



**STRATHBOGIE SHIRE COUNCIL**  
**PLANNING COMMITTEE**  
**MINUTES**

**OF THE MEETING HELD ON TUESDAY 11 APRIL 2017**  
**AT THE EUROA COMMUNITY CONFERENCE CENTRE**  
**COMMENCING AT 4.00 P.M.**

**Councillors:** Malcolm Little (Chair) (Hughes Creek Ward)  
John Mason (Seven Creeks Ward)  
Kate Stothers (Honeysuckle Creek Ward)  
Alistair Thomson (Mount Wombat Ward)  
Graeme (Mick) Williams (Seven Creeks Ward)

**Officers:** Steve Crawcour - Chief Executive Officer  
Emma Kubeil – Manager, Sustainable Development  
Roy Hetherington - Director, Asset Services  
David Roff – Acting Director, Corporate and Liveability  
Caroline Wallis - Group Manager, Corporate and Liveability  
Trish Hall - Technical Officer ~ Planning

**Business:**

1. Welcome
2. Acknowledgement of Traditional Land Owners

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

3. Apologies  
Amanda McClaren (Lake Nagambie Ward)  
Debra Swan (Lake Nagambie Ward)  
Phil Howard - Director, Sustainable Development  
Cameron Fraser - Principal Planner  
Caroline Wallis - Group Manager, Corporate and Liveability

4. Confirmation of Minutes of the Planning Committee meeting held on Tuesday 14 February 2017

11/17 **CRS WILLIAMS/MASON** : *That the Minutes of the Planning Committee meeting held on Tuesday 14 February 2017 be confirmed*

**CARRIED**

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

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

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

**6. PLANNING REPORTS**

**6.1 Planning Permit Application No. P2016-145 - Use and Development of Land for a Dwelling and Shed ~ 460 Sawpit Gully Road, Boho**

**Application Details:**

Application is for:	Use and development of land for a dwelling and shed
Applicant's/Owner's Name:	Mr Troy Spencer
Date Received:	11 October 2016
Statutory Days:	2
Application Number:	P2016-145
Planner: Name, title & department	Cameron Fraser Principal Planner Sustainable Development Department
Land/Address:	Lot 1 on Title Plan 915982S Certificate of Title Volume 03373 Folio 487 460 Sawpit Gully Road, Boho VIC 3669
Zoning:	Farming Zone
Overlays:	No Overlay
Under what clause(s) is a permit required?	Clause 35.07-1 Clause 35.07-4
Restrictive covenants on the title?	Yes Section 173 Agreement - No further Subdivision and use prohibited if land not primarily used for agriculture
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 and shed in conjunction with a proposed wool growing enterprise on the site.
- The site has an area of approximately 33.4 hectares and is located in the Farming Zone.
- The site is not affected by any overlays.
- The application was referred internally to Council's Health Officer and Asset Services Department who offered no objection subject to conditions.
- The application was advertised to adjoining landholders, one objection has been received.

6.1 Planning Permit Application No. P2016-145  
- Use and Development of Land for a Dwelling and Shed ~ 460 Sawpit Gully Road, Boho (cont.)

- The objection raised issues in relation to the agricultural limitations of the site, lack of access available, and rural residential development in the area.
- An assessment against the Farming Zone as well as State and Local Policies indicates the proposal is consistent with these provisions of the Strathbogrie Planning Scheme.
- The application is being presented to Planning Committee as an objection has been received.
- The application has been assessed within the 60 day statutory time period.
- It is recommended that Council resolve to issue a Notice of Decision 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. P2016-145 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme

and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to Grant a Permit under the provisions of Clause 35.07-1 and Clause 35.07-4 of the Farming Zone in the Strathbogrie Planning Scheme in respect of the land known as Lot 1 on Title Plan 915982S Certificate of Title Volume 03373 Folio 487, 460 Sawpit Gully Road, Boho VIC 3669, for the Use and development of land for a dwelling and shed, in accordance with endorsed plans, subject to the following conditions:

### Endorsed Plans:

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

### Environmental Health Conditions:

2. All wastewater from proposed dwelling/lots must be treated and contained within the property boundaries in accordance with the current EPA Code of Practice – Onsite Wastewater Management: Guidelines for Environmental Management, Australian Standards 1547 and Council requirements.
3. The waste water system must be installed within the waste water envelope stipulated on title and in line with your 173 agreement requirements. The waste water system must not be installed outside of the prescribed area without prior written consent from the responsible authority.

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4. **Prior to the commencement of works, a permit to install a septic tank system is required from the Responsible Authority.**
5. **All waste water and liquid is to be contained and treated on site by an approved septic tank system or equivalent. The system must be at least 60 metres from any watercourse and/or dam (non-potable water supply), on the subject or neighbouring properties, and must meet the Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management 891. 4 (2016).**

**Engineering Conditions:**

6. **Prior to the commencement of the use/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.**
7. **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.**
8. **Appropriate steps must be taken to retain all silt and sediment on site during the construction phase to the satisfaction of the Responsible Authority, in accordance with the sediment control principles outlined in Construction Techniques for Sediment Pollution Control (EPA, 1991) and to the satisfaction of the Responsible Authority.**
9. **Any damage to the Responsible Authority's assets (i.e. sealed roads, kerb & channel, trees, nature strip etc), and boundary fences, must be repaired at the cost of the applicant all to the satisfaction of Responsible Authority.**

**General Conditions:**

10. **Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.**
11. **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*.**
12. **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.**

6.1 Planning Permit Application No. P2016-145  
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13. The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.
14. The external cladding of the proposed buildings, including the roof, must be constructed of new materials of muted colours to enhance the aesthetic amenity of the area. Material having a highly reflective surface must not be used.
15. The amenity of the area must not be detrimentally affected by the use, through the:
  - (a) Appearance of any building, works or materials;
  - (b) Transport of materials, goods or commodities to or from the land;
  - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil;
  - (d) Presence of vermin, and;
  - (e) Others as appropriate.

**Permit Expiry:**

16. This permit will expire if one of the following circumstances applies:
  - (a) The use and 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.
- This Permit does not authorise the creation of a new access way/crossover. Before any such development may commence, the Applicant must apply for and obtain appropriate approval from Council.

12/17 **CRS MASON/WILLIAMS** : *That the Recommendation be adopted.*

**CARRIED**

6.1 Planning Permit Application No. P2016-145  
- Use and Development of Land for a Dwelling and Shed ~ 460 Sawpit Gully Road, Boho (cont.)

**Proposal**

It is proposed to use and develop the land for a dwelling and a shed. The dwelling will be located in the northern end of the lot, approximately 98 meters from the western boundary, and 45 meters from the northern boundary of the lot. The shed will be located approximately 98 meters from the western boundary, and 28 meters from the northern boundary, being approximately 17 meters from the dwelling. At the time of lodgement of the application, shed plans were not provided. Shed plans were provided on 5 April 2017. The proposed shed will be 7.6 metres wide by 9 metres long. The shed will be 4.2 metres high and will be of Colourbond Construction in Woodland Grey.

The dwelling is single storey and approximately 171 square meters in area. The dwelling will have a pitched Colourbond roof and timber cladding exterior walls. A veranda wraps around part of the southern, and northern sides of the dwelling, and the entirety of the eastern side of the dwelling. The dwelling is proposed to have 3 bedrooms, 1 bathroom, a laundry, and an open plan kitchen/dining and lounge space.

Vehicular access is proposed to be provided from a rural crossover to a dwelling crossover. A new driveway will be constructed to access the dwelling and shed. The proposed dwelling will be constructed in conjunction with a wool growing enterprise on the site.

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**Subject site & locality**

The subject site is located at 460 Sawpit Gully Road, Boho. Formally known as Lot 1 on Title Plan 915982 Certificate of Title Volume 03373 Folio 487, the site is approximately 33.4 hectares in size. The site is within the Farming Zone with no overlays applied to the land. The site is irregular in shape with vehicular access via Sawpit Gully Road.

The site currently contains a small shed and one dam. There are scattered trees across the site, typically along the waterways and ridgelines. The site has a gentle slope from the western boundary to the eastern boundary.

An agreement under Section 173 of the *Planning and Environment Act 1987* is registered on the land. This agreement prohibits living in a dwelling on the site which is not used in conjunction with agriculture undertaken on the property and prohibits further subdivision of the land. This proposal would not breach this agreement.

Sawpit Gully Road adjoins the entire eastern boundary of the land. To the east of Sawpit Gully Road is land within the Farming Zone, used for agriculture, primarily for sheep and cattle grazing.

The southern, eastern and northern boundaries are bound by part of the land known as 557 Harrys Creek Road, Boho. This land is used for agriculture, particularly sheep and cattle grazing. This land is all within the Farming Zone.



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- Use and Development of Land for a Dwelling and Shed ~ 460 Sawpit Gully Road, Boho (cont.)

The nearest dwellings to the site are located approximately 2 kilometers to the north and 2 kilometers to the north-east of the site.

The site is approximately 7 kilometers south-east of Violet Town.

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**Permit/Site History**

A search of Council's electronic records system shows that the following planning permit has been issued for the subject site:

- Planning Permit P2011/112 was issued on 12 January 2012 and allowed for the Use and Development of land for a caretaker dwelling. This permit expired on 12 January 2014 as buildings and works had not commenced at this time due to unforeseen circumstances of the applicant. It is noted however that the applicant entered into a Section 173 Agreement under the *Planning and Environment Act 1987* as required by this permit in 2012. This agreement is discussed previously in this report. This application seeks approval for the same proposal as was approved in 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 letters to adjoining land owners
- Placing (a) sign on site

The notification has been carried out correctly.

Council has received one objection to date. The key issue that was raised in the objections is:

- The dwelling is proposed on a lot less than the minimum lot size.
- Risk in relation to access to property via one road only.
- Previously approved dwellings in the area not used for agriculture

Officer's Response:

The minimum lot size for a dwelling on land in the Farming Zone in this area of the Shire is 40 Hectares. The Victoria Planning Provisions allow land in this zone to be used and developed for a dwelling with a planning permit. An application for a planning permit must be considered against the relevant provisions of the planning scheme. Access to the dwelling is considered appropriate in this instance. The dwelling has been appropriately sited for management and safety in the event of an emergency. Previously approved dwellings in the area have been undertaken in conjunction with an agricultural use and are required to be developed in accordance with permit conditions.

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**Consultation**

Following the receipt of the objection, a copy was forwarded to the applicant who provided a written response. To date, the objector has not responded to Council.

6.1 Planning Permit Application No. P2016-145  
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**Referrals**

External Referrals/Notices required by the Planning Scheme:

<b>Referrals/Notice</b>	<b>Advice/Response/Conditions</b>
Section 55 Referrals	Nil
Section 52 Notices	Goulburn Murray Water – no response.

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

**Assessment**

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

**Farming Zone**

Purpose:

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

A permit is required for the use and development of land for a dwelling, pursuant to Clauses 35.07-1 and 35.07-4 of the Farming Zone.

Although the dwelling is proposed to be on a lot that is less than 40 hectares in area, the application is considered appropriate as the dwelling is needed to support the agricultural land use. The use of the land for wool growing requires constant care and maintenance, hence the need for a dwelling. The use of the land for wool growing will assist in the land management efficiently through fencing areas for stock, to protect significant areas of biodiversity.

6.1 Planning Permit Application No. P2016-145  
- Use and Development of Land for a Dwelling and Shed ~ 460 Sawpit Gully Road, Boho (cont.)

A response to the decision guidelines at Clause 35.07-6 of the Farming Zone is detailed below:

<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	Given the size of the lot, it is considered to be more than capable of disposing of effluent disposal from a dwelling. This has been approved by Council's Environmental Health Department
<i>How the use or development relates to sustainable land management.</i>	Yes	The land will be fenced appropriately to ensure areas of biodiversity are protected from stock.
<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	Given that the proposed dwelling is on a lot that is similar in size and nature to development in the adjoining properties, the proposal is considered to be compatible with the surrounding land uses.
<i>How the use and development makes use of existing infrastructure and service.</i>	Yes	Access is proposed via existing crossovers. Existing services will also be utilised.
<b>Agricultural Issues</b>		
<i>Whether the use or development will support and enhance agricultural production.</i>	Yes	The dwelling is required to support the wool growing enterprise on site. Around the clock monitoring is required for the sheep, hence the need for a dwelling on site.
<i>Whether the use or development will permanently remove land from agricultural production.</i>	Yes	As the site is 33 hectares in size, providing 1 dwelling on site is unlikely to remove the land from agricultural production.

6.1 Planning Permit Application No. P2016-145  
- Use and Development of Land for a Dwelling and Shed ~ 460 Sawpit Gully Road, Boho (cont.)

<i>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	Given the size of the lot and the location of the dwelling on site, the proposal is unlikely to limit the agricultural uses nearby.
<i>The capacity of the site to sustain the agricultural use.</i>	Yes	The site is of a size to sustain an agricultural use.
<i>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</i>	Yes	The lot does not carry any significant agricultural qualities.
<i>Any integrated land management plan prepared for the site.</i>	Yes	No integrated land management plan has been prepared nor is it considered necessary in this instance.
<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 proposed new dwelling is unlikely to create a fragmentation of productive agricultural land. There is currently a Section 173 Agreement on the title which requires the dwelling to be vacant, should the agricultural use on the land cease. The agreement also prohibits any house lot excision subdivisions.
<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 proposed dwelling is unlikely to be impacted upon by surrounding agriculture, given the agricultural practices around the site being typically for sheep and cattle grazing.
<i>Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	Lots surrounding the subject site are used for predominately sheep and cattle grazing. As such, this new dwelling is not likely to impact upon these agricultural practices.
<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 proposal has been assessed on its merit. It is unlikely that the proposed dwelling would directly result in the proliferation of dwellings.

6.1 Planning Permit Application No. P2016-145  
- Use and Development of Land for a Dwelling and Shed ~ 460 Sawpit Gully Road, Boho (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 proposed dwelling and is unlikely to significantly impact on the surrounding environment. The dwelling will be connected to its own on-site waste water management system to the satisfaction of the responsible authority.
<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.
<i>The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.</i>	Yes	The proposal does not include the removal of any vegetation.
<i>The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.</i>	Yes	On site effluent disposal will be carried out in accordance with the requirements of the Responsible Authority.
<b>Design and siting issue</b>		
<i>The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.</i>	Yes	As detailed above the proposed dwelling has been appropriately set back from the adjoining boundaries.
<i>The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.</i>	Yes	The proposed siting is considered appropriate. Should a permit be issued, a condition will be placed on the permit requiring muted tones to ensure the development appropriately blends with the aesthetic environment.
<i>The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.</i>	Yes	The proposed dwelling is unlikely to detract from the existing character and amenity values of the area.
<i>The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.</i>	Yes	The proposed dwelling and associated infrastructure is considered to be appropriately located.

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- Use and Development of Land for a Dwelling and Shed ~ 460 Sawpit Gully Road, Boho (cont.)

<i>Whether the use and development will require traffic management measures.</i>	Yes	The dwelling is considered unlikely to have any significant traffic management implications for Sawpit Gully Road.
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Given the above, this application is considered to consistent with the purpose and decision guidelines of the Farming Zone.

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

Clause 14.01-1 Protection of agricultural land

*Objective*

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

The proposal is considered to be consistent with this State planning policy as detailed in the Strathbogie Planning Scheme. Although this land is not identified as locally or regionally significant, the use of the land for a dwelling is considered necessary to support the agricultural use. The title currently has a Section 173 Agreement on the title which prohibits further subdivision including a house lot excision, and anybody residing in the dwelling, should the agricultural, or any other approved use cease. Given this, the proposal is considered appropriate.

Clause 14.01-2 Sustainable agricultural land use

*Objective*

- *To encourage sustainable agricultural land use.*

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

Clause 16.02-1 Rural residential development

*Objective*

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

Given the settlement pattern in the area being very low in density, this proposed dwelling is unlikely to create a “rural residential development”. The nearest existing dwellings are located approximately 2 kilometers from the proposed new dwelling. As such, this site is considered to be consistent with this State planning policy as detailed in the Strathbogie Planning Scheme.

6.1 Planning Permit Application No. P2016-145  
- Use and Development of Land for a Dwelling and Shed ~ 460 Sawpit Gully Road, Boho (cont.)

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

21.02-6 Building Material – Muted Tones

*Overview*

*The Shire has significant natural landscapes and views which provide an important asset, and opportunity for tourism and economic development. Buildings can be intrusive in this type of environment if constructed of materials which are not sympathetic to the surrounding environment.*

*Objective*

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

The dwelling is proposed to be constructed of muted tones. The Colourbond roof and weatherboard cladding is unlikely to impact the aesthetic amenity currently enjoyed in the area. As such, this proposed is considered to be consistent with this Local planning policy within the Strathbogie Planning Scheme.

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

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

6.1 Planning Permit Application No. P2016-145  
- Use and Development of Land for a Dwelling and Shed ~ 460 Sawpit Gully Road, Boho (cont.)

Although this dwelling is proposed to be on a lot less than 40 hectares, there is a need for a dwelling on this site to support the agricultural use. The practice of wool growing requires around the clock constant care and maintenance which can only be provided by people living on site. As such, this proposal being considered on its merit is worthy of Council's support.

It is generally policy within the Strathbogrie Planning Scheme that any permit issued for the use and development of a dwelling on a lot under the minimum size requires the permit holder enter into an agreement under Section 173 of the *Planning and Environment Act 1987* which prohibits further subdivision of the land. In this instance, it is considered that this agreement should not be required. An agreement including these restrictions has already been entered under the requirements of the previous permit. This agreement prohibits the subdivision of the land and also prohibits any person from living in a dwelling on the land if the land is not being used for agriculture.

**The decision guidelines of Clause 65**

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

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

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

There are no relevant adopted State policies.

**Relevant incorporated, reference or adopted documents**

There are no relevant incorporated, reference or adopted documents.



6.1 Planning Permit Application No. P2016-145  
- Use and Development of Land for a Dwelling and Shed ~ 460 Sawpit Gully Road, Boho (cont.)

**Relevant Planning Scheme amendments**

There are no relevant planning scheme amendments.

**Risk Management**

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

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

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

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**Summary of Key Issues**

With regard to the Farming Zone: The proposed dwelling is consistent with the purpose and decision guidelines of the Farming Zone and will support the ongoing use of the land for agriculture

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

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**Conclusion**

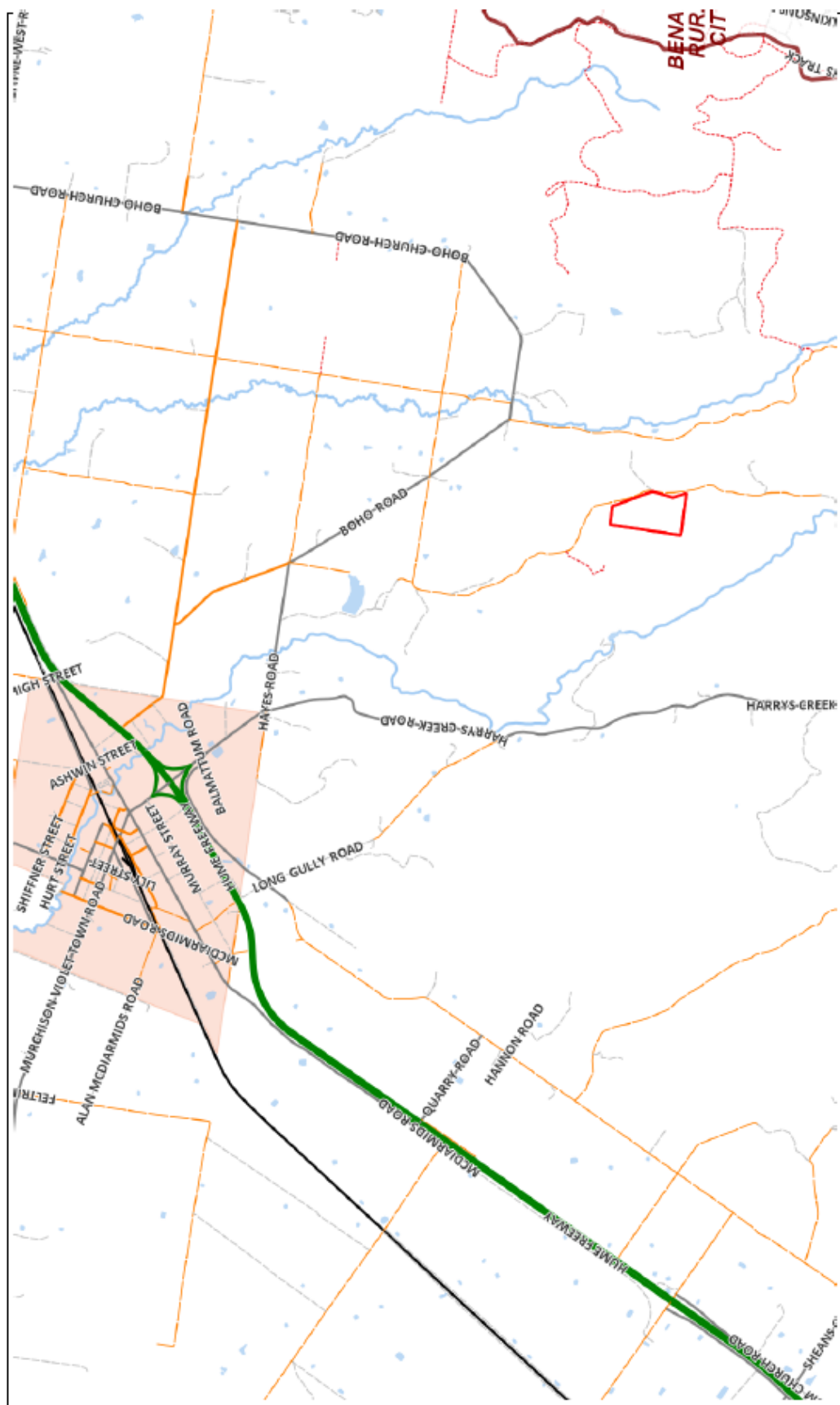
After due assessment of all the relevant factors, it is considered appropriate to issue a Notice of decision to Grant a planning permit, in accordance with the Officers recommendation.

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**Attachments**

Site Maps





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

**7. OTHER BUSINESS**

**7.1 Planning Applications Received  
- 9 February to 3 April 2017**

Following are listings of Planning Applications Received for the period 9 February to 3 April 2017.

**RECOMMENDATION**

**That the report be noted.**

*13/17 CRS WILLIAMS/MASON : That the Recommendation be adopted.*

**CARRIED**

**THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 4.15 P.M.**

Confirmed as being a true and accurate record of the Meeting

.....  
Chair

.....  
Date

## Planning Applications Received

Thursday, 9 February 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
67 Railway Street, Euroa VIC 3666	P2017-008	Building and works, use and installation of no more than 30 Electronic Gaming Machines, advertising signage, waiver of car parking requirements and bicycle parking requirements, change to the area where liquor may be consumed, increase in maximum number of patrons.	Sam BUZZO	\$2,700,000.00

Friday, 10 February 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
4316 Heathcote-Nagambie Road, Bailieston VIC 3608	P2016-034 - 1	Development of land for a shed, barn and horse walker	Don Newnham Engineering	\$0.00 *

Monday, 13 February 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
55 Golf Course Road, Euroa VIC 3666	P2014-146 - 1	Use & Development of land for a dwelling and a two (2) lot re-subdivision	Mr Troy Spencer	\$0.00 *

Tuesday, 14 February 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
233 Morningside Road, Wahring VIC 3608	P2017-009	Use and development of land for single dwelling (Proposed Lot 1 on Plan of Subdivision 800508C)	Onleys	\$300,000.00
233 Morningside Road, Wahring VIC 3608	P2017-010	Use and development of land for a single dwelling (Proposed Lot 2 on Plan of Subdivision 800508C)	Onleys	\$300,000.00

Wednesday, 15 February 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
483 Creightons Creek Road, Creightons Creek VIC 3666	P2017-012	Development of land for a swimming pool	Sam Verrocchi	\$42,215.00

Friday, 17 February 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
4A Cowslip Street, Violet Town VIC 3669	P2017-011	Development of land for an extension to a shed	DOIDGE, Luke Andrew	\$70,000.00

Monday, 20 February 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
2 Queen Street, Avenel VIC 3664	P2017-013	Use of land for a Pharmacy, Reduction in Car Parking Spaces (1 space) and Advertising Signage	STEVENS, Belinda	\$0.00 *

Friday, 24 February 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
34-36 Railway Street, Euroa VIC 3666	P2015-099 - 1	Use of land for leisure and recreation (gymnasium), waiver of car parking requirements and the installation of business identification signage.	Brad Cunningham	\$0.00

Monday, 27 February 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
12 Grandview Road, Kirwans Bridge VIC 3608	P2015-061-1	Development of land for an extension to an existing dwelling	Frank Sinopoli & Associates	\$0.00 *
23 Magiltan Drive, Strathbogie VIC 3666	P2017-014	Development of land for two (2) sheds	Karl & Anna Reyneke	\$5,000.00

Tuesday, 28 February 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
95 Delatite County Road, Gooram VIC 3666	P2017-016	Development of land for a dwelling	Hedger Construction Pty Ltd	\$485,000.00

Friday, 3 March 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
18 Magilton Drive, Strathbogrie VIC 3666	P2017-019	Development of land for a shed and water tank	Michael Pitt	\$30,900.00
30 Backwater Court, Kirwans Bridge VIC 3608	P2017-017	Development of land for a shed	BURROWES, Ian John	\$180,000.00
53 Tulip Street, Violet Town VIC 3669	P2017-020	Subdivide land into two (2) lots	T & C Developments- Troy Spencer	\$0.00 *

Monday, 6 March 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
196 Browns Road, Wahring VIC 3608	P2017-015	Development of land for horse barn	NEWNHAM, Donald Edward	\$200,000.00

Tuesday, 7 March 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
1195 Euroa-Strathbogrie Road, KELVIN VIEW VIC 3666	P2017-003 - 1	Development of Land for an Agricultural Shed	GLAZEBROOK, Emma Joan	\$0.00 *

Wednesday, 8 March 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
321 Alexandersons Road, Locksley VIC 3665	P2014-117 - 3	Development of land for an extension to existing dwelling and the addition of relocatable portables	BANNISTER, Michael	\$0.00 *

Thursday, 9 March 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
36 Kennedy Street, Euroa VIC 3666	P2014-098 - 3	Development of land for Residential Age Care Facility	Urbis Pty Ltd	\$0.00 *

Friday, 10 March 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
380 Drysdale Road, Euroa VIC 3666	P2017-021	Use and development of land for a free range layer farm	Scolexia Pty Ltd	\$2,100,000.00

Tuesday, 14 March 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
54 Golf Course Road, Euroa VIC 3666	P2017-022	Development of land for a replacement dwelling	WALTERS, Anthony Herbert	\$165,000.00
87 McKernans Road, Balmattum VIC 3666	P2017-023	Consolidate three (3) existing allotments and re-subdivide into two (2) lots	Monger & Tomkinson - Graeme Schneider	\$0.00 *

Thursday, 16 March 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
Hoskin Lane, Violet Town VIC 3669	P2017-025	Use and development of land for the construction of a dwelling	T & C Developments- Troy Spencer	\$290,000.00

Monday, 20 March 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
47 Wattlevale Road, Bailieston VIC 3608	P2017-018	Use and development of a replacement dwelling, relocation of two outbuildings and the development of one additional outbuilding	GILLILAND, Brent	\$480,000.00

Friday, 24 March 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
112 Arcadia-Tamleugh Road, Miepoll VIC 3666	P2017-024	Development of land for a shed	EVERIST, Geoffrey John	\$20,000.00



Monday, 3 April 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
100 Watkins Road, Creek Junction VIC 3669	P2017-026	Use and development of land for a dwelling	Brianna Pattinson	\$250,000.00
545 Wattlevale Road, Mitchellstown VIC 3608	P2017-027	Use and development of land for a dwelling, garage and barn	Paul Ranson	\$2,000,000.00

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

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