which is located on the eastern boundary of the site.
Agricultural Issues		
<i>Whether the use or development will support and enhance agricultural production.</i>	No	The subject site has an area of approximately 3.6 hectares. The site is characterised as rural residential. The proposed dwelling is unlikely to support agricultural production. However, given the size of the lot it is unlikely that the site could be sustainably used for agriculture. It is noted that site is located in an area identified for rural living in the <i>Rural Residential Strategy 2004</i> .
<i>Whether the use or development will permanently remove land from agricultural production.</i>	Yes	Given the size of the lot and surrounding residential development, it is considered that the subject site is already removed from agriculture. The proposed development is unlikely to have an impact on the potential future use of the land for agriculture.
<i>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	Given the adjoining land uses and location of the lot there is unlikely to be any operation or expansion of agricultural land uses.
<i>The capacity of the site to sustain the agricultural use.</i>	Yes	The site has limited capacity as detailed above due to its size and surrounding development.
<i>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</i>	Yes	The quality of the land in this area is generally considered productive. However as detailed above the lot has an area of approximately 3.6 hectares.
<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		
<i>Whether the dwelling will result in the loss or fragmentation of productive agricultural land.</i>	Complies Yes	Officers Comment The dwelling is unlikely to result in the loss or fragmentation of productive agricultural land. It is considered that this has already occurred due to previous subdivision and residential development in the area.

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<i>Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.</i>	Yes	The dwelling is surrounded by rural residential uses and the building envelope allows setback from all boundaries. The applicant is aware of the agricultural activities near to the subject site and have been recommended by Sessions Builders to reduce impact by installing double-glaze windows and increasing insulation.
<i>Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	The subject site is surrounded by small residential lots and will therefore not hinder any local agricultural expansion. The dwelling is appropriately located on site to provide a buffer to the surrounding area.
<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 and has been identified in the <i>Rural Residential Strategy 2004</i> . Therefore it is unlikely that the proposed dwelling would directly result in the proliferation of dwellings outside Area 6 as identified in the <i>Rural Residential Strategy 2004</i> .
Environmental issues	Complies	Officers Comment
<i>The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.</i>	Yes	The proposed dwelling is unlikely to significantly impact on the surrounding environment. The dwelling will be connected to reticulated sewerage. The watercourse that flows through the north-eastern corner has a sufficient buffer from the proposed development.
<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.

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<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 required and according to Condition 2 will not be located within 60 metres of a waterway.
Design and siting issue		
<i>The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.</i>	Yes	As detailed above the dwelling can be appropriately setback from the adjoining boundaries within the proposed building envelope.
<i>The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.</i>	Yes	The proposed siting and design is considered appropriate. Should a permit be issued, a condition will be placed on the permit requiring the dwelling to be constructed with muted tones and non-reflective materials.
<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. Vehicular access is provided by a government road. The dwelling will be connected to reticulated sewerage.
<i>Whether the use and development will require traffic management measures.</i>	Yes	A single dwelling is unlikely to unreasonably increase traffic in the area.

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Land Subject to Inundation Overlay

Purpose:

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

A permit is not required for the development of the proposed dwelling as it is to be constructed outside the Land Subject to Inundation Overlay.

An internal accessway from Arcadia Two Chain Road to the proposed dwelling is required to be constructed through the area of the site affected by the Land Subject to Inundation Overlay. Pursuant to the Schedule to the Land Subject to Inundation Overlay, a planning permit is not required for an accessway on land within this overlay provided it is constructed at general natural surface elevations. The applicant has not proposed to build up any area of the site for the purpose of an accessway. It is considered appropriate however to include a condition which requires the accessway to be constructed at natural surface elevations.

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.*

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Clause 11.05-4 Rural planning

Strategies and principles:

- *Directing growth to locations where utility, transport, commercial and social infrastructure and services are available or can be provided in the most efficient and sustainable manner.*
- *Managing the impacts of settlement growth and development to deliver positive land use and natural resource management outcomes.*
- *Siting and designing new dwellings, subdivisions and other development to minimise risk to life, property, the natural environment and community infrastructure from natural hazards, such as bushfire and flooding.*

Clause 13.02-1 Floodplain Management

Objectives:

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

Clause 13.03-2 Erosion and Landslip

Objective:

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

Clause 13.03-3 Salinity

Objective:

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

Clause 14.01-1 – Protection of agricultural land

Objectives:

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

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Clause 14.01-2 Sustainable agricultural land use

Objectives:

- *Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.*
- *Encourage sustainable agricultural and associated rural land use and support and assist the development of innovative approaches to sustainable practices.*
- *Support effective agricultural production and processing infrastructure, rural industry and farm-related retailing and assist genuine farming enterprises to adjust flexibly to market changes.*

Clause 14.02-1 Catchment planning and management

Objective:

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

Clause 19.03-2 Water supply, sewerage and drainage

Objective:

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

The subject site has an area of approximately 3.6 hectares. The proposal aligns with the character of the area as the pattern of development as the immediate area is considered rural residential rather than agricultural.

It is considered that the proposed dwelling will not create or worsen any salinity or erosion issues as no vegetation is proposed to be removed and any works required for the construction of the dwelling is conditioned to be of minimal impact. The proposal is unlikely to create any significant flooding issues as the dwelling is being built outside the Land Subject to Inundation Overlay.

The agricultural productivity or potential of the land is not considered to be lost as part of this proposal. Given the small size of the lot and surrounding development, the use of the land for agriculture would have been incompatible with surrounding land uses and it is considered that the construction and use of a dwelling will enhance the existing rural residential character of the area. The land and surrounding area has previously been identified in the *Rural Residential Strategy 2004* as part of an existing rural residential area which would be assessed in more detail for rezoning to fit the existing character.

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

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

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

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

- *The construction of a new dwelling on an existing small lot will be discouraged unless it meets all of the following requirements:*
 - *The lot is accessed by an all-weather road and has appropriate service provisions.*
 - *Emergency ingress and egress is at an appropriate standard.*
 - *The dwelling will not inhibit the operation of agriculture and rural industries.*
 - *The site must be able to contain and treat onsite effluent and wastewater in accordance with the relevant Code of Practice and Australian Standards, and;*
 - *Meets at least one of the following requirements:*
 - *The dwelling should be associated with a sustainable rural pursuit that requires a dwelling on the land to manage that pursuit. The application should be supported by a farm management plan that justifies the need for a dwelling to assist in the operation of the farm.*
 - *The applicant can substantiate that the land has no agricultural potential due to environmental significance and the dwelling is to be used in conjunction with sustainable land management and the significant vegetation is protected on title.*
 - *The lot has been identified in the 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.*

The proposed buildings will be constructed of muted tones so as not to impact on the aesthetic amenity of the surrounding area. This will be enforced by way of planning permit condition should a permit be issued.

The proposal is considered to be generally consistent with the local policy in relation to dwellings on small lots in the Farming Zone. The dwelling will be accessible via an all-weather road and due to its siting is unlikely to inhibit the operation of agricultural land use on lots surrounding the site. The site has been identified as being in an area of rural living character in the *Strathbogie Rural Residential Strategy 2004*. As stated above, it is policy that should a dwelling be approved on a small lot, a Section 173 Agreement to prevent subdivision should be required. This will be required by way of condition on any permit issued.

Relevant Particular Provisions

No Particular Provisions are considered relevant to this proposal

6.1 Planning Permit Application No. 2015/001
- Use and Development of Land for the Construction of a Dwelling ~ 144 Arcadia
Two Chain Road, Arcadia South (cont.)

The decision guidelines of Clause 65

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

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

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

There are no relevant adopted State policies.

Relevant incorporated, reference or adopted documents

There are no relevant incorporated, reference or adopted documents.

Relevant Planning Scheme amendments

There are no relevant planning scheme amendments.

Risk Management

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

Strategic Links – policy implications and relevance to Council Plan

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

6.1 Planning Permit Application No. 2015/001
- Use and Development of Land for the Construction of a Dwelling ~ 144 Arcadia
Two Chain Road, Arcadia South (cont.)

Summary of Key Issues

With regard to the Farming Zone:

- The proposed development is considered appropriate with regard to the decision guidelines of the Farming Zone. The land is located within an area of existing residential character as identified in the *Rural Residential Strategy 2004*.
- The application was referred internally to Council's Environmental Health Officer and Asset Services Department who offered no objection, subject to conditions.
- The application was advertised to adjoining neighbours by letter and a sign was placed onsite during the advertisement period.
- One objection was received within the advertising period. Consultation between the Objector, Council and the Applicant was undertaken. No resolution was reached between the applicant and the objector.

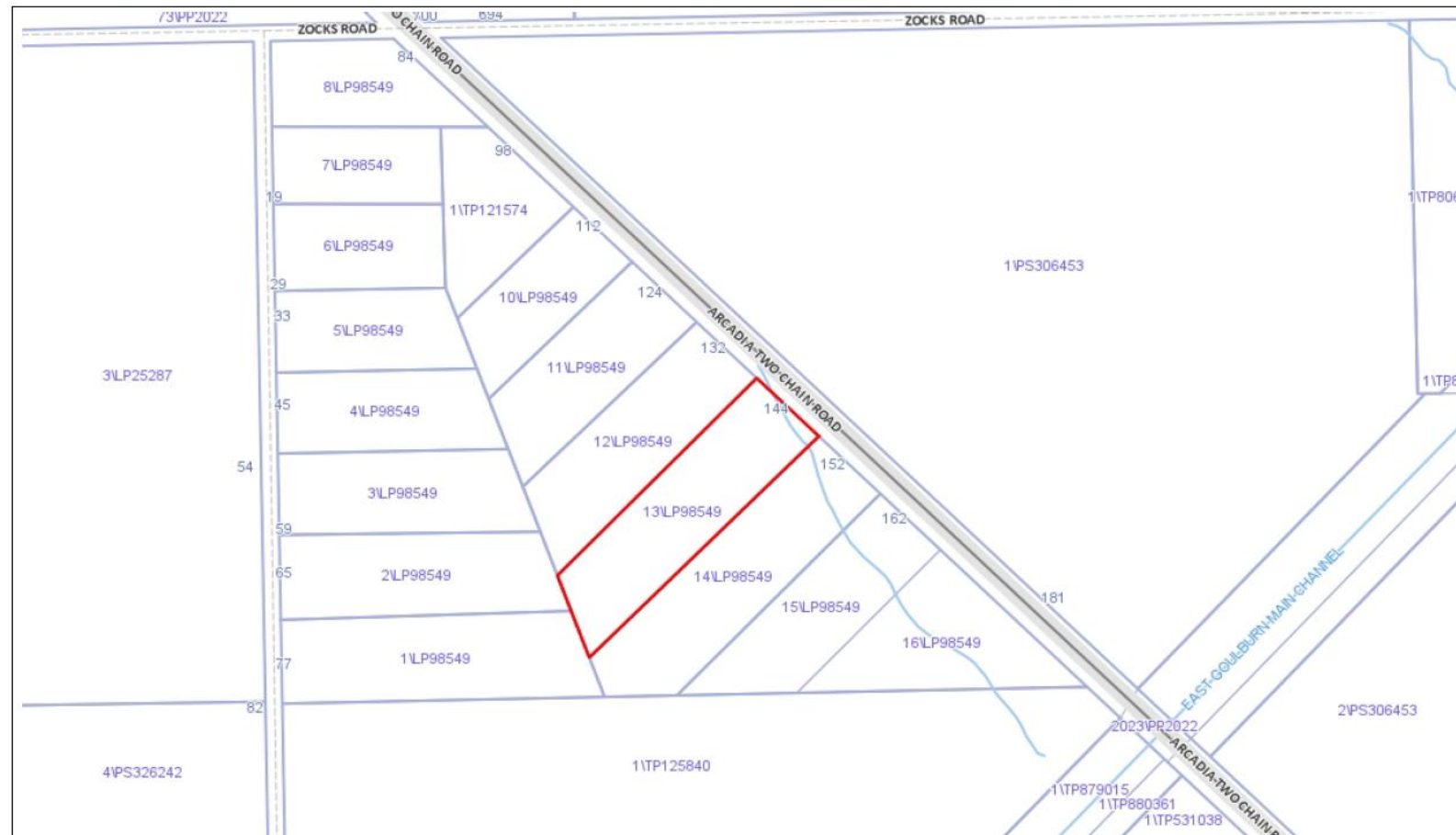
In summary, the proposal meets the objectives of the State Planning Policy Framework, Local Planning Policy Framework, and Farming Zone.

Conclusion

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

Attachments

Site Plan



	Shire Of Strathbogrie	Disclaimer Note This map is a representation of the information currently held by Strathbogrie 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 © Strathbogrie Shire Council Contains Vicmap Information © Department of Environment, Land, Water & Planning	7/04/2015	
	Prepared By: Jennifer Dowling		1:6139	

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

7. OTHER BUSINESS

7.1 Planning Applications Received
- 3 to 7 June 2015

Following are listings of Planning Applications Received for the period 3 to 7 June 2015.

RECOMMENDATION

That the report be noted.

34/15 CRS SWAN/STORER : That the Recommendation be adopted.

CARRIED

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 4.10 P.M.

Confirmed as being a true and accurate record of the Meeting

.....
Chair

.....
Date

Planning Applications Received

3/06/2015 12:00:00 AM

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
301-305 High Street, Nagambie VIC 3608	P2015-067	Variation to easement	Brian Moxham	\$5,000.00

4/06/2015 12:00:00 AM

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
175 High Street, Nagambie VIC 3608	P2015-068	Eighty Lot (Staged) Subdivision, Creation of Sewer Easements and the Removal of Native Vegetation	Troy Spencer	\$0.00*

9/06/2015 12:00:00 AM

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
38-42 Hunter Street, Euroa VIC 3666	P2015-004 - 1	Development of land to construct a dwelling	HANSON, Campbell Roger Wedgewood	\$0.00*

11/06/2015 12:00:00 AM

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
101 Siems Road, Euroa VIC 3666	P2014-064 - PC1	Use and development of land for a single dwelling	Guy Ortlipp	\$0.00*
273-275 High Street, Nagambie VIC 3608	P2015-069	Use of land for service of Liquor and outdoor dining	TRAYNOR, Caitlin Louise	\$30,000.00

12/06/2015 12:00:00 AM

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
1153 Geodetic Road, Molka VIC 3666	P2015-070	Extension to a dwelling	AJ & CA Dever	\$64,000.00
Strathbogie Road, Euroa Victoria 3666	P2005/097 - 1	Subdivide Land into 24 lots	Monger & Tomkinson-Graeme Schneider	\$0.00*

17/06/2015 12:00:00 AM

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
138 Walters Road, Euroa Victoria 3666	P2012/074 - 2	Use & development of land for a dwelling	Outdoor Steel Solutions	\$5,622.00

Total Number of Applications: 8

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

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