



## STRATHBOGIE SHIRE COUNCIL

### PLANNING COMMITTEE

# AGENDA

MEETING TO BE HELD ON TUESDAY 22 APRIL 2014

COMMENCING AT 4.00 P.M.

AT THE EUROA COMMUNITY CONFERENCE CENTRE

**Councillors:** Malcolm Little (Chair)  
Colleen Furlanetto  
Alister Purbrick  
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 Patrick Storer

4. Confirmation of Minutes of the Planning Committee meeting held on Tuesday 25 March 2014
5. Disclosure of Interests

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**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**

16 April 2014

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

**6. PLANNING REPORTS**

**6.1 Planning Permit Application No. P2013/114  
- Use and Development of Land for a Dwelling and Machinery Shed ~ 427 Mitchellstown Road, Mitchellstown**

**Application Details:**

Application is for:	Use and development of the land for a dwelling and machinery shed
Applicant's/Owner's Name:	Jane Macy for Spiire on behalf of Ms M Southey
Date Received:	6 September 2013
Statutory Days:	117
Application Number:	P2013-114
Planner: Name, title & department	Jennifer Dowling Team Leader Planning Sustainable Development
Land/Address:	Crown Allotment 11 Township of Mitchellstown, Certificate of Title Volume 02630 Folio 814, and Township of Mitchell and Crown Allotment 16, Township of Mitchellstown, Certificate of Title, Volume 02630 Folio 819, known as 427 Mitchellstown Road, Mitchellstown VIC 3608
Zoning:	Farming Zone
Overlays:	Floodway Overlay (Part)
Under what clause(s) is a permit required?	Clause 35.07-1 Clause 35.07-4 Clause 44.03-1
Restrictive covenants on the title?	No
Current use and development:	Agricultural land

**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 land size is approximately 43 hectares divided between 45 lots.

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- The relevant lots will be consolidated to the Satisfaction of the Responsible Authority in line with the Land Capability requirements.
- The character of the area is agriculture.
- The application was referred internally to Council's Asset Services Department and Council's Health Officer who offered no objection, subject to conditions.
- The application was referred to Goulburn Murray Water (GMW) and Goulburn Broken Catchment Management Authority (GBCMA). The GBCMA did not object subject to conditions. GMW objected as a recommending authority; however they proposed a number of options to allow development to proceed, i.e. consolidation.
- The application was advertised to adjoining landholders, no objections have been received to date.
- An assessment against the Farming Zone and Land Subject to Inundation Overlay Decision Guidelines, State and Local Policies indicates the proposal is consistent with these provisions of the Strathbogie Planning Scheme.
- The application is being presented to Planning Committee as the proposal is for a dwelling on an allotment under the minimum lot size in the Farming Zone, i.e. 40 hectares.
- The application has been assessed outside the 60 day statutory time period due to extensive consultation with Goulburn Murray Water.
- It is recommended that Council resolve 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. P2013-114 to be given under Section 52 of the *Planning and Environment Act 1987* and Strathbogie 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, 35.07-4 and 43.04-1 of the Strathbogie Planning Scheme in respect of the land known as Crown Allotment 11 Township of Mitchellstown, Certificate of Title Volume 02630 Folio 814, and Township of Mitchell and Crown Allotment 16, Township of Mitchellstown, Certificate of Title, Volume 02630 Folio 819, known as 427 Mitchellstown Road, Mitchellstown VIC 3608 for the use and development of the land for a dwelling and machinery shed, in accordance with endorsed plans, subject to the following conditions:**

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1. **Prior to the commencement of the development, amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of three copies must be provided. Such plans must be generally in accordance with the plan submitted but modified to show:**
  - a. **Fully dimensioned floor plan and elevations.**
  - b. **A site plan showing the location of the building 50m from the full supply level of the Goulburn Weir (measured from the 124.24m AHD level.).**
2. **Prior to the commencement of the use vehicular entrances to the subject land from the road shall be constructed at a location and of a size and standard satisfactory to the Responsible Authority. The vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense. The final location of the crossing is to be approved by the Responsible Authority via a Vehicle Crossing Permit. Reference should be made to Clause 12.9.2 "Rural Vehicle Crossings" of the Infrastructure Design Manual. Standard drawing SD255 should be referred to.**
3. **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.**
4. **Prior to the commencement of works, a Land Capability Assessment must be carried out by a suitably qualified practitioner and submitted to the Reasonable Authority for approval, for confirming that all wastewater can be treated and retained on-site in accordance with SEPP (Waters of Victoria) 1988. The assessment must be undertaken in accordance with EPA Publication No 746.**
5. **Prior to the commencement of works the land must be consolidated to form an area capable of accommodating wastewater treatment as determined by the Land Capability Assessment to the satisfaction of the Responsible Authority.**
6. **Prior to the commencement of works, a permit to install a septic tank system is required from the Responsible Authority.**

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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 stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge drains to the satisfaction of the Responsible Authority/Goulburn Murray Water or dissipated within the site boundaries. No effluent or polluted water of any type may be allowed to enter the stormwater drainage system.**
9. **Appropriate steps must be taken to retain all silt and sediment on site during the construction phase to the satisfaction of the Responsible Authority, in accordance with the sediment control principles outlined in Construction Techniques for Sediment Pollution Control (EPA, 1991) and to the satisfaction of the Responsible Authority.**
10. **Any damage to the Responsible Authority's assets (i.e. sealed roads, kerb & channel, trees, nature strip etc), and boundary fences, must be repaired at the cost of the applicant all to the satisfaction of Responsible Authority.**
11. **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.**
12. **A reserve effluent disposal area is required to designate, 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.**
13. **The Responsible Authority reserves the right to accept, reject or amend the recommendations of an LCA report.**
14. **The ingress of surface and seepage water shall be diverted around the perimeter and upslope of the effluent disposal area.**
15. **The use and development must be sited and constructed in accordance with the endorsed plans. These endorsed plans can only be altered or modified with the prior written approval of the Responsible Authority, or to comply with statutory requirements.**

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**16. Goulburn Murray Water Conditions:**

- (a) No building is to be erected within 50 metres from the Full Supply Level of the Goulburn Weir (measured from the 124.24m AHD level.).
- (b) The shed must not contain bedrooms (or rooms that could be used as bedrooms) or any facilities with the potential to produce wastewater, including toilets, kitchens or other food preparation facilities.

**17. Goulburn Broken Catchment Management Authority Conditions:**

- (a) The finished floor levels of the proposed dwelling and machinery shed must be constructed at least 300 millimetres above the 100-year ARI flood level of 130.1 metres AHD, i.e. 130.4 metres AHD, or higher level deemed necessary by the responsible authority.
- (b) The dwelling and machinery shed must be sited a minimum distance of 50m from the bank of the Goulburn River.
- (c) Any effluent fields must be located a minimum distance of 100 metres from the bank of the Goulburn River.

**18. The amenity of the area must not be detrimentally affected by the use, through the:**

- 1. Appearance of any building, works or materials;
- 2. Transport of materials, goods or commodities to or from the land;
- 3. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil;
- 4. Presence of vermin, and;
- 5. Others as appropriate.

**19. 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



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- **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.**
- **Goulburn Broken Catchment Management Authority, please note that the 100-year ARI flood is not the maximum possible flood. There is always a possibility that a flood larger in height and extend that the 100-year ARI flood, may occur in the future.**

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**Proposal**

The application proposes the use and development of the land for a dwelling and farm machinery shed. A building envelope has been provided to illustrate the location of the dwelling on site. It is proposed to have a zero setback to the eastern boundary and 20 metres from the southern lot boundary. The building envelope has an area of 1600 square metres.

A building envelope for the machinery shed is located to the south east corner of the site approximately 45 metres from the eastern boundary and approximately 10 metres from the southern boundary.

The applicant has confirmed that consolidation of lots can occur to encompass the waste water treatment required for the dwelling.

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**Subject site & locality**

The subject site is located to the south west of the Shire adjacent to the Goulburn River. The site has an area of approximately 45ha divided between 45 crown allotments. The lots are divided into blocks by unused roads. The site, including the roads, act as a single agricultural block. The site has a frontage to and is accessed from Mitchellstown Road to the west and fronts the Goulburn River to the east. The site is currently vacant of any buildings and used as a vineyard.

The adjoining and surrounding lots vary in size and shape and are generally used for agriculture.

The applicant has advised that the owner intends to purchase the unused roads and consolidate with the existing lots.

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**Permit/Site History**

There is no relevant history for the site.

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**Public Notification**

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

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

The notification has been carried out correctly.

Council has received no objections to date.

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**Consultation**

Extensive consultation was undertaken with Goulburn Murray Water to resolve their concerns with the ability to accommodate wastewater treatment on site.

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**Referrals**

External Referrals/Notices Required by the Planning Scheme:

<b>Referrals/Notice</b>	<b>Advice/Response/Conditions</b>
Determining Authority	N/A
Recommending Authority	Goulburn Murray Water – objected but detailed other options Goulburn Broken Catchment Management Authority – no objection subject to conditions.

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

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- *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.*

A permit is required for the use and development on a lot less than the minimum lot size, 40ha and buildings and works located less than 5 metres from a boundary and 100 metres from a waterway.

<b>General Issues</b>	<b>Complies</b>	<b>Officers Comment</b>
<i>The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</i>	Yes	Assessment against SPPF & LPPF is provided below.
<i>Any Regional Catchment Strategy and associated plan applying to the land.</i>	N/A	There is no relevant regional catchment strategy.
<i>The capability of the land to accommodate the proposed use or development, including the disposal of effluent.</i>	Yes	The application was referred to Councils Health Officer who did not object subject to conditions which will be included on the permit should it be issued. The conditions related to wastewater treatment in proximity to the Goulburn River.
<i>How the use or development relates to sustainable land management.</i>	Yes	The proposed dwelling is to be used in conjunction with the existing winery on site. The application states that the winery was previously leased by a larger winery. However this lease has now ended and the owner of the site wishes to manage the vineyard.
<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 large enough to accommodate a dwelling and associated wastewater treatment subject to consolidation of lots. The adjoining lots are generally used for agriculture which is compatible with the existing use of the land for a vineyard and proposed associated dwelling.
<i>How the use and development makes use of existing infrastructure and service.</i>	Yes	Access to the site is proposed to be via a government road to the west of the subject site. Electricity is currently available on site.
<b>Agricultural Issues</b>		
<i>Whether the use or development will support and enhance agricultural production.</i>	Yes	The proposed dwelling is to be used in association with an existing vineyard. The ability to live on site will support agricultural production.

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Mitchellstown Road, Mitchellstown (cont.)

<i>Whether the use or development will permanently remove land from agricultural production.</i>	Yes	The proposed location of the dwelling will partially remove land from agricultural use. However the application states that the location has been chosen to minimise the impact.
<i>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	Given the irregular shape of the site it is considered unlikely that the adjoining and nearby agricultural uses would expand into this area. It is considered that there is limited potential for adjoining or nearby agricultural uses to be restricted.
<i>The capacity of the site to sustain the agricultural use.</i>	Yes	The vineyard is currently operating on site. Therefore the site has demonstrated the ability to sustain agriculture.
<i>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</i>	Yes	As detailed above the existing agricultural operation illustrates the quality of the land.
<i>Any integrated land management plan prepared for the site.</i>	n/a	Given the agricultural use is currently in operation a land management plan is not considered necessary.
<b>Dwelling Issues</b>	<b>Complies</b>	<b>Officers Comment</b>
<i>Whether the dwelling will result in the loss or fragmentation of productive agricultural land.</i>	Yes	As detailed above the loss or fragmentation of agricultural land is limited by the proposed location of the dwelling.
<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 to be used in conjunction with agriculture. It is proposed to be located to the east of the site, setback from adjoining land owners.
<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 unlikely to affect the operation and expansion of adjoining and nearby agricultural uses due to the shape of the site and surrounding natural features.
<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.

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Mitchellstown Road, Mitchellstown (cont.)

<b>Environmental issues</b>		
<i>The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.</i>	Yes	The application was referred to Council's Environmental Health Officer who assessed the application and did not object to the proposal subject to conditions. These conditions require a land capability assessment and for the wastewater treatment to occur within the lot boundaries. To achieve this consolidation may be required. The applicant has advised that they will consolidate land as required. The application was referred to Goulburn Murray Water. They objected due to the area of the lot and the capability to accommodate wastewater treatment on site. As detailed above should a permit be issued a condition will be included to require consolidation of lots to accommodate wastewater treatment on site. Given the number of lots and their area this is considered to be achievable.
<i>The impact of the use or development on the flora and fauna on the site and its surrounds.</i>	Yes	The proposal does not include the removal of any vegetation and is appropriately located not to damage any vegetation.
<i>The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.</i>	Yes	The proposal does not include the removal of any vegetation.
<i>The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.</i>	Yes	As detailed above wastewater treatment will be required to be accommodated on site.
<b>Design and siting issue</b>		
<i>The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.</i>	Yes	As detailed above the dwelling is proposed to be setback from any adjoining land uses.
<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 application proposes a building envelope only. If a permit is issued a condition will be included requiring detailed floor plans and elevations.

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Mitchellstown Road, Mitchellstown (cont.)

<i>The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.</i>	Yes	The proposed dwelling is unlikely to 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.

**Floodway Overlay**

- *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.*

*Clause 44.03-1 a permit is required to construct a building or to construct a building.*

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**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.*

The proposed dwelling will allow for the efficient management of an existing vineyard and result in the consolidation of existing isolated small lots in the Farming Zone. The proposal is considered to be in accordance with the relevant State Planning 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.*

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- *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 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.*

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 and is likely to facilitate an existing vineyard.
- The site will be able to accommodate wastewater disposal once consolidation occurs.
- A section 173 Agreement is not considered necessary. The lots will be required to be consolidated to accommodate wastewater treatment. It would not be possible to excise the dwelling and meet the requirements of the Farming Zone.



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**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.

**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. P2013/114  
- Use and Development of Land for a Dwelling and Machinery Shed ~ 427  
Mitchellstown Road, Mitchellstown (cont.)

**Summary of Key Issues**

With regard to the Farming Zone:

- The application was assessed against the relevant decision guidelines of the Farming Zone and State and Local Planning Policy and is considered appropriate.
- The application was referred internally to Council Assets Department 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 Goulburn Murray Water. They did object due to the size of the lot and capacity to accommodate wastewater. The response included an alternative option that could be supported. This required the consolidation of lots to accommodate wastewater treatment and a setback of 50m from the Goulburn River. The applicant has advised that the consolidation of lots is intended however purchasing the unused roads from the Department of Environment and Primary Industry is a lengthy process. The applicant has requested that the consolidation be a condition on the permit to allow development to proceed once the roads are closed and acquired by the owner. This is considered a reasonable alternative. The GMW response detailed a number of conditions that would be required should the lots be created. These will be included on the permit should a permit be issued.

With regard to the Floodway Overlay:

- The application was referred to Goulburn Broken Catchment Management Authority who offered no objection subject to conditions. The conditions refer to floor levels, siting of the building and effluent disposal area.

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

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**Conclusion**

It is recommended that Council resolve to Grant a Permit in accordance with the officers recommendation.

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**Attachments**

Site Plan



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

**6.2 Planning Permit Application No. P2013/126  
 Removal of Native Vegetation (Amended 29/01/2014) ~ 190 McDiarmids  
 Road, Violet Town**

**Application Details:**

Application is for:	Removal of Native Vegetation (Amended 29/01/2014)
Applicant's/Owner's Name:	Strathbogie Shire
Date Received:	3 October 2013
Statutory Days:	190
Application Number:	P2013-126
Planner: Name, title & department	Jennifer Dowling Team Leader Planning Sustainable Development
Land/Address:	Crown Allotment 14 Section A, Township of Violet Town, Parish of Shadforth, Certificate of Title, Volume 10372 Folio 737, 190 McDiarmids Road, Violet Town
Zoning:	Farming Zone
Overlays:	Environmental Significance Overlay
Under what clause(s) is a permit required?	Clause 42.01-2 Clause 52.17-2
Restrictive covenants on the title?	n/a
Current use and development:	Strathbogie Shire Transfer Station

**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 removal of native vegetation, six trees.
- The site is located in the Farming Zone and Environmental Significance Overlay.
- The lot size is 8.692 hectares.
- The application was referred to the Department of Environment and Primary Industry. No response has been received to date.

6.2 Planning Permit Application No. P2013/126  
Removal of Native Vegetation (Amended 29/01/2014) ~ 190 McDiarmids Road,  
Violet Town (cont.)

- An assessment against the decision guidelines of the Environmental Significance Overlay and Clause 52.17 and State and Local Policies indicates the proposal is consistent with these provisions of the Strathbogie Planning Scheme.
- The application was advertised to adjoining landholders and a sign placed on site, four objections have been received to date.
- The application is being presented to Planning Committee as objections have been received.
- The application has been assessed outside the 60 day statutory time period. This is due to consultation with the Department of Environment and Primary Industry regarding offset requirements.
- It is recommended that Council resolve to Issue a Notice of Decision to grant a permit in accordance with the Officer's recommendation.

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### RECOMMENDATION

#### That Council:

- **having caused notice of Planning Application No. P2013-126 to be given under Section 52 of the *Planning and Environment Act 1987* and the Strathbogie 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 42.01-2 and Clause 52.17-2 of the Strathbogie Planning Scheme in respect of the land known as Crown Allotment 14 Section A, Township of Violet Town, Parish of Shadforth, Certificate of Title, Volume 10372 Folio 737, 190 McDiarmids Road, Violet Town for the removal of Native Vegetation six (6) trees, in accordance with endorsed plans, subject to the following conditions:**

- 1. Prior to the commencement of works, the permit holder must advise all persons undertaking the vegetation removal/works on site of all relevant conditions of this permit.**
- 2. In order to offset the removal of six (6) scattered tree approved in this permit, the Applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines* and the *Native vegetation gain scoring manual*:**

#### **The offset must:**

- **contribute gain of 0.182 general biodiversity equivalence units**
- **be located within the Goulburn Broken Catchment Management Authority boundary; and**
- **have a strategic biodiversity score of at least 0.182.**

6.2 Planning Permit Application No. P2013/126  
Removal of Native Vegetation (Amended 29/01/2014) ~ 190 McDiarmids Road,  
Violet Town (cont.)

3. **Prior to the removal of the native vegetation, evidence that an offset has been secured must be provided to the satisfaction of the Responsible Authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of *Permitted clearing of native vegetation – Biodiversity assessment guidelines* and the *Native vegetation gain scoring manual*. Offset evidence can be either:**
- a security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan.
  - a credit register extract from the Native Vegetation Credit Register.
4. **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.**

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### **Proposal**

The application proposes the removal of native vegetation. In total six trees are required to be removed. The trees vary in size from 16 centimetres trunk diameter to 49 centimetres. A biodiversity assessment report determines the trees are categorised as a Low Risk-based pathway.

The trees are required to be removed to allow the construction of a Council Works Depot. The depot building is proposed to be located to the south west of the subject site.

The application originally proposed the use of the land for industry and the removal of native vegetation. The proposed works are exempt from a planning permit under Clause 62.02-1 '*Any requirement in this scheme relating to the construction of a building or the construction or carrying out of works does not apply to: Buildings or works with an estimated cost of \$1,000,000 or less carried out by or on behalf of a municipality*'. This exemption was applied from the beginning of the application.

6.2 Planning Permit Application No. P2013/126  
Removal of Native Vegetation (Amended 29/01/2014) ~ 190 McDiarmids Road,  
Violet Town (cont.)

Further investigation regarding the use of the land revealed that the subject site had existing use rights for a depot. This is due to the historical use of the land by Council for the storage of heavy plant machinery and the construction of a building on the site 10-15 years ago. Therefore a planning permit is not required for the use of the land for a depot. The proposed use and development of the land for a works depot does not require a planning permit. The application is for the removal of native vegetation only.

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**Subject site & locality**

The subject site is located to the west of Violet Town in proximity to the Hume Freeway. The site has an area of 8.692 hectares and is an irregular shape. The site has a frontage to and is accessed from McDiarmids Road. The subject site is in the Farming Zone and Environmental Significance Overlay.

The site is currently occupied by Council's Transfer Station and associated buildings, located to the west of the site. To the east along McDiarmids Road the area is densely vegetated. There are a number of scar trees on site (these are not proposed to be removed).

The adjoining and surrounding lots vary in size and are generally used for agricultural.

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**Permit/Site History**

P2012/036 Vegetation Removal and construction of a waste transfer station – issued 12 August 2012.

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**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.

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

- Drainage
- Traffic Management
- Age and significance of the trees to be removed
- Effect on tourism potential for the site
- The previous depot should not have been sold and this new building would therefore not be required.

6.2 Planning Permit Application No. P2013/126  
Removal of Native Vegetation (Amended 29/01/2014) ~ 190 McDiarmids Road,  
Violet Town (cont.)

The application was placed on public notice prior to being amended. Following the amendment all objectors were notified in writing that the proposal had been amended to the removal of native vegetation only.

The issues relating to Native Vegetation removal have been assessed in the body of this report.

**Consultation**

Consultation was undertaken with the Department of the Environment and Primary Industry to ensure the new legislation was correctly applied and the correct offsets were calculated.

**Referrals**

External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	n/a
Section 52 Notices	Department of the Environment and Primary Industries – no response received to date. The referral is outside the statutory timeframe.
Section 52	Public Notice to adjoining land owners.

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



6.2 Planning Permit Application No. P2013/126  
Removal of Native Vegetation (Amended 29/01/2014) ~ 190 McDiarmids Road,  
Violet Town (cont.)

A permit is not required for the removal of native vegetation in the Farming Zone.

**Environmental Significance 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 areas where the development of land may be affected by environmental constraints.*

*To ensure that development is compatible with identified environmental values.*

A permit is required to remove native vegetation.

*42.01-4 Decision guidelines*

*Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:*

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- The statement of environmental significance and the environmental objective contained in a schedule to this overlay.*
- The need to remove, destroy or lop vegetation to create defensible space to reduce the risk of bushfire to life and property.*
- Any other matters specified in a schedule to this overlay.*

A permit is required to remove native vegetation.

**Assessment**

- An assessment of the relevant State and Local planning policy is detailed below.
- The schedule to this overlay does not reference the subject site.
- The requirement to remove the native vegetation does not relate to the creation of defensible space.
- The trees are required to be removed to allow for the construction of a Council Works Depot. The location of the building is considered to minimise the impact on native vegetation.

6.2 Planning Permit Application No. P2013/126  
Removal of Native Vegetation (Amended 29/01/2014) ~ 190 McDiarmids Road,  
Violet Town (cont.)

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

12.01-2 Native vegetation management

*Objective*

*To ensure that permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity.*

*Strategies*

*Apply the risk-based approach to managing native vegetation as set out in Permitted clearing of native vegetation – Biodiversity assessment guidelines (Department of Environment and Primary Industries, September 2013). These are:*

- *Avoid the removal of native vegetation that makes a significant contribution to Victoria's biodiversity.*
- *Minimise impacts on Victoria's biodiversity.*
- *Where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation to be removed.*

*Assessment*

- The trees proposed to be removed are not considered to be vegetation that makes a significant contribution to Victoria's Biodiversity. The trees are not State or Federally listed.
- The proposed location of the building minimises the impacts on biodiversity by removing the least amount of trees.
- Should a permit be issued to remove native vegetation a condition will be included requiring offsets. These offsets will be calculated in accordance with the results of the Biodiversity Assessment Report.

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

21.04-4 Native vegetation and biodiversity

*Overview*

*The Strathbogie Shire includes endangered ecosystems, wetlands, significant remnant vegetation and many threatened species. Remaining native vegetation outside larger state managed public land areas occur mainly on roadsides and on private land, including waterways and steeper and less arable areas. Approximately 97% of the Longwood and Violet Town Plains area occurs on private land with over 95% of native vegetation cover already cleared.*

6.2 Planning Permit Application No. P2013/126  
Removal of Native Vegetation (Amended 29/01/2014) ~ 190 McDiarmids Road,  
Violet Town (cont.)

*Within the Shire these assets include box woodland remnants on roadsides in the gently sloping plains, peat lands and spring soaks on the tablelands and River Red Gum on the floodplains.*

*Past clearing of vast tracts of native vegetation and ongoing incremental losses have meant that many species of plants and animals are threatened with extinction. There are 52 ecological vegetation classes represented in the Shire, with the most dominant classes being Dry Forest, Plains Woodland or Forest and Riverine Grassy Woodland or Forest. Almost 50% of the vegetated area is rated as 'depleted', with 7% considered 'endangered' and a further 6% considered 'vulnerable'. Typically the level of concern increases moving from the highlands, for example at Boho South, on to the plains at Violet Town or Euroa where remnants of native vegetation are scattered and more fragmented.*

*Objective*

*To protect and enhance the natural environment.*

*Strategies*

- *Encourage the protection, restoration and management of biodiversity values.*
- *Encourage environmental connectivity between vegetation corridors such as roadsides and waterways.*
- *Encourage the protection of medium to very high quality roadside vegetation.*

*Assessment*

- *The trees proposed to be removed are scattered trees with varying sizes. The removal of the trees is considered to have limited impact on the restoration and management of biodiversity values given the Biodiversity Risk Assessment score of Low Risk.*
- *The trees are scattered on the site and provide limits value in terms of connectivity between vegetation corridors.*
- *As detailed above the Biodiversity Risk Assessment does not consider the vegetation to be medium or high quality.*

**Clause 52.17 Native Vegetation**

*Purpose*

*To ensure permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity. This is achieved through the following approach:*

- *Avoid the removal of native vegetation that makes a significant contribution to Victoria's biodiversity.*
- *Minimise impacts on Victoria's biodiversity from the removal of native vegetation.*

6.2 Planning Permit Application No. P2013/126  
Removal of Native Vegetation (Amended 29/01/2014) ~ 190 McDiarmids Road,  
Violet Town (cont.)

- *Where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation to be removed.*

*To manage native vegetation to minimise land and water degradation.*

*To manage native vegetation near buildings to reduce the threat to life and property from bushfire.*

*Decision guidelines*

*Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:*

*Biodiversity considerations*

*For all applications*

- *The contribution that native vegetation to be removed makes to Victoria's biodiversity.*
  - *This is determined by:*
  - *The extent and condition of the native vegetation.*
- *The biodiversity value of the native vegetation, including whether the native vegetation is important habitat for rare or threatened species.*
- *Whether the removal of native vegetation is defined as being in the low, moderate or high risk-based pathway, as defined in the Permitted clearing of native vegetation – Biodiversity assessment guidelines (Department of Environment and Primary Industries, September 2013) and apply the decision guidelines accordingly.*

*Other matters*

*The responsible authority must also consider the following issues, as appropriate:*

- *The need to remove, destroy or lop native vegetation to create defensible space to reduce the risk of bushfire to life and property, having regard to the other available bushfire risk mitigation measures.*
- *The role of native vegetation in:*
  - *Protecting water quality and waterway and riparian ecosystems, particularly within 30 metres of a wetland or waterway and in special water supply catchment areas listed in the Catchment and Land Protection Act 1994.*

6.2 Planning Permit Application No. P2013/126  
Removal of Native Vegetation (Amended 29/01/2014) ~ 190 McDiarmids Road,  
Violet Town (cont.)

- *Preventing land degradation, including soil erosion, salination, acidity, instability, and water logging, particularly:*
  - *Where ground slopes are more than 20 per cent.*
  - *On land which is subject to soil erosion or slippage.*
  - *In harsh environments, such as coastal or alpine area.*
- *Preventing adverse effects on groundwater quality on land:*
  - *Where groundwater recharge to saline waterbodies occurs.*
  - *That is in proximity to a discharge area.*
  - *Which is a known recharge area.*
- *In the case of timber production, the benefits of including a condition requiring operations to be carried out in accordance with any relevant code of practice under Part 5 of the Conservation, Forests and Land Act 1987.*
- *Managing native vegetation to preserve identified landscape values.*
- *The conservation of native vegetation protected under the Aboriginal Heritage Act 2006.*

Assessment:

For all applications:

- A Biodiversity Assessment Report was undertaken on the Native Vegetation Management System. The subject trees are categorised as a *low risk-based pathway* which means '*native vegetation removal of this size is not expected to have a significant impact on the habitat of any rare or threatened species*'.
- According to the Biodiversity Assessment Report the trees are located in a low risk area with the lowest condition score.
- The assessment generates an offset, in this instance it is required to be 0.182 general biodiversity equivalence units in the Goulburn Broken Catchment region.

Other matters:

- The role of the subject vegetation does not particularly include:
  - Protecting water quality and waterway and riparian ecosystems, the trees are not located with 30m of a waterway or wetland.
  - Preventing land degradation, the land is not sloped and is not covered by an Erosion Management Overlay.
  - Preventing adverse effects on groundwater quality.
- The native vegetation could be considered to be important to landscape values. However given the previous use of the site for a landfill and current use for a depot and transfer station it is unlikely that the site will be used outside local government activities.
- The tree is not protected under the *Aboriginal Heritage Act 2006*.

6.2 Planning Permit Application No. P2013/126  
Removal of Native Vegetation (Amended 29/01/2014) ~ 190 McDiarmids Road,  
Violet Town (cont.)

**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.

**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.

6.2 Planning Permit Application No. P2013/126  
Removal of Native Vegetation (Amended 29/01/2014) ~ 190 McDiarmids Road,  
Violet Town (cont.)

**Summary of Key Issues**

The purpose of the application is to remove native vegetation to allow the construction of the Council Works Depot building. The application has been assessed against the relevant State and Local Policy, decision guidelines of the Environmental Significance Overlay and Clause 52.17 Native Vegetation.

A Biodiversity Assessment Report was undertaken in accordance with the requirements of Clause 52.17 to determine the risk-based pathway and offset requirement. This report states the trees are a Low risk-based pathway and an offset amount of 0.182 general biodiversity equivalence units would be required in the Goulburn Broken Catchment Management Authority area.

In summary, the proposal meets the objectives of the State Planning Policy Framework, Local Planning Policy Framework, Environmental Significance Overlay and Clause 52.17.

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**Conclusion**

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

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**Attachments**

Site Plan





**PLANNING COMMITTEE REPORT NO. 3 (MANAGER, ECONOMIC GROWTH  
 – EMMA KUBEIL)**

**6.3 Planning Permit Application No. P2014/002  
- Use and Development of Land for a Dwelling ~ 1767 Euroa-Strathbogie  
 Road, Kithbrook**

**Application Details:**

Application is for:	Use and Development of land for a dwelling
Applicant's/Owner's Name:	Chris Smith & Associates Pty Ltd On behalf of David and Jennifer Thickett
Date Received:	9 January 2013
Statutory Days:	48
Application Number:	P2014/002
Planner: Name, title & department	Emma Kubeil Manager Economic Growth Sustainable Development
Land/Address:	Lot 1 on Title Plan 318744P, Certificate of Title Volume 08500 Folio 157, 1767 Euroa-Strathbogie Road, Kithbrook.
Zoning:	Farming Zone
Overlays:	Erosion Management Overlay
Under what clause(s) is a permit required?	Clause 35.07-1 Clause 35.07-4 Clause 44.01-1
Restrictive covenants on the title?	No
Current use and development:	Agriculture

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

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

**Summary**

- The proposal is for the use and development of land for a dwelling.
- The site is located in the Farming Zone.
- The lot size is approximately 8.6 hectares.
- The character of the area is residential in conjunction with agriculture.
- The application was referred internally to Council's Asset Services Department and Council's Health Officer who offered no objection, subject to conditions.

6.3 Planning Permit Application No. P2014/002  
- Use and Development of Land for a Dwelling ~ 1767 Euroa-Strathbogrie Road, Kithbrook (cont.)

- An assessment against the Farming Zone Decision Guidelines, State and Local Policies indicates the proposal is consistent with these provisions of the Strathbogrie Planning Scheme.
- The application was advertised to adjoining landholders, no objections have been received to date.
- The application is being presented to Planning Committee as proposal is for a dwelling on an allotment under the minimum lot size in the Farming Zone, i.e. 40 hectares.
- The application has been assessed within the 60 day statutory time period.
- It is recommended that Council resolve 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. P2014-002 to be given under Section 52 of the *Planning and Environment Act 1987* and the Strathbogrie 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 Clauses 35.07 & 44.01 of the Strathbogrie Planning Scheme in respect of Lot 1 on Title Plan 318744P, Certificate of Title Volume 08500 Folio 157, 1767 Euroa-Strathbogrie Road, Kithbrook, the land known as 1467 Euroa-Strathbogrie Road, Kithbrook for the Use and Development of land for a Dwelling, in accordance with endorsed plans, subject to the following conditions:**

1. **Prior to the commencement of development, the owner must submit plans of the proposed dwelling to the Responsible Authority. Once approved, these plans will be endorsed to form part of the planning permit. The plans must be generally in accordance with the plans submitted and include:**
  - (a) Dwelling floor plans and elevations
  - (b) Site Plan updated to show location of effluent disposal area
2. **Prior to the commencement of development, 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.**

6.3 Planning Permit Application No. P2014/002  
- Use and Development of Land for a Dwelling ~ 1767 Euroa-Strathbogrie Road,  
Kithbrook (cont.)

3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. A reserve effluent disposal area is required to designate, 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.
11. The Responsible Authority reserves the right to accept, reject or amend the recommendations of an LCA report.

6.3 Planning Permit Application No. P2014/002  
- Use and Development of Land for a Dwelling ~ 1767 Euroa-Strathbogrie Road,  
Kithbrook (cont.)

12. The ingress of surface and seepage water shall be diverted around the perimeter and upslope of the effluent disposal area.
13. The effluent disposal field must be located 100m from waterways (potable water supply) and 300m (primary treatment) or 150m (secondary sewage and greywater effluent) from dams, lakes or reservoirs (potable water supply).
14. Primary treated effluent must not be applied to Category 1 and 2a soils near bores.
15. Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
16. The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
17. The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
18. The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.
19. All external materials to be used in the construction of the buildings hereby permitted shall be of muted toning's and non-reflective to the satisfaction of the Responsible Authority.
20. At the completion of the building/works all areas of disturbed ground shall be stabilised and revegetated to the satisfaction of the Responsible Authority.
21. The owner/developer must ensure that the site is developed and managed to minimise the risk of stormwater pollution through the contamination of run-off by sediments, chemicals or gross pollutants in accordance with currently accepted best practice.
22. Goulburn Murray Water Conditions:
  - (a) All wastewater from the proposed dwelling must be treated and disposed of using an EPA approved system, installed, operated, and maintained in compliance with the relevant EPA Code of Practice and Certificate of Approval.
  - (b) The wastewater disposal area must be located at least 100 metres from the nearest waterway and at least 60 metres from an dams, and 20 metres from any bore.
  - (c) The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.

6.3 Planning Permit Application No. P2014/002  
- Use and Development of Land for a Dwelling ~ 1767 Euroa-Strathbogie Road, Kithbrook (cont.)

(d) All construction activities must follow sediment control principles outlined in 'Construction Techniques of Sediment Pollution Control' (EPA, 1991).

(e) No buildings or works are to be constructed within 30 metres of any waterways.

23. 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.

24. 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.

25. 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 including for access. Before any such works may commence, the Applicant must apply for and obtain appropriate Planning approval.

- 6... Planning Permit Application No. P2014/002
- - Use and Development of Land for a Dwelling ~ 1767 Euroa-Strathbogie Road, Kithbrook (cont.)

6.3 Planning Permit Application No. P2014/002  
- Use and Development of Land for a Dwelling ~ 1767 Euroa-Strathbogie Road, Kithbrook (cont.)

- **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.**

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### **Proposal**

It is proposed to construct a single dwelling on the subject site approximately 45m from the northern boundary at the end of an existing driveway. No plans have been provided for the proposed dwelling however the applicant has advised that the proposed dwelling will be a modest contemporary design, single storey with hardi-plank cladding (or similar) in neutral colours that will blend with the landscape. The dwelling will have a pitched roof for optimum solar collection. The dwelling is required for the intensification of an existing truffle harvesting enterprise which is currently operating on the site.

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### **Subject site & locality**

The subject site is located on the eastern side of Euroa Strathbogie Road and is generally triangular in shape. The total area of the site is 8.6ha and has a gentle slope down towards the southern corner of the property. The site is generally clear of native vegetation and a small watercourse is located on the site which runs along the south western boundary of the property into the Magiltans Creek. The land is currently developed with agricultural shedding and an oak tree plantation which is used for the propagation of truffles and other edible fungi. Land surrounding the site is developed with single dwellings and associated agricultural shedding.

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### **Permit/Site History**

A search of Councils electronic record keeping system shows the following permit has been issued for the subject land:

- E93/57 was issued in 1993 for the development of a dwelling.

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### **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(s) on site

The notification has been carried out correctly.

Council has received no objections to date.

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- Use and Development of Land for a Dwelling ~ 1767 Euroa-Strathbogie Road, Kithbrook (cont.)

**Consultation**

Consultation was not required to be undertaken as part of the assessment of this application.

**Referrals**

External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	Goulburn Murray Water - no objection, subject to conditions
Section 52 Notices	N/A

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

All conditions required by external and internal referral bodies will be included on any permit issued.

**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.*

A permit is required for the use and development of land for a dwelling as the land is less than 40ha in area.

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.

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- Use and Development of Land for a Dwelling ~ 1767 Euroa-Strathbogie Road,  
Kithbrook (cont.)

<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 proposed dwelling is to be used in conjunction with the existing agricultural use of the land. The dwelling will allow for the intensification of this use and will allow for the ongoing sustainable management of the land.
<i>Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.</i>	Yes	The site is considered suitable for the proposed use and development. The surrounding properties are used similarly to site for agriculture and contain single dwellings. The proposed dwelling will be located over 300m from the nearest dwelling.
<i>How the use and development makes use of existing infrastructure and service.</i>	Yes	Access to the site is proposed to be via an existing driveway on the site which is accessed from Euroa-Strathbogie Road. Power will be supplied via an overhead power supply.
<b>Agricultural Issues</b>		
<i>Whether the use or development will support and enhance agricultural production.</i>	Yes	The proposed dwelling to be constructed will enhance the existing truffle enterprise which is operating on the site.
<i>Whether the use or development will permanently remove land from agricultural production.</i>	Yes	The proposed dwelling will be constructed near existing agricultural shedding and is not considered to remove land from agricultural production.
<i>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	The use and development of the subject site for a dwelling will not limit the operation or expansion of adjoining nearby agricultural land uses.
<i>The capacity of the site to sustain the agricultural use.</i>	n/a	
<i>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</i>	n/a	
<i>Any integrated land management plan prepared for the site.</i>	n/a	



6.3 Planning Permit Application No. P2014/002  
- Use and Development of Land for a Dwelling ~ 1767 Euroa-Strathbogie Road,  
Kithbrook (cont.)

<b>Dwelling Issues</b>	<b>Complies</b>	<b>Officers Comment</b>
<i>Whether the dwelling will result in the loss or fragmentation of productive agricultural land.</i>	Yes	The dwelling is unlikely to result in the loss or fragmentation of productive agricultural land. Surrounding land is generally developed with single dwellings and associated agriculture.
<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 appropriately setback from the lot boundaries. This will provide an adequate buffer between the dwelling and surrounding agricultural uses.
<i>Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	The use and development of the subject land is unlikely to impact on the operation of surrounding agricultural land 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.
<b>Environmental issues</b>		
<i>The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.</i>	Yes	The 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.
<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	The application was referred to Goulburn Murray Water, who offered no objection, subject to conditions. The conditions refer to the installation of waste water treatment and its location. Should a permit be issued, amended plans will be required to show the required location of the proposed septic system.

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- Use and Development of Land for a Dwelling ~ 1767 Euroa-Strathbogie Road, Kithbrook (cont.)

<b>Design and siting issue</b>		
<i>The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.</i>	Yes	The dwelling has been setback from lot boundaries to provide a buffer distance to the surrounding agricultural uses.
<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.

Erosion Management Overlay

The purpose of the Erosion Management Overlay is:

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

The development of the land for the purposes of a dwelling requires a permit pursuant to Clause 44.01-1 of the Strathbogie Planning Scheme. An application for buildings and works must have consideration of the impacts of a proposed development on erosion of the land. Given that the land is generally flat in topography and no vegetation is proposed to be removed, any soil disturbances will be limited to minor levelling earthworks. To prevent any erosion of the land into the future, a condition will be placed on any permit issued requiring the stabilisation of land.

6.3 Planning Permit Application No. P2014/002  
- Use and Development of Land for a Dwelling ~ 1767 Euroa-Strathbogrie Road,  
Kithbrook (cont.)

**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 13.03-2, Erosion and Landslip:**

Objective:

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

**Clause 13.03-3, Salinity:**

Objective:

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

**Clause 13.05, Bushfire:**

Objective:

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

**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.*

6.3 Planning Permit Application No. P2014/002  
- Use and Development of Land for a Dwelling ~ 1767 Euroa-Strathbogie Road,  
Kithbrook (cont.)

The use of a small lot in the Farming Zone for a dwelling should be discouraged unless it can be determined that there is a genuine need for the dwelling to be constructed. In this instance, the land is currently being utilised for truffle production with almost 600 Oak Trees having been planted on the site. Living off site has meant that truffles are not being produced as efficiently or as sustainably as would normally occur however it is considered that the use of the site for a dwelling to be operated in conjunction with the truffle production is appropriate.

It is considered that the environmental risk of the proposed dwelling is minimal. The application has been referred to Goulburn Murray Water who have consented to the proposed development subject to a number of conditions which relate to the design and siting of the building and on site effluent disposal infrastructure to ensure that water quality is maintained. Being on land affected by an Erosion Management Overlay, it can be expected that there is some form of erosion risk when constructing a building or carrying out works. A condition will be placed on any permit issued requiring stabilisation of any disturbed soils to prevent future erosion of the site.

The proposed use and development will retain the land to be used for agricultural purposes, retain surrounding agricultural land uses and contribute to the economic development of the shire by providing diversity within the agriculture sector.

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

Clause 21.03-5, *Environment*, of the Strathbogie Planning Scheme states:

*Wildfire threat is associated with heavily vegetated and steep areas within the Shire, particularly the Strathbogie Ranges. In consultation with the Country Fire Authority, wildfire risk environments must be identified in the Planning Scheme. In addition, fire hazards must be considered in planning decisions affecting wildfire risk environments to avoid intensifying the risk through inappropriately located or designed uses or developments.*

*It is considered the proposal does not increase the risk of fire. Occupants of the proposed dwelling are able to access the site easily and sufficient clearance of land surrounding the house site. Fire hazard is not expected to increase as a result of this development.*

Clause 21.03-6, *Environmental Objectives*, is relevant to this proposal. The relevant objective is:

- *To minimise erosion throughout the Strathbogie Ranges and along watercourses. It is considered that the proposal will not lead to increase the risk of salinity. No vegetation is proposed to be removed and no earthworks are required.*

As the location of the proposed dwelling is generally flat, it is not expected that the proposal will create or worsen any erosion issues. It is considered appropriate however, to include a condition requiring the restabilisation of any disturbed soils.

6.3 Planning Permit Application No. P2014/002  
- Use and Development of Land for a Dwelling ~ 1767 Euroa-Strathbogrie Road, Kithbrook (cont.)

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

It is policy that:

- *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 Strathbogrie Shire Rural Residential Strategy, 2004 as rural residential; implying that that there is an historic use and development pattern. Consideration should be given to the recommendations in the Strategy.*
    - *The applicant is proposing to consolidate one or more lots in the same ownership with the subject land prior to the construction of the dwelling.*

*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.*

A farm management plan has been submitted with the application demonstrating the need for a dwelling to be located on the site. The agricultural use of the land was started in 2006 and as it has grown, the need for a dwelling on the site has arisen. The development and use of a dwelling on the site will enable the intensification and better management of the site for the truffle production enterprise. As per the requirements of the local policy, a condition will be placed on any permit issued requiring an agreement under Section 173 of the *Planning and Environment Act 1987* which will prohibit the excision of the dwelling from the parent lot .

6.3 Planning Permit Application No. P2014/002  
- Use and Development of Land for a Dwelling ~ 1767 Euroa-Strathbogie Road, Kithbrook (cont.)

**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.*

The proposed use and development of the land for the purposes of a dwelling is considered appropriate in this instance. The proposal is consistent with the State and Local Planning Policy Frameworks and the Zoning and Overlay Provisions. The application was advertised and no objections were received. Given this, and the development of surrounding land for residential purposes in conjunction with agriculture, it is considered that the proposal will not impact on the amenity of the area. The application has been referred internally and externally and conditions have been received in relation to on site infrastructure and environmental issues in relation to water quality and erosion. Erosion will be managed by stabilisation of all works at the completion of development. The proposal is consistent with the decision guidelines as specified in Clause 65 of the Strathbogie Planning Scheme.

**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.

**Relevant Planning Scheme amendments**

There are no relevant Planning Scheme amendments.

6.3 Planning Permit Application No. P2014/002  
- Use and Development of Land for a Dwelling ~ 1767 Euroa-Strathbogie Road,  
Kithbrook (cont.)

**Risk Management**

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

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

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

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**Summary of Key Issues**

- With regard to the Zone: The proposal is considered to be consistent to the purpose and decision guidelines of the Farming Zone. A genuine need for a dwelling has been demonstrated to intensify the existing truffle growing enterprise.
  - With regard to the Overlay: The proposed development is consistent with the purpose and decision guidelines of the Erosion Management Overlay. The development is unlikely to have significant erosion impacts and a condition will be placed on any permit issued requiring the stabilisation of any works to prevent erosion into the future.
  - In summary, the proposal meets the objectives of the State Planning Policy Framework, Local Planning Policy Framework, Farming Zone and Erosion Management Overlay.
- 

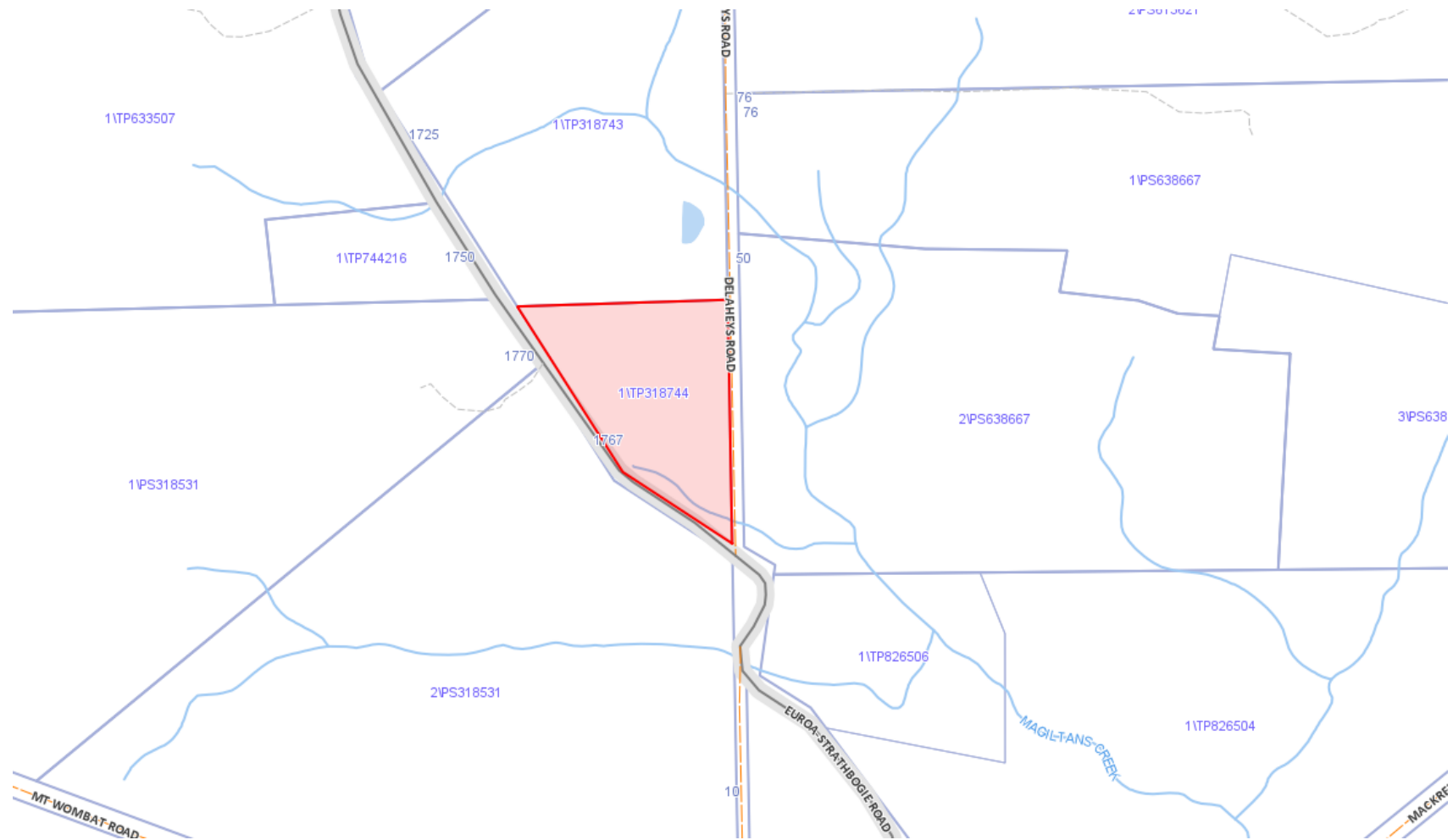
**Conclusion**

It is recommended that Council resolve to Grant a Permit in accordance with the Officer's recommendation.

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**Attachments**

Site plan





**PLANNING COMMITTEE REPORT NO. 4 (TEAM LEADER, PLANNING – JENNIFER DOWLING)**

**6.4 Planning Permit Application No. P2014/003  
- Use and Development of Land for a Dwelling ~ 105 Siems Road, Euroa**

**Application Details:**

Application is for:	Use & development of land for a dwelling
Applicant's/Owner's Name:	Graeme Schneider for Monger & Tomkinson On behalf of Ms M Bowater
Date Received:	23 January 2014
Statutory Days:	56
Application Number:	P2014-003
Planner: Name, title & department	Jennifer Dowling Team Leader Planning Sustainable Development
Land/Address:	Lot 3 Plan of Subdivision 615618, Certificate of Title Volume 11432 Folio 232 Parish of Branjee, 105 Siems Road, Euroa VIC 3666
Zoning:	Farming Zone (Part) Urban Floodway Zone (Part)
Overlays:	Land Subject to Inundation Overlay
Under what clause(s) is a permit required?	Clause 35.07-1, Clause 35.07-4 Clause 44.04-1
Restrictive covenants on the title?	Section 173 Agreement (AF357977R) This agreement prevents further subdivision of lots which could lead to an increase in the number of lots. It is not considered that this proposal breaches this agreement.
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 approximately 2.092 hectares.
- The character of the area is Rural Residential.
- The subject site is identified in the Strathbogie Shire Rural Residential Strategy 2004 as a potential location for Rural Residential.

6.4 Planning Permit Application No. P2014/003  
- Use and Development of Land for a Dwelling ~ 105 Siems Road, 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, Urban Floodway Zone and Land Subject to Inundation Overlay Decision Guidelines, State and Local Policies indicates the proposal is consistent with these provisions of the Strathbogie Planning Scheme.
- The application was advertised to adjoining landholders, no objections have been received to date.
- The application is being presented to Planning Committee as proposal is for a dwelling on an allotment under the minimum lot size in the Farming Zone, i.e. 40 hectares.
- The application has been assessed within the 60 day statutory time period.
- It is recommended that Council resolve 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. P2014-003 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 the Strathbogie Planning Scheme in respect of the land known as Lot 3 Plan of Subdivision 615618, Certificate of Title Volume 11432 Folio 232 Parish of Branjee, 105 Siems Road, Euroa VIC 3666, for the use & development of land for a dwelling, in accordance with endorsed plans, subject to the following conditions:**

1. **Prior to the commencement of the development, amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of three copies must be provided. Such plans must be generally in accordance with the plan submitted but modified to show:**
  - (a) **Fully dimensioned floor plans and elevations.**
2. **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.**

6.4 Planning Permit Application No. P2014/003  
- Use and Development of Land for a Dwelling ~ 105 Siems Road, Euroa  
(cont.)

3. **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.**
4. **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.**
5. **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.**
6. **A reserve effluent disposal area is required to designate, 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.**
7. **The Responsible Authority reserves the right to accept, reject or amend the recommendations of an LCA report.**
8. **The ingress of surface and seepage water shall be diverted around the perimeter and upslope of the effluent disposal area.**
9. **The effluent disposal field must be located 60m (primary treatment) or 30m (secondary sewage and grey water effluent) from any waterways, dams, lakes or reservoirs (non-potable water supply).**
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 or dissipated within the site boundaries. No effluent or polluted water of any type may be allowed to enter the stormwater drainage system.**
11. **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.**
12. **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.**

6.4 Planning Permit Application No. P2014/003  
- Use and Development of Land for a Dwelling ~ 105 Siems Road, Euroa  
(cont.)

13. 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.
14. 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.
15. Goulburn Broken Catchment Management Authority Conditions:
  - (a) The proposed dwelling must be sited outside the Urban Floodway Zone and on land that is higher than 169.1 metres AHD.
  - (b) The finished floor level of the proposed dwelling must be constructed at least 300 millimetres above the 100-year ARI flood level of 169.6 metres AHD, i.e. 169.9 metres AHD, or higher level deemed necessary by the responsible authority.
16. Goulburn Murray Water Conditions:
  - (a) All wastewater requiring disposal to land must be treated to a standard of at least 20mg/L BOD and 30mg/L suspended solids using a package treatment plan or equivalent. The system must be an EPA approved system, installed, operated and maintained in accordance with the relevant EPA Code of Practice and Certificate of Approval.
  - (b) The wastewater disposal area must be located a minimum of 60 metres from all waterways and dams located outside of the Urban Floodway Zone.
  - (c) The wastewater management system must be appropriately designed to manage the potential volume of wastewater generated under full occupancy (based on a minimum 5 bedrooms) including an appropriately sized disposal area based on a full water balance specific to the proposal and subject land.

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- Use and Development of Land for a Dwelling ~ 105 Siems Road, Euroa  
(cont.)

- (d) The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximize its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.
  - (e) All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
  - (f) No buildings or works may be erected or carried out within 30 metres of the waterway or within the Urban Floodway Zone.
17. 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 including for access. Before any such works may commence, the Applicant must apply for and obtain appropriate Planning approval.
- 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.

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- Use and Development of Land for a Dwelling ~ 105 Siems Road, Euroa  
(cont.)

- **Flood-prone areas: Onsite wastewater management systems are generally not suitable for areas likely to flood more frequently than every 20 years (on average) unless the treatment system is watertight and has mechanisms in place which prohibit floodwaters or wastewater from the land application system from flowing into the tank and from the tank into the premises. Systems which are not watertight may only be installed in areas that have an 'annual exceedance probability' (AEP) of flooding of more than 20 years (i.e. are likely to flood less frequently than every 20 years).**

**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 extent, than the 100-year ARI flood, may occur in the future.**

**Goulburn Murray Water Notes:**

- **Application must be made to Goulburn-Murray Water prior to the construction of any dams on the subject land. A licence must be obtained where surface or groundwater supplies are taken and used for commercial irrigation purposes or if a dam is to be constructed on a waterway as defined under the Water Act 1989. For further information, the applicant should contact Goulburn-Murray Water Diversion Operations on 1800 013 357.**

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**Proposal**

The application proposes to use and develop the subject site for the purposes of a dwelling. The proposed dwelling will be located in the north eastern corner of the site within the building and effluent envelope specified on the submitted plans. The proposed envelope has an area of approximately 3750 square metres and is generally rectangular in shape.

The buildings and works are proposed on land within the Farming Zone. The dwelling will be constructed with weatherboard cladding and a Colorbond roof and will contain four bedrooms, a study, three living areas and two bathrooms. It is proposed to have an area of 512 square metres including the verandah. The proposed height has not been provided.

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**Subject site & locality**

The site is located on the south eastern corner of Siems Road and Cowells Lane and has a total area of 2.08ha. The land is located within two zones. The land is zoned Farming Zone in the north eastern corner and has an approximate area of 5,700sqm. The remainder of the site is within the Urban Floodway Zone. A small creek traverses the property in the south western corner. The land is generally flat in the north eastern corner of the site before sloping down towards the creek. On the opposite side of the creek the land then slopes up towards Cowells Lane.

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- Use and Development of Land for a Dwelling ~ 105 Siems Road, Euroa  
(cont.)

Vegetation is scattered along the creek line however the remainder of the site appears generally clear. Land to the south and west of the site is developed with single dwellings and shedding. The properties immediately east of the site are undeveloped however residential dwellings are located further along Siems Road towards the Euroa Township.

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**Permit/Site History**

A search of Council's electronic record keeping system has shown that no planning permits have previously been issued for the subject site.

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**Public Notification**

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

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

The notification has been carried out correctly.

Council has received no objections to date.

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**Consultation**

Consultation was not required.

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**Referrals**

External Referrals/Notices was not required.

<b>Referrals/Notice</b>	<b>Advice/Response/Conditions</b>
Section 55 Referrals	Goulburn Broken Catchment Management Authority – No objection, subject to conditions Goulburn Murray Water – No objection, subject to condition
Section 52 notices	N/A

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

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**Assessment**

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

6.4 Planning Permit Application No. P2014/003  
- Use and Development of Land for a Dwelling ~ 105 Siems Road, Euroa  
(cont.)

**Farming Zone**

Purpose:

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

A permit is required for the use and development of land for the purposes of a dwelling as the site is less than 40ha in area. In considering an application for a dwelling on this site consideration needs to be given to the capacity of the site for agriculture, the impact of a dwelling on surrounding agricultural uses as well as a number of environmental and design issues. It is considered that the location, size and surrounding development restrict the future use of this site for agricultural purposes. The land within the Farming Zones has an area of approximately 5700sqm from the 2.08ha site. Surrounding lots are developed with single dwellings and a residential character has emerged as a result of past development.

There 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. The location of the dwelling is somewhat restricted on the site due to the location of the floodway however 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.

<b>General Issues</b>	<b>Complies</b>	<b>Officers Comment</b>
<i>The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</i>	Yes	Assessment against SPPF & LPPF is provided below.
<i>Any Regional Catchment Strategy and associated plan applying to the land.</i>	N/A	There is no relevant regional catchment strategy.
<i>The capability of the land to accommodate the proposed use or development, including the disposal of effluent.</i>	Yes	The application was referred to Councils Health Officer who did not object subject to conditions being included on the permit.



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- Use and Development of Land for a Dwelling ~ 105 Siems Road, Euroa  
(cont.)

<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 a large building envelope which would allow the dwelling to be setback 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.
<b>Agricultural Issues</b>		
<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.
<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.

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- Use and Development of Land for a Dwelling ~ 105 Siems Road, Euroa  
(cont.)

<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 2 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.
<b>Dwelling Issues</b>	<b>Complies</b>	<b>Officers Comment</b>
<i>Whether the dwelling will result in the loss or fragmentation of productive agricultural land.</i>	Yes	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 the building envelope allows 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.
<b>Environmental issues</b>		
<i>The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.</i>	Yes	The 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.
<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.

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- Use and Development of Land for a Dwelling ~ 105 Siems Road, Euroa  
(cont.)

<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.
<b>Design and siting issue</b>		
<i>The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.</i>	Yes	As detailed above the dwelling can be appropriately setback from the adjoining boundaries within the proposed building envelope.
<i>The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.</i>	Yes	The proposed siting and design is considered appropriate. Should a permit be issued a condition will be placed on the permit requiring muted tones.
<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.

**Urban Floodway 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 identify waterways, major floodpaths, drainage depressions and high hazard areas within urban areas which have the greatest risk and frequency of being affected by flooding.*
- *To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.*
- *To reflect any declarations under Division 4 of Part 10 of the Water Act, 1989.*

6.4 Planning Permit Application No. P2014/003  
- Use and Development of Land for a Dwelling ~ 105 Siems Road, Euroa  
(cont.)

- *To protect water quality and waterways as natural resources in accordance with the provisions of relevant State Environment Protection Policies, and particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*

**Land Subject to Inundation Overlay**

*Purpose:*

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

A planning permit is required for any buildings and works associated with a dwelling on land affected by this overlay. As part of the assessment of an application under the provisions of this clause, the application was required to be referred to Goulburn Broken Catchment Management Authority (GBCMA) who have consented to the proposed development subject to conditions regarding the construction of the dwelling taking place above the nominated AHD. It is considered that the proposed development will not lead to an unacceptable level of flood risk to human life as the land will be developed in accordance with GBCMA requirements. It is therefore considered that the proposal is consistent with the purpose and decision guidelines of Clause 44.04 of the Strathbogie Planning Scheme.

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

*Clause 11.05-3 Rural productivity - Strategies*

- *Prevent inappropriately dispersed urban activities in rural areas.*
- *Limit new housing development in rural areas, including:*
- *Directing housing growth into existing settlements.*
- *Discouraging development of isolated small lots in the rural zones from use for single dwellings, rural living or other incompatible uses.*
- *Encouraging consolidation of existing isolated small lots in rural zones.*

6.4 Planning Permit Application No. P2014/003  
- Use and Development of Land for a Dwelling ~ 105 Siems Road, Euroa  
(cont.)

*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 13.03-2 (Erosion and Landslip) of the Strathbogie Planning Scheme seeks to:*

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

*Clause 13.03-3 (Salinity) of the Strathbogie Planning Scheme seeks to:*

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

*Clause 13.05 (Bushfire) of the Strathbogie Planning Scheme seeks to:*

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

*Clause 14.01-1 – (Protection of agricultural land)*

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

*Clause 14.01-2 (Sustainable agricultural land use) of the Strathbogie Planning Scheme directs that agricultural activities should:*

- *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.*

6.4 Planning Permit Application No. P2014/003  
- Use and Development of Land for a Dwelling ~ 105 Siems Road, Euroa  
(cont.)

- *Support effective agricultural production and processing infrastructure, rural industry and farm-related retailing and assist genuine farming enterprises to adjust flexibly to market changes.*

The area of land within the Farming Zone is approximately 5700 square metres. Land surrounding the site is developed for residential purposes and it is considered that the character of the area is residential rather than agricultural. The site is located close to the central business area of Euroa and is considered appropriate for rural residential development. 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 or ancillary services will be stabilised if required. Although the site is vegetated along the creek, it is considered that the proposed dwelling can be reasonably protected in the event of a bushfire.

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 Study (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**  
**Relevant Particular Provisions**

*Clause 21.03-6, Environmental Objectives, is relevant to this proposal. The relevant objective is:*

- *To minimise erosion throughout the Strathbogie Ranges and along watercourses.*

It is considered that the proposal will not lead to increase the risk of salinity. No vegetation is proposed to be removed and no earthworks are required.

**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.*

6.4 Planning Permit Application No. P2014/003  
- Use and Development of Land for a Dwelling ~ 105 Siems Road, Euroa  
(cont.)

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

The proposed use and development of a dwelling is considered to be consistent with the 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 Frameworks as well as the zoning, overlay and relevant particular provisions. The proposal is considered to be orderly planning of the area and is unlikely to have an impact on the amenity of surrounding land owners and occupiers. The development is unlikely to have flooding implications on the site and surrounding area and has been consented to by the GBCMA.

**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 relevant incorporated, reference or adopted documents.

**Relevant Planning Scheme amendments**

There are no relevant planning scheme amendments.

**Risk Management**

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

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

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

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**Summary of Key Issues**

With regard to the Farming Zone:

- The proposed development will meet the decision guidelines of the zone. The land is not productive agricultural land and is located within an area of existing residential character.

6.4 Planning Permit Application No. P2014/003  
- Use and Development of Land for a Dwelling ~ 105 Siems Road, Euroa  
(cont.)

With regard to the Urban Floodway Zone:

- The application proposes the building envelope to be located outside the Urban Floodway Zone and fully within the Farming Zone.

With regard to the Land Subject to Inundation Overlay:

- The development of a dwelling is unlikely to lead to a significant increase in risk to human life and has been consented to by Goulburn Broken Catchment Management Authority.
- The application was referred under Section 55 of the *Planning and Environment Act 1987* to Goulburn Broken Catchment Management Authority and Goulburn Murray Water who have both consented to the development subject to a number of conditions.

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

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### **Conclusion**

It is recommended that Council resolve to Grant a Permit in accordance with the Officers recommendation.

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### **Attachments**

Site Plan





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**PLANNING COMMITTEE REPORT NO. 5 (MANAGER, ECONOMIC GROWTH  
– EMMA KUBEIL)**

**7. OTHER BUSINESS**

**7.1 Strathbogie Shire Council – State Government Residential Zone Reform**

**Author & Department**

Manager, Economic Growth / Sustainable Development Department

**File Reference**

C71

**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 Department of Transport, Planning and Local Infrastructure (DTPLI) announced in July 2013 that Victoria's residential planning zones have been reformed to ensure they are relevant and adequately reflect the aspiration of all Victorians.

Three new residential zones were introduced:

- Residential Growth Zone
- General Residential Zone
- Neighbourhood Residential Zone

These zones are to replace the Residential 1, Residential 2 and Residential 3 Zones. The existing Mixed Use Zone, Township Zone and Low Density Residential Zone have been changed to align with the features of the new residential zones.

**The Neighbourhood Residential Zone** restricts housing growth and protects an identified neighbourhood character. This zone represents the lowest scale of intended growth of the three new residential zones. The likely application of the zone is in areas where single dwellings prevail and change is not identified, such as areas which recognise neighbourhood character, heritage, environment or landscape significance.

**The General Residential Zone** aims to respect and preserves neighbourhood character while allowing modest housing growth and diversity. The role of this zone sits between the Neighbourhood Residential and Residential Growth Zone. The likely application of the zone is in most residential areas where moderate growth and diversity of housing will occur consistent with existing neighbourhood character.

## 7.1 Strathbogie Shire Council – State Government Residential Zone Reform (cont.)

**The Residential Growth Zone** enables new housing growth and allows greater diversity in appropriate locations while providing certainty about the expected built outcomes. This zone is the zone that encourages the greatest residential density and scale of development amongst the three new zones. The likely application of this zone is in areas determined appropriate for increase growth and density, providing for medium density developments and increased housing activity in areas such as near activities areas and train stations.

Councils were given 12 months to consider the implementation of the three new zones and to align that with current residential strategies or complete a strategy in the 1 year time frame.

Strathbogie has not previously completed a housing strategy nor is one proposed to be prepared. Currently Strathbogie Planning Scheme only provides for one of the zones out of the three that are being deleted, the Residential 1 Zone. Residential 1 Zone is provided in the Residential areas of Nagambie and Euroa. Avenel, Longwood and Violet Town are zoned Township Zone and therefore will not be affected by the change.

Residential 1 Zone and General Residential Zone closely align and therefore it is logical to allow the state to do a direct translation from one to the other.

### **RECOMMENDATION**

**That Council resolves to authorise the Department of Transport, Planning and Local Infrastructure on behalf of the Minister for Planning to proceed with a 20(4) amendment for a direct translation to the Strathbogie Planning Scheme from the Residential 1 Zone to General Residential Zone.**

### **Background**

The residential zones are not the only zones to be updated. The Minister for Planning has reviewed all zones in Victoria to ensure that they are still relevant and adequately reflect the aspirations of all Victorians.

The aim of the zone reform has been to:

- Simplify requirements
- Allow a broader range of activities to be considered
- Improve the range of zones to better manage growth.

The three amended residential zones, two new commercial zones and three industrial zones were introduced into the Victorian Planning Provisions and planning schemes across the state by 15 July 2013.

## 7.1 Strathbogie Shire Council – State Government Residential Zone Reform (cont.)

The reformed rural zones were introduced into the Victorian Planning Provision and planning schemes on 5 September 2013.

### **Alternative Options**

At this stage of the process there is no alternative than to default all existing Residential 1 Zone land to General Residential Zone, i.e. the default zone is the most appropriate zone of the alternatives which are not applicable unless supported by a housing strategy (which is considered very low priority as a strategic planning initiative for a Shire of our size).

### **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

### **Best Value / National Competition Policy (NCP / Competition and Consumer Act (CCA) implications**

The author of this report considers that the report is consistent with Best Value, National Competition Policy and Competition and Consumer Act requirements

### **Financial / Budgetary Implications**

The author of this report considers that there will be no financial or budgetary implications as the direct translation is completed and financed by the State Government

### **Economic Implications**

The author of this report considers that the recommendation has no significant economic implications for Council or the broader community

### **Environmental / Amenity Implications**

The author of this report considers that the recommendation has no significant environmental or amenity implications for Council or the broader community

### **Community Implications**

The author of this report considers that the recommendation has no significant community or social implications for Council or the broader community

### **Victorian Charter of Human Rights and Responsibilities Act 2006**

The author of this report considers that the recommendation does not limit any human rights under the Victorian Charter of Human Rights and Responsibilities Act 2006

### **Legal / Statutory Implications**

The author of this report considers that there are no legal or statutory implications.

7.1 Strathbogie Shire Council – State Government Residential Zone Reform (cont.)

**Consultation**

Consultation was conducted with the relevant stakeholders and community by the State Government prior to the introduction of the new zones.

**Attachments**

General Residential Zone

**PLANNING COMMITTEE REPORT NO. 6 (DIRECTOR, SUSTAINABLE DEVELOPMENT – PHIL HOWARD)**

**7.2 Planning Applications Received**  
**- 19 March to 15 April 2014**

Following are listings of Planning Applications Received for the period 19 March to 15 April 2014.

**RECOMMENDATION**

**That the report be noted.**

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

**List of Planning Applications received  
 - 19 March to 15 April 2014**

Application Number Display	Planner Name	Lodged Date Date	Reason For Permit	Applicant Name	Site Address Full Address
P2014-030	Jennifer Dowling	21/03/2014	Use & development of land for a dwelling and associated infrastructure	Richard Eddy	167 Halsalls Lane, Creightons Creek VIC 3666
P2014-031	Emma Kubeil	25/03/2014	Lot consolidation	Geoff Humphrey	Vickers Road, Nagambie VIC 3608
P2014-032	Emma Kubeil	24/03/2014	Use & development of land for a recreation facility (Community wetland)	John Dunn	Cowslip Street, Violet Town VIC 3669
P2014-033	Jennifer Dowling	24/03/2014	Use & development of land for a shed	Paula Stuart	53 Branjee Road, Euroa VIC 3666
P2014-034	Emma Kubeil	26/03/2014	Creation of an easement	Graeme Schneider - Monger & Tomkinson	41 Shiffner Street, Violet Town VIC 3669
P2014-035	Jennifer Dowling	27/03/2014	Use & development of land for an extension to an existing dwelling	Richard Watkins	24-26 Turnbull Street, Euroa VIC 3666
P2014-036	Jennifer Dowling	31/03/2014	Boundary realignment	Ben King	735 Mitchellstown Road, Mitchellstown VIC 3608
P2014-037	Emma Kubeil	2/04/2014	Development of land for a verandah extension to existing building	Euroa Agricultural Society Inc	16 Frost Street, Euroa VIC 3666
P2014-038	Jennifer Dowling	2/04/2014	Two (2) lot subdivision	Graeme Schneider - Monger & Tomkinson	43 Hurt Street, Violet Town VIC 3669
P2014-039	Jennifer Dowling	8/04/2014	Use & development of land for a dwelling	Cameron Fraser	2053 Euroa-Mansfield Road, Gooram VIC 3666
P2014-040	Jennifer Dowling	10/04/2014	Use & development of land for a shed	Bruce Connors	174 Tabilk-Monea Road, Tabilk VIC 3607

**Total 11**