



STRATHBOGIE SHIRE COUNCIL

PLANNING COMMITTEE

AGENDA

MEETING TO BE HELD ON TUESDAY 26 FEBRUARY 2019

AT THE EUROA COMMUNITY CONFERENCE CENTRE

COMMENCING AT 4.00 P.M.

Chair: Malcolm Little (Hughes Creek Ward)

Councillors: Debra Bower (Lake Nagambie Ward)
John Mason (Seven Creeks Ward)
Kate Stothers (Honeysuckle Creek Ward)
Alistair Thomson (Mount Wombat Ward)
Graeme (Mick) Williams (Seven Creeks Ward)

Officers: Phil Howard - Acting Chief Executive Officer / Director, Innovation and Performance
David Roff - Group Manager, Corporate and Community
Jeff Saker - Group Manager, Community Assets
Emma Kubeil - Manager, Planning and Investment
Cameron Fraser - Principal Planner
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'*

3. Apologies

Councillor Amanda McClaren (Lake Nagambie Ward)
Steve Crawcour - Chief Executive Officer

4. Confirmation of Minutes of the Planning Committee meeting held on Tuesday 27 November 2018

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

Steve Crawcour
CHIEF EXECUTIVE OFFICER

15 February 2019

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 (TECHNICAL PLANNING OFFICER - TRISH HALL)

6. PLANNING REPORTS

**6.1 Planning Permit Application No. P2018-081
- Use and Development of Land for a Dwelling ~ 67 Fernhills Road, Sheans Creek**

Application Details:

Application is for:	Use and development of land for a dwelling
Applicant's/Owner's Name:	Troy Spencer
Date Received:	15 June 2018
Statutory Days:	76
Application Number:	P2018-081
Planner: Name, title & department	Trish Hall Technical Officer Planning Planning and Investment Department
Land/Address:	Lot 5 on Title Plan 834880B, Certificate of Title Volume 03304 Folio 744 67 Fernhills Road, Sheans Creek VIC 3666
Zoning:	Farming Zone
Overlays:	Erosion Management Overlay (Part)
Is a CHMP required?	No The subject site is not in a Cultural Sensitive Area.
Is it within an Open Potable Catchment Area?	No The subject site is not in an Open potable Catchment Area.
Is it within a Bushfire Prone Area?	Yes The site is in a Bushfire Prone Area and an assessment against Clause 13.02 has been provided.
Under what clause(s) is a permit required? (include description)	Clause 35.07-1 to use the land for a dwelling. Clause 35.07-4 to construct a building and to carry out works in association with a section 2 use.
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*.

6.1 Planning Permit Application No. P2018-081
- Use and Development of Land for a Dwelling ~ 67 Fernhills Road, Sheans Creek (cont.)

Summary

The application proposes the use and development of land at 67 Fernhills Road, Sheans Creek VIC 3666 for the use and development of land for a dwelling.

- The site has an area of approximately 10.08 hectares, is located in the Farming Zone and is partly affected by the Erosion Management Overlay.
- The application was advertised to adjoining owners and a sign placed on site, no objections have been received to date.
- The application has not been assessed within the 60 day statutory timeframe due to Planning Committee Agenda timelines.
- The application is being heard before Planning Committee as the application proposes a dwelling on a lot under the minimum lot size for the area, i.e. 40 hectares.
- The proposal meets the objectives of the State Planning Policy Framework, Local Planning Policy Framework, the Farming Zone and the Erosion Management Overlay.
- It is recommended that Council resolve to grant a permit in accordance with the Officer's recommendation.

RECOMMENDATION

That Council

- **having caused notice of Planning Application No. P2018-081 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme**

and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Grant a Permit under the provisions of Clause 35.07-1 and Clause 35.07-4 of the Strathbogrie Planning Scheme in respect of the land known as Lot 5 on Title Plan 834880B, Certificate of Title Volume 03304 Folio 744, 67 Fernhills Road, Sheans Creek VIC 3666, for the Use and development of land for a dwelling, in accordance with endorsed plans, subject to the following conditions:

Endorsed Plans:

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

Section 173 Agreement:

2. **Prior to the commencement of use, the owner must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority. Such agreement shall:**
 - (a) **Prevent subdivision of the land which increases the number of lots including house lot excision.**

6.1 Planning Permit Application No. P2018-081
- Use and Development of Land for a Dwelling ~ 67 Fernhills Road, Sheans Creek (cont.)

- (b) Acknowledge and accept that the possibility of some amenity impacts from adjoining and/or nearby land uses including agriculture. The possible off site impacts might include but are not limited to dust, noise, odour, waste, vibration, soot, smoke or the presence of vermin, from animal husbandry, animal waste, spray drift, agricultural machinery use, pumps, trucks and associated hours of operation.
- (c) Ensure that the use will be carried out in association with the Whole Farm Plan endorsed as part of this permit and the endorsed plan will be implemented and complied with to the satisfaction of the Responsible Authority.

A memorandum of the agreement is to be entered on the title and the cost of the preparation and execution of the agreement and entry on the title is to be paid by the owner.

Environmental Health Conditions:

- 3. Prior to the commencement of construction of the dwelling or shed, plans of a suitable effluent disposal system and its location on the land must be approved in writing by the Responsible Authority.
- 4. Prior to the commencement of buildings and works an updated LCA in accordance with the high risk template contained within Councils domestic waste water management plan must be provided and approved by Councils Environmental Health Department. The updated LCA must address design and maintenance for the wastewater disposal system, features and setbacks as well as size and location of disposal and reserve field(s). The development is located within a potable high risk area.
- 5. 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.
- 6. 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).
- 7. Sewage, sullage and other liquid wastes to arise from the development shall be treated and retained on site by a septic tank system in accordance with the requirements of the Environment Protection Act 1970, the Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management 891. 4 (2016).and the Responsible Authority.

- 6.1 Planning Permit Application No. P2018-081
- Use and Development of Land for a Dwelling ~ 67 Fernhills Road, Sheans Creek (cont.)

Engineering Conditions:

8. Prior to the commencement of the use/ issue of the Certificate of Occupancy/issue of the Certificate of Final Inspection new or otherwise vehicular entrances to the subject land from the road shall be constructed at a location and of a size and standard satisfactory to the Responsible Authority. The vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense. The final location of the crossing is to be approved by the Responsible Authority via a Vehicle Crossing Permit. Refer to Clause 12.9.2 "Rural Vehicle Crossings" of the Infrastructure Design Manual and to standard drawing SD255.
9. 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.
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.

Goulburn Broken Catchment Management Authority:

13. The finished floor level of the proposed dwelling must be constructed at least 300 millimetres above the general surrounding natural surface elevation to safeguard against over-floor flooding from localised severe thunderstorm episodes.
14. A works on waterways permit is required for any works or activities on the designated waterway (No. 5/1-11-14-2). This includes an access crossing.

6.1 Planning Permit Application No. P2018-081
- Use and Development of Land for a Dwelling ~ 67 Fernhills Road, Sheans Creek (cont.)

General Conditions:

15. Prior to the commencement of works for the dwelling, evidence must be provided to the satisfaction of the Responsible Authority that works detailed in the endorsed Whole Farm Plan have commenced.
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 *Environmental 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. 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.

Bushfire Protection Measures:

Water Supply

20. A minimum of 10,000 litres of effective water supply for fire fighting purposes must be provided which meets the following requirements:
 - Be stored in an above ground water tank constructed of concrete or metal.
 - Have all fixed above ground water pipes and fittings required for fire fighting purposes made of corrosive resistant metal.
 - Include a separate outlet for occupant use.
 - Be readily identifiable from the building or appropriate identification signage to the satisfaction of the relevant fire authority.
 - Be located within 60 metres of the outer edge of the approved building.
 - The outlet/s of the water tank must be within 4 metres of the accessway and unobstructed.
 - Incorporate a separate ball or gate valve (British Standard Pipe (BSP 65 millimetre) and coupling (64 millimetre CFA 3 thread per inch male fitting).
 - Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling)

6.1 Planning Permit Application No. P2018-081
- Use and Development of Land for a Dwelling ~ 67 Fernhills Road, Sheans Creek (cont.)

Access

21. Access for fire fighting purposes must be provided which meets the following requirements:

- All weather construction.
- A load limit of at least 15 tonnes.
- Provide a minimum trafficable width of 4 metres
- Be clear of encroachments for at least 0.5 metre on each side and at least 4 metres vertically.
- Curves must have a minimum inner radius of 10m.
- The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50m.
- Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.

Permit Expiry:

- 22. 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.
- 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.
- Prior to installation works commencing on the septic tank system, a Permit to install must be obtained from Council.

6.1 Planning Permit Application No. P2018-081
- Use and Development of Land for a Dwelling ~ 67 Fernhills Road, Sheans Creek (cont.)

Proposal

It is proposed to use and develop the land known as 67 Fernhills Road, Sheans Creek VIC 3666, formally identified as Lot 5 on Title Plan 834880B, Certificate of Title Volume 03304 Folio 744 for a single dwelling. The site is located on Sheans Creek Road and is a separate non adjoining parcel to the land further to the north addressed as 67 Fernhills Road, Sheans Creek VIC 3666. The dwelling is proposed to be sited 335 metres from the north western boundary and Sheans Creek Road on the subject site.

The dwelling, including the triple garage, outdoor living areas, and verandahs will have a total area of approximately 514 square metres. The dwelling is proposed to be a three bedroom, single storey, weatherboard clad home with a concrete tiled roof. The dwelling is proposed to be 33.51 metres in length and 16.39 metres wide, at the widest point. In addition to the three bedrooms proposed, it will contain a powder room, bathroom, ensuite, two toilets an open plan meals, family room and kitchen with Gallery and walk in pantry, separate lounge area, games room, study, office, laundry, triple car garage two alfresco areas and verandahs.

A driveway is not yet established. Native vegetation may be required to be removed in association with the construction of the access for the dwelling and outbuilding, however has not been applied for as part of the application.

A whole farm plan has been prepared as part of the application material and proposes that an area of the land including the water course parallel to the western boundary and Sheans Creek Road will be fenced and managed as an area for vegetation protection and will exclude livestock. A second livestock exclusion zone and vegetation protection area will be fenced and is located along the rear boundary to the east. The dwelling will be constructed to facilitate an Angus Bull stud. The dwelling will provide the manager and their family with accommodation on the site to ensure protection and wellbeing of the stock

Vehicular access is proposed to be gained 81 metres from the south western boundary onto Sheans Creek Road. From Sheans Creek Road the proposed access passes through an area that is considerably dense in vegetation (typically regrowth saplings and some well-established gums), and then crosses a gully and identified waterway that is approximately 10 metres wide and 3-4 metres deep, the proposed access continues through vegetation on the opposite side and then winds through the contours of the land and an crosses another undulating gully identified as a waterway before reaching the proposed dwelling.

It is proposed new cattle yards will be constructed to facilitate the collection of semen and will include cold storage (liquid nitrogen cylinders) and refrigeration units. The proposed cold storage area will be located within the proposed shed on the subject site.

The proposed shed is 5 metres from north western boundary and 395 metres from Sheans Creek Road and the north western boundary. It is proposed the shed will be located approximately 130 metres on the southern side of any waterways on the subject site.

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- Use and Development of Land for a Dwelling ~ 67 Fernhills Road, Sheans Creek (cont.)

The subject site is not in an open potable catchment area. A Land Capability Assessment has been prepared and an effluent area has been sited appropriately from the dwelling and the waterways on site. The proposed effluent area will be located approximately 450 metres from the front boundary. The subject site has been assessed by Mansfield Land Capability and Soil Assessments have determined the site as a medium risk based on assessment to accommodate a five bedroom dwelling.

The application was submitted prior to the gazettal of Amendment VC148 on the 31 July 2018, reference to specific policy within the submitted documentation vary from clauses referred to in this report.

Subject site & locality

The subject site is known as 67 Fernhills Road, Sheans Creek VIC 3666, formally identified as Lot 5 on Title Plan 834880B, Certificate of Title Volume 03304 Folio 744. Is located on Sheans Creek Road

The site measures approximately 10.8 hectares in area and is generally rectangular in shape. From the rear eastern corner the land slopes downwards towards the south western boundary and Sheans Creek Road. The lot is approximately 120 metres wide along Sheans Creek Road and 800 metres deep.

Sheans Creek Road is sealed and the lot is located on a crest with a bend located towards Fernhills road and therefore sightline to the north has been minimised.

The subject site is used for occasional grazing. The roadside is vegetated and moderately treed. The subject site contains trees, shrubs, grasses and rocky outcrops. The site is heavily treed around the gully/waterway that runs parallel to Sheans Creek Road to the west. The north eastern corner is steeper than the remaining undulating land, and has scattered trees and shrubs and rocky outcrops. The remaining undulating land has approximately 30 paddock trees scattered across the remaining site.

Two gullies and identified waterways cross the property flowing from the north to the south.

The gully/waterway closest to Sheans Creek Road is approximately 10 metres wide and 3-4 metres deep, and is showing some signs of erosion. The second gully/waterway located towards the centre of the lot is undulating.

A larger dam is located on the northern boundary approximately 125 metres from Sheans Creek Road, and a smaller one in line with the first dam approximately 235 metres further into the site towards the eastern boundary.

Electricity is available on the subject site; associated infrastructure is setback approximately 108 metres inside the properties western boundary. The power lines and poles run parallel to Sheans Creek Road and the western boundary.

6.1 Planning Permit Application No. P2018-081
- Use and Development of Land for a Dwelling ~ 67 Fernhills Road, Sheans Creek (cont.)

The subject site is located approximately 10km from Euroa and is on the eastern side of the Euroa Township and Hume Freeway. The land is within an area of farming with a mix of agricultural uses including stock grazing and equine. There are scattered rural dwellings within the area.

The site is within the Farming Zone and is partially affected by the Erosion Management Overlay to the east.

Permit/Site History

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

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 no objections to date.

Consultation

No consultation has been required to be undertaken.

Referrals

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	Nil
Section 52 Notices	Public Notice, letters and one (1) sign Goulburn Broken Catchment Management Authority – No objection subject to Conditions.

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

6.1 Planning Permit Application No. P2018-081
- Use and Development of Land for a Dwelling ~ 67 Fernhills Road, Sheans Creek (cont.)

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 Clause 35.07-1 and Clause 35.07-4 of the Strathbogie Planning Scheme as the site is less than 40 hectares in area and buildings and works for the dwelling are to occur less than 100 metres from an identified waterway.

It is proposed to conduct a bull stud for semen collection. The proposed agricultural pursuit is regulated and will provide the dairy and beef industry with frozen semen for artificial insemination off site.

The proposed dwelling is required to accommodate the manager and family to facilitate a successful agricultural business and provide protection to the bulls.

The use and development of the site for a dwelling will not lead to a loss in productive agricultural land. A whole farm plan has been submitted as part of the application demonstrating the subject site will still be utilised for agricultural purposes (Bull Farm). The impact of the proposed dwelling on surrounding lots and broader agricultural activity will be minimal as some of the lots surrounding the site are developed with single dwellings. The proposed dwelling has been sited on the lot to ensure there are appropriate buffer distances between this proposed dwelling to adjoining dwellings and any agricultural practices. A 173 Agreement condition will be included on any planning permit issued to ensure future subdivision of the land which increases the number of lots including house lot excision is prohibited and acknowledges and accepts that the possibility of some amenity impacts from adjoining and/or nearby land uses including agriculture. The possible off site impacts might include but are not limited to dust, noise, odour, waste, vibration, soot, smoke or the presence of vermin, from animal husbandry, animal waste, spray drift, agricultural machinery use, pumps, trucks and associated hours of operation. The agreement will also ensure that the use will be carried out in association with the Whole Farm Plan endorsed as part of this permit and the endorsed plan will be implemented and complied with to the satisfaction of the Responsible Authority.

6.1 Planning Permit Application No. P2018-081
- Use and Development of Land for a Dwelling ~ 67 Fernhills Road, Sheans Creek (cont.)

The building and works are less than 100 metres from a waterway; the application has been referred to Goulburn Broken Catchment Management Authority who has not objected subject to conditions, including the requirement for a works on waterways permit is required for any works or activities on the designated waterway. The application has also been referred to the Environmental Health Department who also do not object subject to conditions including that the septic system is required to be located more than 60 metres from any identified waterway on the site. The proposed dwelling is over 60 metres and the septic envelope is over 100 metres from any waterway identified on the subject site.

A response to the Decision Guidelines at Clause 35.07-6 is detailed below:

General Issues	Complies	Officers Comment
<i>The Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</i>	Yes	Assessment against PPF & LPPF is provided below.
<i>Any Regional Catchment Strategy and associated plan applying to the land.</i>	Yes	Goulburn Broken Regional Catchment Strategy 2004. The application was referred to Goulburn Broken Catchment Management Authority who does not object and have requested the relevant works on waterways permit is obtained for any works or activities on the designated waterway. It is considered the proposal will not have any adverse impact on local water catchment.
<i>The capability of the land to accommodate the proposed use or development, including the disposal of effluent.</i>	Yes	A Medium risk Land Capability Assessment has been prepared for the site. The application has been referred to Council's environmental health department who have consented to this application, subject to conditions, including an amended high risk assessment. Given this, it is considered the land is capable of treating effluent waste on site.

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- Use and Development of Land for a Dwelling ~ 67 Fernhills Road, Sheans
Creek (cont.)

<p><i>How the use or development relates to sustainable land management.</i></p>	<p>Yes</p>	<p>The nature of the subject site including its size, terrain and potential erosion limit the capacity for agricultural production. However, within the application documentation, the applicant has advised they will use the land for a bull farm and participate in environmental improvements for the land.</p> <p>A condition will be included on any planning permit issued to ensure the whole farm plan is attached to the Title of land through an agreement under Section 173 of the <i>Planning and Environment Act 1987</i>.</p>
<p><i>Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.</i></p>	<p>Yes</p>	<p>The subject site is approximately 10 hectares in area and constrained by its size and terrain. Surrounding land uses are mixed farming</p> <p>Lot sizes vary and some contain single dwellings including the parcel with a dwelling on a small lot to the south.</p> <p>The development of a dwelling on this lot is unlikely to create a detrimental impact on these adjoining land uses.</p> <p>A condition will be included on any planning permit issued to ensure the landowner acknowledge and accepts that the possibility of some amenity impacts from adjoining and/or nearby land uses including agriculture. The possible off site impacts might include but are not limited to dust, noise, odour, waste, vibration, soot, smoke or the presence of vermin, from animal husbandry, animal waste, spray drift, agricultural machinery use, pumps, trucks and associated hours of operation. is attached to the Title of land through an agreement under Section 173 of the <i>Planning and Environment Act 1987</i>.</p>

6.1 Planning Permit Application No. P2018-081
- Use and Development of Land for a Dwelling ~ 67 Fernhills Road, Sheans Creek (cont.)

<p><i>How the use and development makes use of existing infrastructure and service.</i></p>	<p>Yes</p>	<p>Access is proposed to the dwelling via the Sheans Creek Road. A condition should be included on any planning permit issued that the vehicle crossing shall be constructed at a location and of a size and standard satisfactory to the Responsible Authority.</p> <p>Access to electricity is available on site.</p>
<p>Agricultural Issues</p>		
<p><i>Whether the use or development will support and enhance agricultural production.</i></p>	<p>Yes</p>	<p>The proposal will support proposed environmental improvements of the land, whilst continuing to be used for limited agricultural purposes.</p>
<p><i>Whether the use or development will permanently remove land from agricultural production.</i></p>	<p>Yes</p>	<p>The application for a dwelling included a Whole Farm Plan for a bull farm. The lot has limited potential use for agricultural production due to erosion issues and terrain.</p> <p>It is considered the use and development will not permanently remove the land from agricultural production. The enterprise could expand its operation onto vacant land to the north east if it were to become available.</p>
<p><i>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</i></p>	<p>Yes</p>	<p>It is considered the proposed use and development will not limit the operation of adjoining and nearby agricultural uses. The subject site is considered to have a limited agricultural benefit given the gully that traverses the southern part of the parcel of land, rocky outcrops and vegetation to the east and potential erosion issues that might arise from overstocking of grazing cattle.</p>

6.1 Planning Permit Application No. P2018-081
- Use and Development of Land for a Dwelling ~ 67 Fernhills Road, Sheans
Creek (cont.)

<i>The capacity of the site to sustain the agricultural use.</i>	Yes	The lot size, terrain and potential erosion issues limit the agricultural productivity of the land.
<i>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</i>	Yes	The land is not identified as a significant piece of farming land. The site contains a gully approximately 10 metres wide and 3 to 4 metres deep that runs parallel to the western boundary and Sheans Creek Road. The lot is identified partially within the Erosion Management Overlay to the east and the gully to the west is showing signs of erosion. The proposed use and development will enable the land to operate a low impact agricultural pursuit that will assist in the ongoing agricultural management and environmental maintenance of the site.
<i>Any integrated land management plan prepared for the site.</i>	Yes	A land management plan has been integrated into the whole farm plan application documentation. This will be endorsed and form part of any permit issued for this proposal. Implementation of this plan will be required to have commenced prior to the construction of the dwelling proposed as part of this application.

6.1 Planning Permit Application No. P2018-081
- Use and Development of Land for a Dwelling ~ 67 Fernhills Road, Sheans
Creek (cont.)

Dwelling Issues	Complies	Officers Comment
<i>Whether the dwelling will result in the loss or fragmentation of productive agricultural land.</i>	Yes	<p>The proposed dwelling is in association with an agricultural business (Bull Farm) and will not result in the loss or fragmentation of productive agricultural land, as the site is considered to have limited agricultural production capacity due to its size, and terrain. It is considered the dwelling is appropriately located on the site; the lot to the south already contains a dwelling on a small lot. A whole farm plan has been submitted as part of the application and would be endorsed if a planning permit was issued. If land to the north was to become available there would be the possibility of expansion for the business.</p> <p>It is considered the use and development should not result in loss or fragmentation of productive agricultural land</p>
<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	<p>A condition will be included on any planning permit issued to ensure the landowner acknowledge and accepts that the possibility of some amenity impacts from adjoining and/or nearby land uses including agriculture. The possible off site impacts might include but are not limited to dust, noise, odour, waste, vibration, soot, smoke or the presence of vermin, from animal husbandry, animal waste, spray drift, agricultural machinery use, pumps, trucks and associated hours of operation and is attached to the Title of land through an agreement under Section 173 of the <i>Planning and Environment Act 1987</i>.</p>

6.1 Planning Permit Application No. P2018-081
- Use and Development of Land for a Dwelling ~ 67 Fernhills Road, Sheans Creek (cont.)

<p><i>Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.</i></p>	<p>Yes</p>	<p>The use of the land for a dwelling is unlikely to impact on the surrounding agricultural properties. The dwelling has been sited on the lot away from the boundaries to ensure little impact is made to the adjoining agricultural properties from the dwelling.</p> <p>The use of the land for a dwelling is very unlikely to limit the expansion of adjoining agricultural entities which are similarly constrained by terrain. Given the site's terrain, potential erosion issues and vegetation, the site is unlikely to be viable for high impact agricultural productivity in the future.</p>
<p><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></p>	<p>Yes</p>	<p>This dwelling is unlikely to contribute to a proliferation of dwellings in the area. There are already scattered dwellings along Sheans Creek Road that are in association with agricultural production.</p>
<p>Environmental issues</p>		
<p><i>The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.</i></p>	<p>Yes</p>	<p>The dwelling has been sited appropriately on the site. The application was referred to Goulburn Broken Catchment Management Authority and a Land Capability Assessment has been carried out.</p>
<p><i>The impact of the use or development on the flora and fauna on the site and its surrounds.</i></p>	<p>Yes</p>	<p>The application documentation submitted for this application demonstrates the land owner will be improving the site by undertaking land management processes such as pest eradication and vegetation and soil improvements. The 10 year management action plan will form part of any planning permit issued and included on a 173 Agreement.</p>

6.1 Planning Permit Application No. P2018-081
- Use and Development of Land for a Dwelling ~ 67 Fernhills Road, Sheans Creek (cont.)

<i>The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.</i>	Yes	The proposal has not included 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.
Design and siting issue		
<i>The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.</i>	Yes	The proposed dwelling is located appropriately on site, away from the boundaries and in a clear area away from significant vegetation.
<i>The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.</i>	Yes	The proposed siting is considered appropriate. Should a permit be issued, a condition will be placed on the permit requiring muted tones on the exterior of the dwelling.
<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. Conditions on the permit require that muted materials are used. This will ensure that the buildings do not cause any unreasonable adverse visual impacts.
<i>The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.</i>	Yes	The proposed building is considered to be appropriately located on the site away from significant vegetation, and significant features. The proposal utilises the existing road and is to the east of existing power lines located on the site.

6.1 Planning Permit Application No. P2018-081
- Use and Development of Land for a Dwelling ~ 67 Fernhills Road, Sheans Creek (cont.)

<i>Whether the use and development will require traffic management measures.</i>	Yes	As the proposal is for a single dwelling, it is deemed not necessary for there to be traffic management measures implemented.
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Erosion Management Overlay

Purpose:

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

The subject site is partially affected by the Erosion Management Overlay. Proposed building and works are not located within the Erosion Management Overlay, or near the gully to the west that has the potential for future erosion issues. Therefore a planning permit is not required for the development of land for a dwelling, and associated buildings and works pursuant to Clause 44.01-1 of the Strathbogie Planning Scheme. Standard conditions will be included on any planning permit issued to ensure all disturbed soils are retained on site and stabilised to the satisfaction of the Responsible Authority.

The Planning Policy Framework (PPF)

Clause 13.02-1S, *Bushfire planning strategies and principles*

Objective

- *To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.*

The applicant has addressed Clause 13.02. The dwelling will be constructed to a 12.5 BAL standard. It is proposed the defendable space is in accordance with AS 3959. The site is accessed via Sheans Creek Road which is sealed and located on the eastern side of Balmattum Hill. The proposed driveway will be all weather and allow for emergency vehicle access.

The proposed dwelling will provide 10,000 litres of water for fire fighting purposes as identified under AS3959.

The applicant proposes to maintain a minimum 33 metre defendable space around the proposed dwelling through regular maintenance including regular mowing, slashing, with grass being maintained at no more than 10 cm. No trees or shrubs will be allowed to grow within this space.

Stock movements will be monitored around the site to keep grass heights to a minimum to reduce any fuel loads.

6.1 Planning Permit Application No. P2018-081
- Use and Development of Land for a Dwelling ~ 67 Fernhills Road, Sheans Creek (cont.)

The subject land is not affected by the Bushfire Management Overlay; however it is in a Bushfire Prone Area. The applicant has addressed Clause 13.02 and it is considered the proposal meets the relevant requirements.

It is generally policy within the Strathbogie Planning Scheme that any permit issued for the use and development of a dwelling on a lot under the minimum size requires the permit holder enter into an agreement under Section 173 of the *Planning and Environment Act 1987* which prohibits further subdivision of the land. This is considered appropriate in this instance. Standard bushfire protection conditions regarding, water supply and access will be included on any planning permit issued.

Clause 13.04-2S Erosion and landslip

Objective

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

The site is subject to erosion, the proposed buildings have been located away from the Erosion Management Overlay and gully/waterway to the west. Conditions will be included on any planning permit issued to ensure any works required for the construction of the dwelling or ancillary services will be stabilised to the satisfaction of the Responsible Authority. The application was referred to Goulburn Broken Management Authority who have consented and required a works on waterways permit for the access crossing the gully and waterway to the west that runs parallel to Sheans Creek Road. Exclusion zones and revegetation works have been outlined within the application documentation to alleviate any land degradation processes.

Clause 14.01-1S Protection of agricultural land

Objective

- *To protect the state's agricultural base by preserving productive farmland.*

The proposal is considered to be consistent with this planning policy as detailed in the Strathbogie Planning Scheme.

The applicant has submitted a Whole Farm Plan which demonstrates that a dwelling is required to facilitate the proposed bull stud. The land will continue to be used for agricultural production in accordance with the relevant policies within the State Planning Policy Framework.

In addition, the use of the land for a dwelling is considered appropriate to support ongoing management of the land and bull semen collection business in accordance with the application documentation although the land is not identified as locally or regionally significant. Improvement of the subject site in terms of land management will likely be of greater benefit to surrounding land owners.

Given this, it is considered that the proposal meets this objective of the Strathbogie Planning Scheme.

6.1 Planning Permit Application No. P2018-081
- Use and Development of Land for a Dwelling ~ 67 Fernhills Road, Sheans Creek (cont.)

Clause 14.01-2S *Sustainable agricultural land use*

Objective

- *To encourage sustainable agricultural land use.*

The use of the land for a dwelling in conjunction with an agricultural use and ongoing land management as proposed is considered an appropriate land use for the site.

The land will be continually managed in accordance with the submitted documentation, it is considered unlikely that a conflict over residential versus agricultural land uses is likely to result from the proposal. A dwelling is required to be constructed on this lot to allow for ongoing protection and wellbeing of the mature bulls and daily semen collection. It is proposed the land will be used for the keeping of individual bulls in a small number of paddocks not herds of cattle.

The ongoing land management practices outlined in the application documentation is a sustainable use 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 14.02-1S, *Catchment planning and management*

Objective

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

The dwelling is located 61 metres from the nearest waterway to the south and 67 metres to the west. The access driveway will follow the contours of the land to provide suitable drainage and to reduce potential for erosion. The driveway crosses two waterways that cross the north western end of the subject site. The application was referred to Goulburn Broken Catchment Management Authority who does not object and have requested the relevant works on waterways permit is obtained for any works or activities on the designated waterway.

An area of vegetation protection is proposed along the waterway closest to Sheans Creek Road. The bulls will be excluded from the first gully that has a high potential risk for further erosion and the Erosion Management Overlay to the east. Standard drainage conditions will be included on any planning permit issued.

Clause 19.03-3S *Integrated water management*

Objective:

- *To sustainably manage water supply, water resources, wastewater, drainage and stormwater through an integrated water management approach.*

6.1 Planning Permit Application No. P2018-081
- Use and Development of Land for a Dwelling ~ 67 Fernhills Road, Sheans Creek (cont.)

The proposed development has been referred internally to the assets and environmental health department who have not objected subject to conditions. Potable and fire fighting water supplies can be provided on site. The proposal will have all of the above utilities and these can be required by way of condition on any permit issued.

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

Clause 21.02-3 Rural Residential

Objective

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

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

Clause 21.02-4 Rural Zones

Objective

- *To protect and maintain established farming areas.*
- *To ensure suitable land is available to provide for emerging rural enterprises, e.g. intensive animal husbandry, horticulture and equine industry.*

The proposal is consistent with these objectives and will not affect established farming areas. The use of land for agriculture can be undertaken in a manner which is suitable for the constraints of the site however given the nature of this use; it is considered that a dwelling is required. The proposed business is small; however the stud could have regional and global agricultural benefit with the product being frozen and distributed using transport links to Melbourne.

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.*

6.1 Planning Permit Application No. P2018-081
- Use and Development of Land for a Dwelling ~ 67 Fernhills Road, Sheans Creek (cont.)

The dwelling is proposed to be constructed of new materials. The materials are unlikely to impact the aesthetic amenity currently enjoyed in the area. Standard conditions will be included on any planning permit issued to ensure the materials are muted and non-reflective. 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.*

The subject site is not identified within the Strathbogie Shire Rural Residential Strategy. The land is 10 hectares in area. The landowner holds multiple lots in the area; however the subject site is bound by neighbouring lots owned by other land owners. Therefore no lots are proposed to be consolidated.

The land is 10km from the Euroa Township. The subject site is serviced by Sheans Creek Road, which is a sealed road that services farms and dwellings in the area. The proposed driveway will be constructed to allow all weather access and minimum trafficable width for safe ingress and egress of emergency vehicles.

6.1 Planning Permit Application No. P2018-081
- Use and Development of Land for a Dwelling ~ 67 Fernhills Road, Sheans Creek (cont.)

The dwelling is setback appropriately setback on the subject site 335 metres from the road, 20 metres from the northern boundary, approximately 75 metres from the southern boundary and 445 metres from the rear boundary to the east. The dwelling is less than 60 metres from a waterway and will require access across both waterways on the site. The application has been referred to Goulburn Broken Management Authority who has not objected subject to conditions.

A Land Capability Assessment has been prepared for the site, and referred to Environmental Health who does not object subject to conditions.

The proposed dwelling is in conjunction with a business plan for the collection of bull semen and distribution. A whole Farm Plan has been prepared and includes land management processes including two exclusion zones for stock and protection of native vegetation.

It's recommended that a 173 Agreement condition be included on any planning permit issued to ensure subdivision of the land which increases the number of lots including house lot excision is prevented. That the property owner acknowledges and accepts that the possibility of some amenity impacts from adjoining and/or nearby land uses including agriculture. The possible off site impacts might include but are not limited to dust, noise, odour, waste, vibration, soot, smoke or the presence of vermin, from animal husbandry, animal waste, spray drift, agricultural machinery use, pumps, trucks and associated hours of operation. The 173 agreement will ensure that the use will be carried out in association with the Whole Farm Plan endorsed as part of this permit and the endorsed plan will be implemented and complied with to the satisfaction of the Responsible Authority.

The collection of and freezing of bull semen for distribution is a diversification from traditional agriculture, however it is a practice that is well established throughout the cattle industry. The proposed dwelling allows for management of the business enterprise and the protection of the stock on site. The bulls are in excess of \$20,000 each and semen collection will occur daily along with the monitoring of stock for their wellbeing.

Relevant Particular Provisions

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

The decision guidelines of Clause 65

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

- *The matters set out in Section 60 of the Act.*
- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of the zone, overlay or other provision.*

6.1 Planning Permit Application No. P2018-081
- Use and Development of Land for a Dwelling ~ 67 Fernhills Road, Sheans Creek (cont.)

- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*
- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

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

There are no relevant adopted State policies.

Relevant incorporated, reference or adopted documents

There are no relevant incorporated, reference or adopted documents.

Relevant Planning Scheme amendments

There are no relevant planning scheme amendments.

Risk Management

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

Strategic Links – policy implications and relevance to Council Plan

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

Summary of Key Issues

With regard to the Farming Zone: The proposed use and development of the land for a dwelling is consistent with the provisions of the Farming Zone and will not affect the amenity of surrounding land owners and occupants. The building and works are less than 100 metres from a waterway; the application has been referred to Goulburn Broken Catchment Management Authority who has not objected subject to conditions, including the requirement for a works on waterways permit is required for any works or activities on the designated waterway. The application has also been referred to the Environmental Health Department who also do not object subject to conditions including that the septic system is required to be located more than 60 metres from any identified waterway on the site. The proposed dwelling is over 60 metres and the septic envelope is over 100 metres from any waterway identified on the subject site.

6.1 Planning Permit Application No. P2018-081
- Use and Development of Land for a Dwelling ~ 67 Fernhills Road, Sheans Creek (cont.)

With regard to the Erosion Management Overlay: The subject site is partially affected by the Erosion Management Overlay. Proposed buildings and works are not located within the Erosion Management Overlay, or near the gully to the west that has the potential for future erosion issues. Therefore, a planning permit is not required under Clause 44.01-1, for the development of land for a dwelling, and associated buildings and works of the Strathbogie Planning Scheme.

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

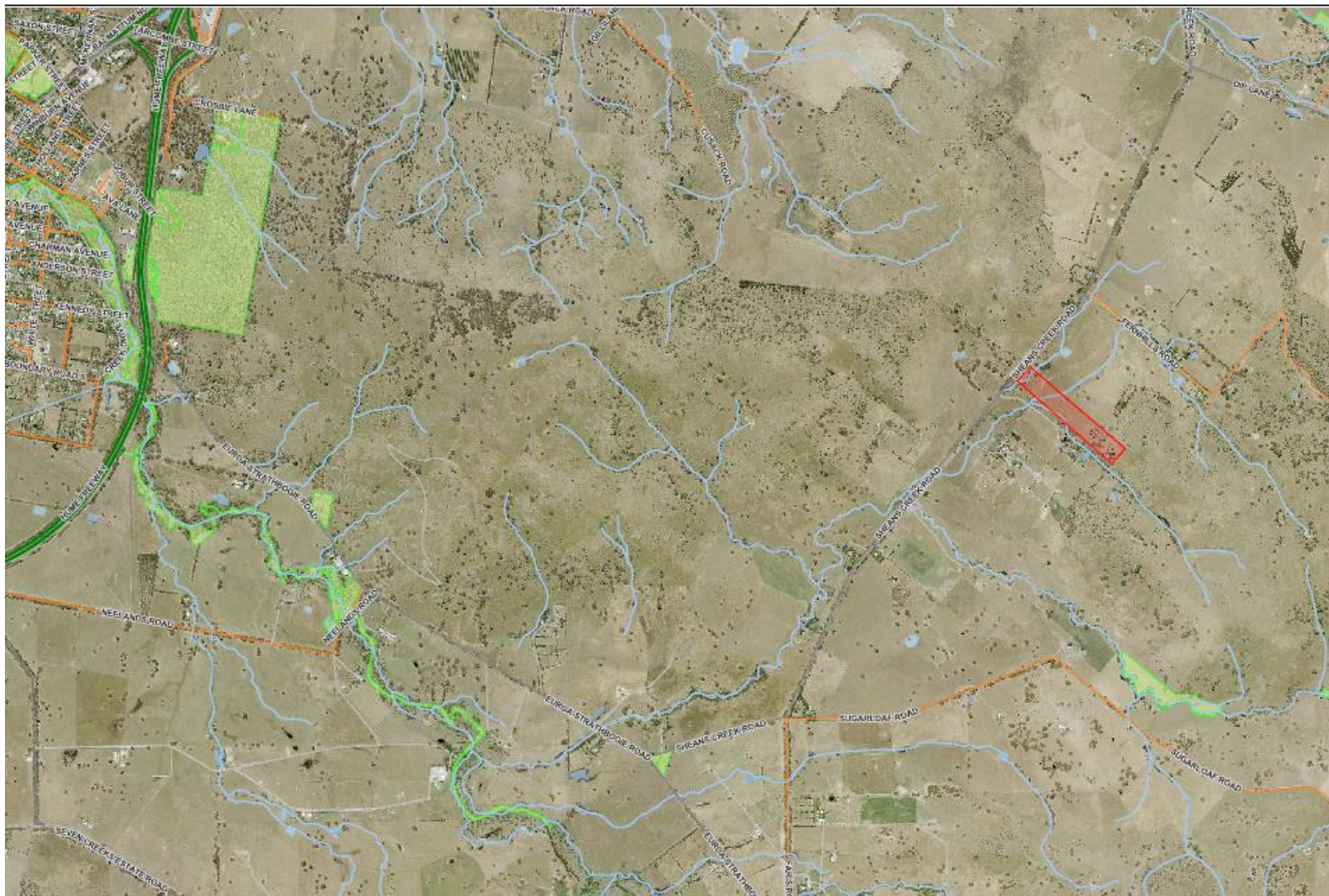
Conclusion

After due assessment of all the relevant factors, it is considered appropriate to grant a planning permit, subject to conditions.

Attachments

Locality Map/s





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

**6.2 Planning Permit Application No. P2018-089
- Use and Development of Land for a Dwelling ~ 196 Clancy Road, Tamleugh**

Application Details:

Application is for:	Use and development of land for a dwelling
Applicant's/Owner's Name:	Peter Hodgson
Date Received:	28 June 2018
Statutory Days:	114
Application Number:	P2018-089
Planner: Name, title & department	Cameron Fraser Principal Planner Planning and Investment Department
Land/Address:	Lot 1 on Plan of Subdivision 208697N Certificate of Title Volume 09769 Folio 791 196 Clancy Road, Tamleugh VIC 3669
Zoning:	Farming Zone
Overlays:	Land Subject to Inundation Overlay(Part) (Not in development area)
Is a CHMP required?	No
Is it within an Open Potable Catchment Area?	No
Under what clause(s) is a permit required? (include description)	Clause 35.07-1 – Use of land in the Farming Zone for a dwelling Clause 35.07-4 – Development of land in the Farming Zone in association with a Section 2 Use.
Restrictive covenants on the title?	Nil
Current use and development:	Agriculture

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

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

Summary

- The application proposes the use and development of land at 196 Clancy Road, Tamleugh for a dwelling in association with a Welsh Mountain Pony Breeding and Training Facility.
- The subject site is approximately 30ha, is zoned Farming and affected in part by the Land Subject to Inundation Overlay.
- The proposed dwelling will be of brick construction with a colourbond roof.

6.2 Planning Permit Application No. P2018-089
- Use and Development of Land for a Dwelling ~ 196 Clancy Road, Tamleugh
(cont.)

- The application was accompanied by a Whole Farm Plan and Land Capability Assessment.
- The application was advertised and no objections were received.
- This application has not been assessed within the 60 day statutory timeframe due to Planning Committee Agenda timelines.
- The application is being heard before Planning Committee as the application proposes a dwelling on a lot under the minimum lot size for the area, i.e. 80 hectares.
- The proposal meets the objectives of the Planning Policy Framework, Local Planning Policy Framework as well as the Farming Zone.
- It is recommended that Council resolve to grant a permit in accordance with the Officer's recommendation.

RECOMMENDATION

That Council

- **having caused notice of Planning Application No. P2018-089 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme**

and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Grant a Permit under the provisions of Clause 35.07-1 and Clause 35.07-4 of the Strathbogrie Planning Scheme in respect of the land known as Lot 1 on Plan of Subdivision 208697N Certificate of Title Volume 09769 Folio 791, 196 Clancy Road, Tamleugh VIC 3669, for the Use and development of land for a dwelling, in accordance with endorsed plans, subject to the following conditions:

Endorsed Plans:

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

Section 173 Agreement:

2. **Prior to the commencement of use, the owner must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority. Such agreement shall:**
 - (a) **Prevent subdivision of the land which increases the number of lots including house lot excision.**

6.2 Planning Permit Application No. P2018-089
- Use and Development of Land for a Dwelling ~ 196 Clancy Road, Tamleugh
(cont.)

- (b) Acknowledges and accepts that the possibility of some amenity impacts from adjoining and/or nearby land uses including agriculture. The possible off site impacts might include but are not limited to dust, noise, odour, waste, vibration, soot, smoke or the presence of vermin, from animal husbandry, animal waste, spray drift, agricultural machinery use, pumps, trucks and associated hours of operation.
- (c) Ensure that the use will be carried out in association with the Whole Farm Plan endorsed as part of this permit and the endorsed plan will be implemented and complied with to the satisfaction of the Responsible Authority.

A memorandum of the agreement is to be entered on the title and the cost of the preparation and execution of the agreement and entry on the title is to be paid by the owner.

Environmental Health Conditions:

- 3. Prior to installation works commencing on the septic tank system, a Permit to install must be obtained from Council.
- 4. All waste water and liquid is to be contained and treated on site by an approved septic tank system or equivalent. The system must be at least 60 metres from Portable water reservoir and 60 metres from any watercourse and/or dam (non-potable water supply), on the subject or neighbouring properties, and must meet the Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management 891. 4 (2016).
- 5. Should the future development be used for a commercial enterprise involving handling of food or drink, hairdressing, beauty therapy, myotherapy, colonic irrigation, skin penetration or tattooing or be providing accommodation to 4 (Four) or more persons then the applicant must contact the Environmental Health Department for further advice concerning legislative requirements.

Engineering Conditions:

- 6. Prior to the commencement of buildings and works new or otherwise vehicular entrances to the subject land from the road shall be constructed at a location and of a size and standard satisfactory to the Responsible Authority.
- 7. 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. Refer to Clause 12.9.2 "Rural Vehicle Crossings" of the Infrastructure Design Manual and to standard drawing SD255.

6.2 Planning Permit Application No. P2018-089
- Use and Development of Land for a Dwelling ~ 196 Clancy Road, Tamleugh
(cont.)

8. **Internal access, including the turn-around areas for emergency vehicles, must be all weather construction with a minimum trafficable width of 4m.**
9. **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.**
10. **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.**
11. **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. Driveway to access roadway perpendicular and at a suitable location to ensure adequate site distance in both directions.**

General Conditions:

12. **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 *Environmental Protection Act 1970*.**
13. **The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.**
14. **The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.**
15. **The external cladding of the proposed buildings, including the roof, must be constructed of new materials of muted colours to enhance the aesthetic amenity of the area. Material having a highly reflective surface must not be used.**

Bushfire Protection Measures:

Water Supply

16. **A minimum of 10,000 litres of effective water supply for fire fighting purposes must be provided which meets the following requirements:**
 - **Be stored in an above ground water tank constructed of concrete or metal.**
 - **Have all fixed above ground water pipes and fittings required for fire fighting purposes made of corrosive resistant metal.**
 - **Include a separate outlet for occupant use.**

6.2 Planning Permit Application No. P2018-089
- Use and Development of Land for a Dwelling ~ 196 Clancy Road, Tamleugh
(cont.)

- Be readily identifiable from the building or appropriate identification signage to the satisfaction of the relevant fire authority.
- Be located within 60 metres of the outer edge of the approved building.
- The outlet/s of the water tank must be within 4 metres of the accessway and unobstructed.
- Incorporate a separate ball or gate valve (British Standard Pipe (BSP 65 millimetre) and coupling (64 millimetre CFA 3 thread per inch male fitting).
- Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling)

Access

17. Access for firefighting purposes must be provided which meets the following requirements:

- All weather construction.
- A load limit of at least 15 tonnes.
- Provide a minimum trafficable width of 4 metres
- Be clear of encroachments for at least 0.5 metre on each side and at least 4 metres vertically.
- Curves must have a minimum inner radius of 10m.
- The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50m.
- Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.

Permit Expiry:

18. This permit will expire if one of the following circumstances applies:

- (c) The development is not started within two (2) years of the date of this Permit,
- (d) The development is not completed within four (4) years of the date of this Permit.

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

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

6.2 Planning Permit Application No. P2018-089
- Use and Development of Land for a Dwelling ~ 196 Clancy Road, Tamleugh
(cont.)

Planning Notes:

- This Permit does not authorise the commencement of any building construction works. Before any such development may commence, the Applicant must apply for and obtain appropriate Building approval.
- This Permit does not authorise the removal of any native vegetation including for access. Before any such works may commence, the Applicant must apply for and obtain appropriate Planning approval.
- This Permit does not authorise the creation of a new access way/crossover. Before any such development may commence, the Applicant must apply for and obtain appropriate approval from Council.
- Prior to installation works commencing on the septic tank system, a Permit to install must be obtained from Council.

Proposal

The application proposes the use and development of land at 196 Clancy Road, Tamleugh for a dwelling. The documentation submitted with the application states that the dwelling is required to facilitate the operation of a Welsh Mountain Pony Breeding and Training facility to be established on the site.

The proposed dwelling will be sited approximately 70 metres from the northern boundary and 542 metres from the sites eastern boundary. The proposed dwelling will have a total area of approximately 270 square metres and contain four bedrooms, two bathrooms, three living areas, kitchen and dining areas, laundry, alfresco and double garage.

The dwelling will be constructed of brick walls with a colourbond roof.

No native vegetation will be required to be removed in association with the construction of the access or the dwelling and outbuilding.

A whole farm plan has been prepared as part of the application material and proposes that an area of the land along the gully to the east will be managed as an area for revegetation to create a shelter belt. Any stock and agricultural activities would be excluded from this part of the site. The dwelling will be constructed to support the establishment of a Welsh Mountain Pony breeding and training facility.

Vehicular access is proposed to be gained via an existing driveway accessed from Clancy Road. The driveway will be extended to provide access directly to the dwelling.

A Land Capability Assessment has been prepared and an effluent area has been sited appropriately from the dwelling and the waterways on site.

The application was submitted prior to the gazettal of Amendment VC148 on the 31 July 2018, reference to specific policy within the submitted documentation vary from clauses referred to in this report.

6.2 Planning Permit Application No. P2018-089
- Use and Development of Land for a Dwelling ~ 196 Clancy Road, Tamleugh
(cont.)

Subject site & locality

The subject site is located on the southern side of Clancy Road with access available via an existing crossover.

The site measures approximately 30 hectares in area and is generally rectangular in shape. The land has a gentle downward slope from south to north. The land contains the beginning of a watercourse along the north eastern boundary and an area of inundation across part of the eastern area of the site.

The site contains two farm sheds and associated infrastructure. The roadside is vegetated and moderately treed. The subject site contains trees which are concentrated along the boundaries and driveways.

The site is located approximately 24 km from both Violet Town and Euroa, the land is typically within an area of farming with a mix of agricultural uses including stock grazing and cropping. There are scattered rural dwellings within the area.

The site is within the Farming Zone and is partially affected by the Land Subject to Inundation Overlay.

Permit/Site History

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

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 no objections to date.

Consultation

No consultation has been required to be undertaken.

Referrals

External Referrals/Notices required by the Planning Scheme:

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

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

6.2 Planning Permit Application No. P2018-089
- Use and Development of Land for a Dwelling ~ 196 Clancy Road, Tamleugh
(cont.)

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 Clause 35.07-1 and Clause 35.07-4 of the Strathbogie Planning Scheme as the site is less than 80 hectares in area.

The documentation provided with the application proposes that the land will be used for a Welsh Mountain Pony training and breeding facility. The site is approximately 30 hectares in area and is considered to be capable of accommodating the proposed dwelling in conjunction with the agricultural land use.

It is considered the proposed activities represent an appropriate utilisation of the agriculture potential of the land and will result in an improvement to the agricultural and environmental value of the site. Given the activities associated with this, the applicant has demonstrated that the construction for a dwelling to allow a permanent manager present on the property is appropriate in this circumstance.

Clause 35.07-6 of the scheme provides decision guidelines to be considered when assessing an application in the Farming Zone, and include a number of matters in relation to the development of a lot in this zoning including agricultural, environmental, design and siting issues and other general issues.

It is considered that the proposal adequately responds to the decision guidelines of the Farming Zone, as the proposal will result in the sustainable management of the land by supporting a long term agricultural use. The dwelling will not result in conflicts with adjoining land use activities as the property will be used for equine industry.

Whilst the lot is smaller than the 80 hectare minimum lot size for this area of the municipality, for an 'as of right use', it is considered the proposal is representative of an appropriate utilisation of an agricultural land parcel in this instance.

6.2 Planning Permit Application No. P2018-089
- Use and Development of Land for a Dwelling ~ 196 Clancy Road, Tamleugh
(cont.)

The application is considered to be consistent with the purpose and decision guidelines of the Farming Zone.

General Issues	Complies	Officers Comment
<i>The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</i>	Yes	Assessment against SPPF & LPPF is provided below.
<i>Any Regional Catchment Strategy and associated plan applying to the land.</i>	Yes	The proposal will not have any adverse impact on local water catchment.
<i>The capability of the land to accommodate the proposed use or development, including the disposal of effluent.</i>	Yes	A Land Capability Assessment has been prepared for the site. The application has been referred to Council's environmental health department who have consented to this application, subject to conditions. Given this, it is considered the land is capable of treating effluent waste on site.
<i>How the use or development relates to sustainable land management.</i>	Yes	The nature of the subject site including its size, adjoining land uses, topography and location provide capacity for capacity for agricultural production. The applicant proposes to use the land for the breeding and training of Welsh Mountain Ponies and requires a dwelling to appropriately manage the enterprise. The applicant has provided a Whole Farm Plan which identifies the proposal and the work involved as well as a number of land management requirements.
<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	Surrounding properties are used primarily for agriculture with dwellings scattered throughout the area. It is considered that the proposed agricultural use and associated dwelling are compatible with surrounding development.

6.2 Planning Permit Application No. P2018-089
- Use and Development of Land for a Dwelling ~ 196 Clancy Road, Tamleugh
(cont.)

<i>How the use and development makes use of existing infrastructure and service.</i>	Yes	Access is proposed via an existing crossover on Clancy Road. Access to electricity is available on site. Internally, the development uses part of an existing driveway.
Agricultural Issues		
<i>Whether the use or development will support and enhance agricultural production.</i>	Yes	The proposal will support agriculture through proposed Welsh Mountain Pony Enterprise. This use will be primarily for breeding and training ponies for show which provides an alternative agricultural use. The dwelling is required for the site to facilitate this use.
<i>Whether the use or development will permanently remove land from agricultural production.</i>	Yes	The development will not permanently remove land from agricultural production. The dwelling will facilitate a new agricultural use of the land which will ensure the land remains productive.
<i>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	On balance it is considered that the dwelling will not limit the operation and expansion of adjoining nearby agricultural uses. Should a permit issue, an agreement under Section 173 of the Planning and Environment Act 1987 could be required to ensure that owners clearly understand that it is an agricultural area.
<i>The capacity of the site to sustain the agricultural use.</i>	Yes	The land is currently used primarily for grazing purposes at this time. The proposed agricultural use of the land will better utilise the capacities of the site.

6.2 Planning Permit Application No. P2018-089
- Use and Development of Land for a Dwelling ~ 196 Clancy Road, Tamleugh
(cont.)

<i>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</i>	Yes	Based on the information provided in the documentation submitted, it is considered that the site is capable of managing the proposal.
<i>Any integrated land management plan prepared for the site.</i>	Yes	A Whole Farm Plan which incorporates land management, specifically fencing off the inundation areas has been prepared as part of the application documentation and is considered satisfactory.
Dwelling Issues	Complies	Officers Comment
<i>Whether the dwelling will result in the loss or fragmentation of productive agricultural land.</i>	Yes	The proposed dwelling is in association with an agricultural business and will not 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 use of the land for a dwelling is unlikely to impact on the surrounding agricultural properties. The dwelling has been sited on the lot away from the boundaries to ensure little to no impact is made to the adjoining agricultural properties from the dwelling.
<i>Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	The use of the land for a dwelling is unlikely to limit the expansion of adjoining agricultural entities.
<i>The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.</i>	Yes	This dwelling is unlikely to contribute to a proliferation of dwellings in the area. There are already scattered dwellings along in the area with a small number of similarly sized parcels to the south are currently used for this purpose.

6.2 Planning Permit Application No. P2018-089
- Use and Development of Land for a Dwelling ~ 196 Clancy Road, Tamleugh
(cont.)

Environmental issues		
<i>The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.</i>	Yes	The dwelling has been sited appropriately on the site. The proposal does not include the removal of any vegetation to construct access or the proposed dwelling. In addition, the applicant has put forward information regarding the improvements intended for the environmental values of the land.
<i>The impact of the use or development on the flora and fauna on the site and its surrounds.</i>	Yes	The proposal does not include the removal of any vegetation. The subject site has scattered vegetation, particularly around the boundaries which through the application documentation submitted for this application will be improved by the on-going occupants on the land.
<i>The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.</i>	Yes	The proposal does not include the removal of any vegetation. A stock exclusion area along the floodway will ensure the land is appropriately managed and will not have any significant environmental implications either on the site or the surrounding area.
<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.
Design and siting issue		
<i>The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.</i>	Yes	The proposed dwelling is located appropriately on site, away from the boundaries and in a clear area away from significant vegetation.

6.2 Planning Permit Application No. P2018-089
- Use and Development of Land for a Dwelling ~ 196 Clancy Road, Tamleugh
(cont.)

<i>The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.</i>	Yes	The proposed siting is considered appropriate. Should a permit be issued, a condition will be placed on the permit requiring muted tones on the exterior of the dwelling.
<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. Conditions on the permit require that muted materials are used. This will ensure that the buildings do not cause any unreasonable adverse visual impacts.
<i>The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.</i>	Yes	The proposed building is considered to be appropriately located on the site away from significant vegetation, and significant features. The proposal utilises the existing road.
<i>Whether the use and development will require traffic management measures.</i>	Yes	As the proposal is for a single dwelling, it is deemed not necessary for there to be traffic management measures implemented.

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.*

6.2 Planning Permit Application No. P2018-089
- Use and Development of Land for a Dwelling ~ 196 Clancy Road, Tamleugh
(cont.)

- *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.*

No buildings and works are proposed on the area of the land affected by the Land Subject to Inundation Overlay.

The Planning Policy Framework (PPF)

Clause 13.02-1S, Bushfire planning

Objective

- *To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.*

The dwelling is not proposed to be constructed within an area which is affected by the Bushfire Management Overlay. The subject site, along with a lot of the shire is within the Bushfire Prone Area. The use of land in the bushfire prone area for a dwelling must have consideration for the safety of the occupants.

The dwelling is sited away from areas of significant bushfire risk with land to the north and west being generally clear. Land to the east along the driveway is vegetated however this is managed to an extent. This reduces the overall risk to the site. It is considered that should a permit issue, standard conditions in relation to site management and water supply and access should be included. The proposed dwelling meets this objective of the Strathbogie Planning Scheme.

Clause 14.01-1S 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 planning policy as detailed in the Strathbogie Planning Scheme.

The applicant has submitted comprehensive documentation which demonstrates that the dwelling forms part of an agricultural enterprise which consists of the breeding and training of Welsh Mountain Ponies. This dwelling is part of the succession planning of the partnership associated with the land. The land will continue to be used for agricultural production in accordance with the relevant policies within the Planning Policy Framework.

The land is not identified as locally or regionally significant. The dwelling on the land will provide genuine support, management and assistance to the operation and management of the land which likely be of greater benefit to surrounding land owners.

6.2 Planning Permit Application No. P2018-089
- Use and Development of Land for a Dwelling ~ 196 Clancy Road, Tamleugh
(cont.)

Clause 14.01-2S Sustainable agricultural land use

Objective

- *To encourage sustainable agricultural land use.*

The use of the land for a dwelling is in conjunction with the proposed Welsh Mountain Pony enterprise to be established on the site. It should be required either prior to or in conjunction with the use of the land for a dwelling the agricultural use would have commenced. The proposed agricultural land use is considered compatible with the site.

The land will be used for agriculture. It is considered unlikely that a conflict over residential versus agricultural land uses is likely to result from the proposal. A dwelling is required to be constructed on this lot to allow for the ongoing operation of the proposed agricultural enterprise on the site.

Clause 14.02-2S, Water Quality

Objective

- *To protect water quality.*

The dwelling is located approximately 250 metres from the depression to the east of the dwelling site and approximately 200 metres from the area identified as under the LSIO. It is considered unlikely that the proposed use and development of the land for a dwelling will affect the health of the waterways or surrounding water resources.

Clause 19.03-3S, Integrated water management

Objective

- *To sustainably manage water supply, water resources, wastewater, drainage and stormwater through an integrated water management approach.*

The proposed development has been referred internally to the assets and environmental health department who have not objected subject to conditions. Potable and fire fighting water supplies can be provided on site. The proposal will have all necessary utilities and these can be required by way of condition on any permit issued.

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

Clause 21.02-3 Rural Residential

Objective

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

6.2 Planning Permit Application No. P2018-089
- Use and Development of Land for a Dwelling ~ 196 Clancy Road, Tamleugh
(cont.)

It is considered that the proposed use for a dwelling with the agricultural component is consistent with this objective, in that there will not be any adverse impacts on productive agricultural land and a better agricultural outcome overall.

Clause 21.02-4 Rural Zones

Objective

- *To protect and maintain established farming areas.*
- *To ensure suitable land is available to provide for emerging rural enterprises, e.g. intensive animal husbandry, horticulture and equine industry.*

The proposal is consistent with these objectives and will not affect established farming areas. The use of land for agriculture can be undertaken in a manner which is suitable for the site. Given the ongoing nature of the agricultural use of the land; it is considered that a dwelling is required.

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 of brick with a colourbond roof. The materials are unlikely to impact the aesthetic amenity currently enjoyed in the area. As such, this proposed is considered to be consistent with this 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;*

6.2 Planning Permit Application No. P2018-089
- Use and Development of Land for a Dwelling ~ 196 Clancy Road, Tamleugh
(cont.)

- *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.*

This dwelling is proposed to be on a lot less than 80 hectares. The proposed dwelling is to be constructed and used as part of a Welsh Mountain Pony Breeding and Training enterprise. A Whole Farm Plan and supporting documentation have been prepared which demonstrates the proposed use of the land for agriculture and the need for a dwelling on the site.

It is generally policy within the Strathbogie Planning Scheme that any permit issued for the use and development of a dwelling on a small lot 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 be required. This agreement will be required to be registered on the title of the land prior to the commencement of the use of the land. To ensure the land continues to be used for agricultural purposes in accordance with this policy, this agreement should also require that the dwelling be used in conjunction with the Whole Farm Plan submitted with this application at all times. The agreement will also prohibit subdivision of the land which increases the number of lots.

The proposed dwelling will encourage the ongoing use of the land for agriculture and it is considered that this development is consistent with the Local Planning Policy Framework.

Relevant Particular Provisions

No particular provisions are considered relevant to this proposal.

6.2 Planning Permit Application No. P2018-089
- Use and Development of Land for a Dwelling ~ 196 Clancy Road, Tamleugh
(cont.)

The decision guidelines of Clause 65

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

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

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

There are no relevant adopted State policies.

Relevant incorporated, reference or adopted documents

There are no relevant incorporated, reference or adopted documents.

Relevant Planning Scheme amendments

There are no relevant planning scheme amendments.

Risk Management

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

Strategic Links – policy implications and relevance to Council Plan

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

6.2 Planning Permit Application No. P2018-089
- Use and Development of Land for a Dwelling ~ 196 Clancy Road, Tamleugh
(cont.)

Summary of Key Issues

With regard to the Farming Zone: The proposed dwelling will support the establishment and use of a Welsh Mountain Pony breeding and training facility and is consistent with the purpose and decision guidelines of the Farming Zone.

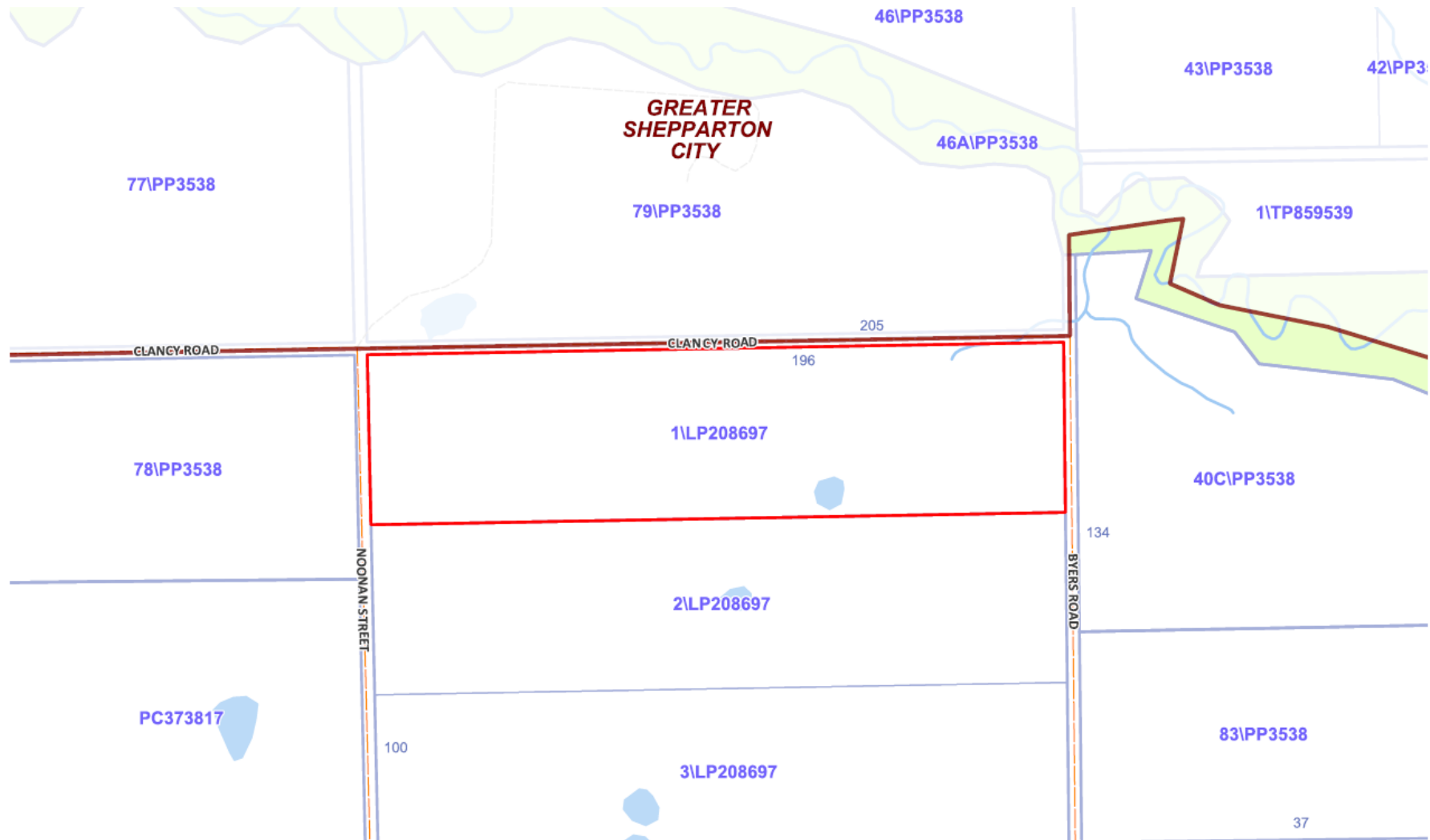
In summary, the proposal meets the objectives of the Planning Policy Framework, Local Planning Policy Framework and the Farming Zone.

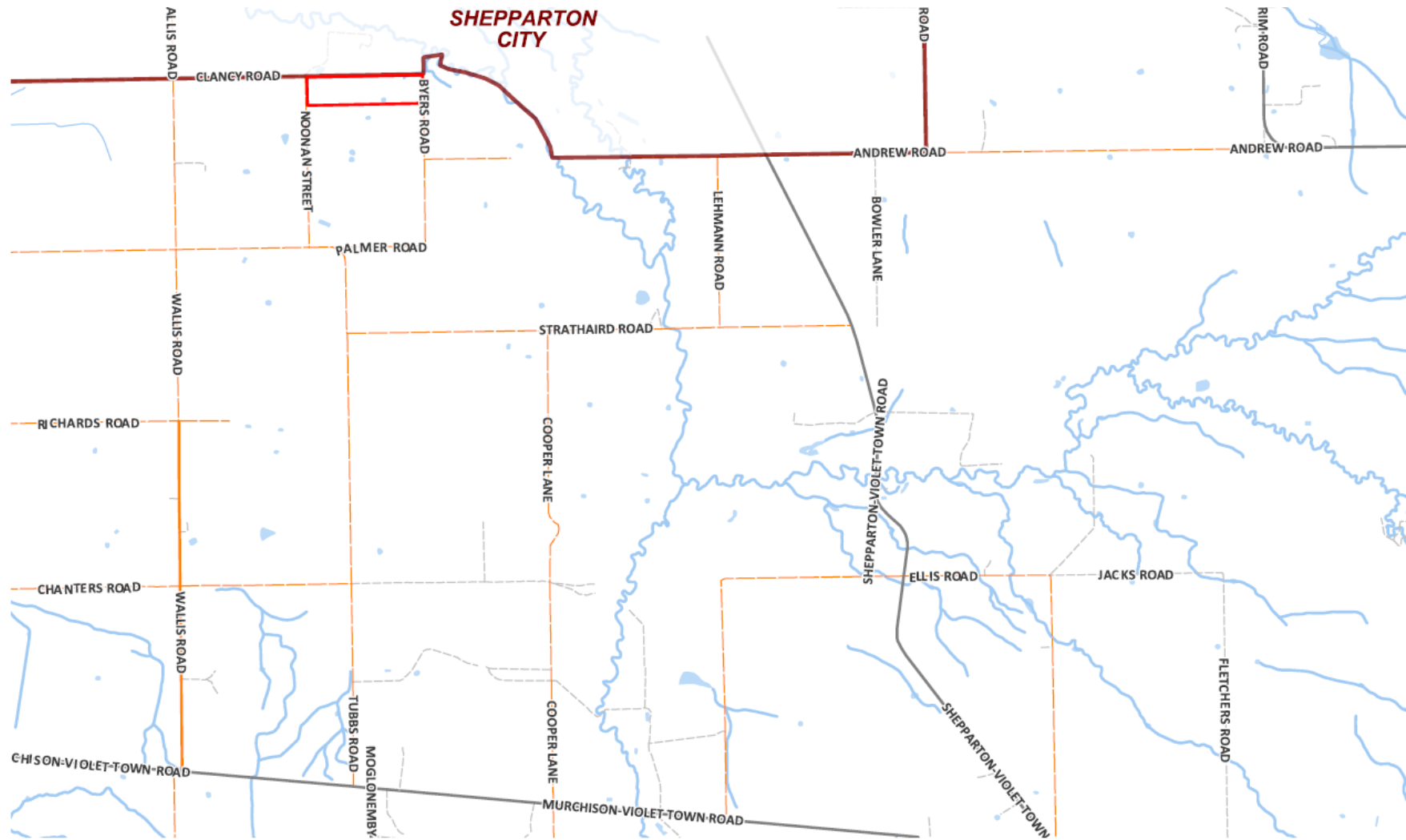
Conclusion

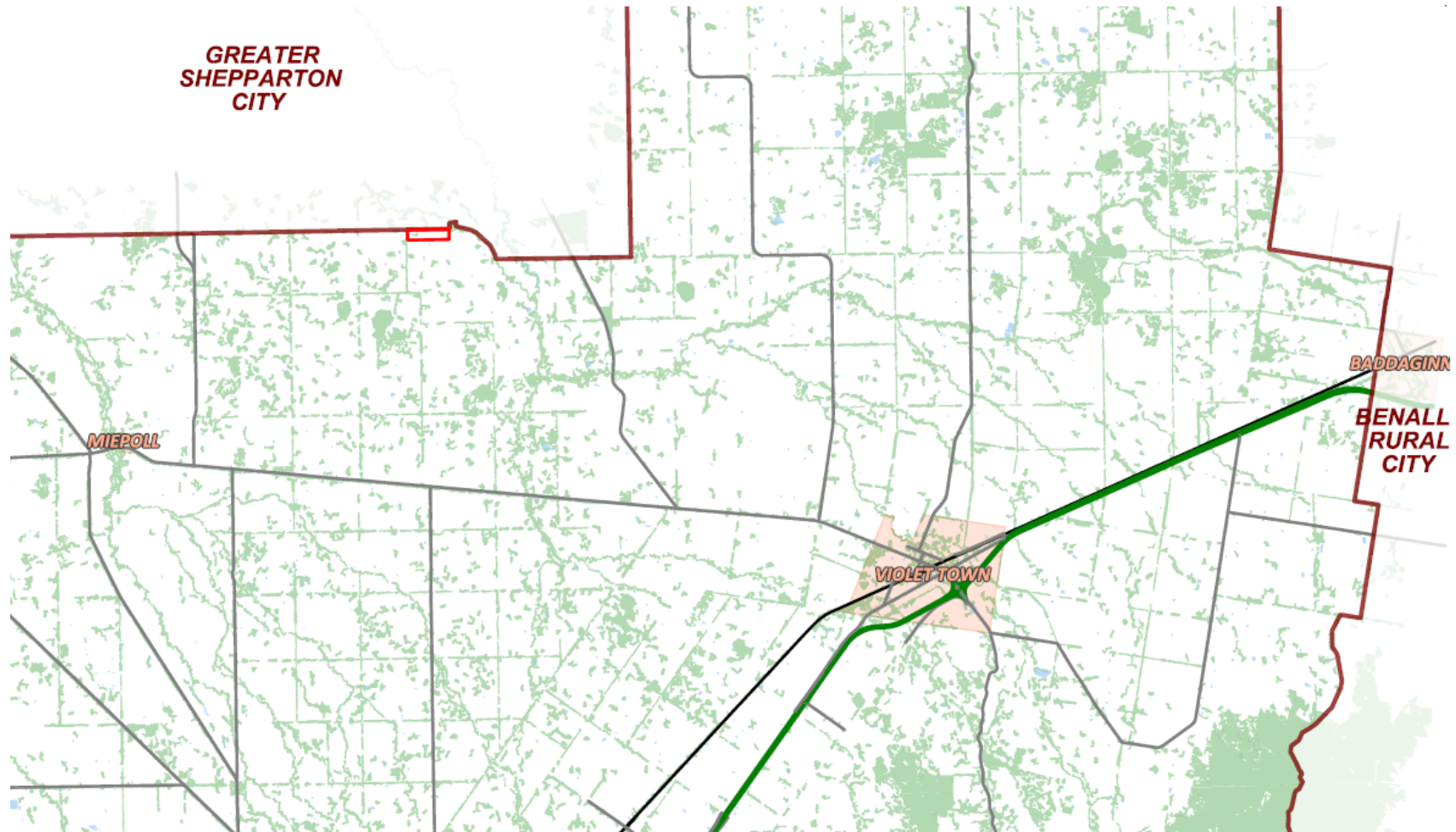
After due assessment of all the relevant factors, it is considered appropriate to grant a planning permit, subject to conditions.

Attachments

Locality Map/s







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

**6.3 Planning Permit Application No. P2018-099
- Use and Development of Land for a Major Promotion Sign ~ 15 Tarcombe Street, Euroa**

Application Details:

Application is for:	Use and development of land for a Major Promotion Sign
Applicant's/Owner's Name:	Wes Randerson (Total Outdoor Media)
Date Received:	26 July 2018
Statutory Days:	203
Application Number:	P2018-099
Planner: Name, title & department	Cameron Fraser Principal Planner Planning and Investment Department
Land/Address:	Lot 1 on Title Plan 003243U, Certificate of Title Volume 10254 Folio 407 15 Tarcombe Street, Euroa VIC 3666
Zoning:	Commercial 1 Zone
Overlays:	Land Subject to Inundation Overlay
Is a CHMP required?	No
Is it within an Open Potable Catchment Area?	No
Under what clause(s) is a permit required? (include description)	Clause 52.05-11 Use and development of land Category 1 – Minimum Limitation Area for a Major Promotion Sign
Restrictive covenants on the title?	Nil
Current use and development:	Industry and warehouse

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

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

Summary

- The application proposes the use and development of land at 15 Tarcombe Street, Euroa, for the use and development of a Major Promotion Sign.
- This application was originally presented at the last meeting of the Planning Committee on 27 November 2018 but a decision was deferred to allow for additional consultation which was done by way of additional notice in the Euroa Gazette.

6.3 Planning Permit Application No. P2018-099
- Use and Development of Land for a Major Promotion Sign ~ 15 Tarcombe Street, Euroa (cont.)

- Since the deferral of the previous decision, the applicant has reduced the size of the sign to 27 square metres on each side however this has not been done by way of formal amendment to the application.
- The application was advertised and a total of 5 objections have been received. The objections raised a number of issues including the size and location of the sign.
- The application has not been assessed within the 60 day statutory timeframe due to the outstanding objection.
- The application is being heard before Planning Committee due to the unresolved objections.
- The proposal meets the objectives of the Planning Policy Framework, Local Planning Policy Framework as well as Clause 52.05 Signs.
- It is recommended that Council resolve to issue a Notice of Decision to grant a permit in accordance with the Officer's recommendation.

RECOMMENDATION

That Council

- having caused notice of Planning Application No. P2018-099 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 52.05-11 of the Strathbogrie Planning Scheme in respect of the land known as Lot 1 on Title Plan 003243U, Certificate of Title Volume 10254 Folio 407, 15 Tarcombe Street, Euroa, VIC 3666, for the Use and development of land for a Major Promotion Sign, in accordance with endorsed plans, subject to the following conditions:

Amended Plans

1. Prior to the commencement of use and 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. Such plans must be generally in accordance with the plan submitted but modified to show:
 - a. Width of sign reduced to no more than 9 metres
 - b. Height of sign reduced to no more than 3 metres

Endorsed Plans:

2. The sign 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.

- 6.3 Planning Permit Application No. P2018-099
- Use and Development of Land for a Major Promotion Sign ~ 15 Tarcombe Street, Euroa (cont.)

Removal of existing Promotion Sign:

3. Prior to the commencement of buildings and works, the existing Promotion Sign located on the land must be removed to the satisfaction of the Responsible Authority.

VicRoads Conditions:

4. Sign must not be reflective.
5. The luminance of the advertising sign must be such that it does not give a veiling luminance to the driver, of greater than 0.25 cd/m². throughout the driver's approach to the advertising sign.
6. No spillage of light over the roadway.
7. The sign must be installed totally within the boundary of the property line.
8. The sign must not dazzle or distract users due to its colouring.
9. Images or text capable of being mistaken for traffic signals or traffic control devices because they, for example, contain red, amber or green circles, octagons, crosses or triangles must not be displayed.

Maintenance:

10. The approved sign must be maintained in good order and appearance to the satisfaction of the responsible authority.

General Conditions:

11. Any signage lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land and/or adjacent roads/streets.
12. Any content of the advertising material displayed on the structure is not to depict racist, sexually explicit, offensive or subject matter which is considered contentious or offensive in the opinion of the Responsible Authority.

Permit Expiry:

13. This permit will expire if one of the following circumstances applies:
- (e) The development is not started within two (2) years of the date of this Permit,
 - (f) The development is not completed within four (4) years of the date of this Permit.
 - (g) 15 years from the date the permit is issued

6.3 Planning Permit Application No. P2018-099
- Use and Development of Land for a Major Promotion Sign ~ 15 Tarcombe Street, Euroa (cont.)

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.

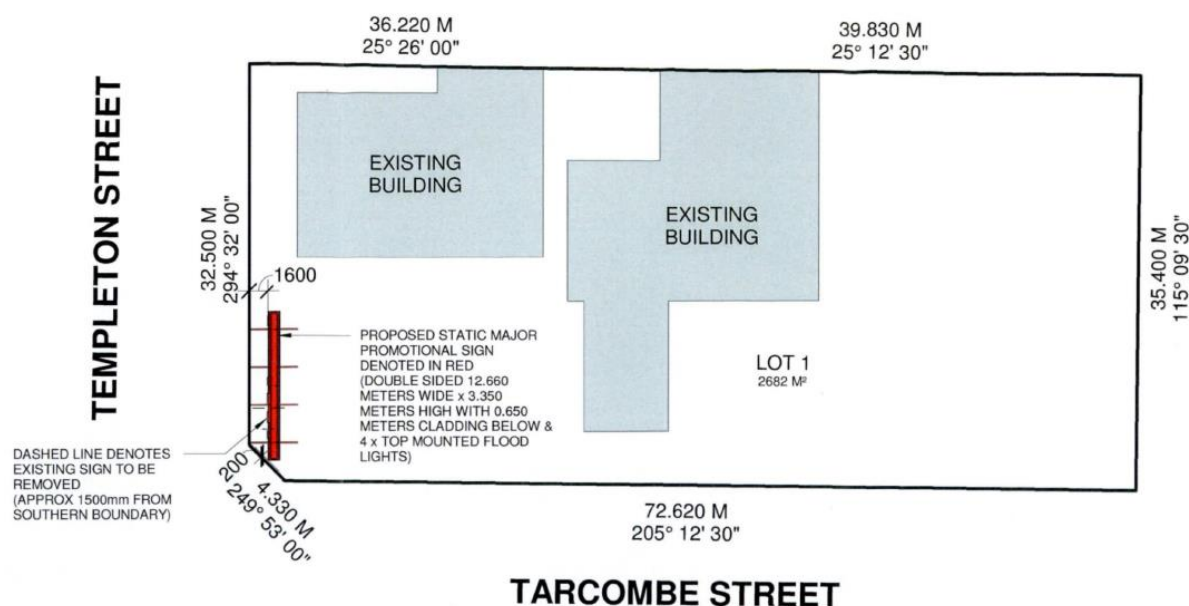
Proposal

The application is seeking a permit to develop the land with a major promotional sign. The proposed sign will replace an existing promotional sign on the land.

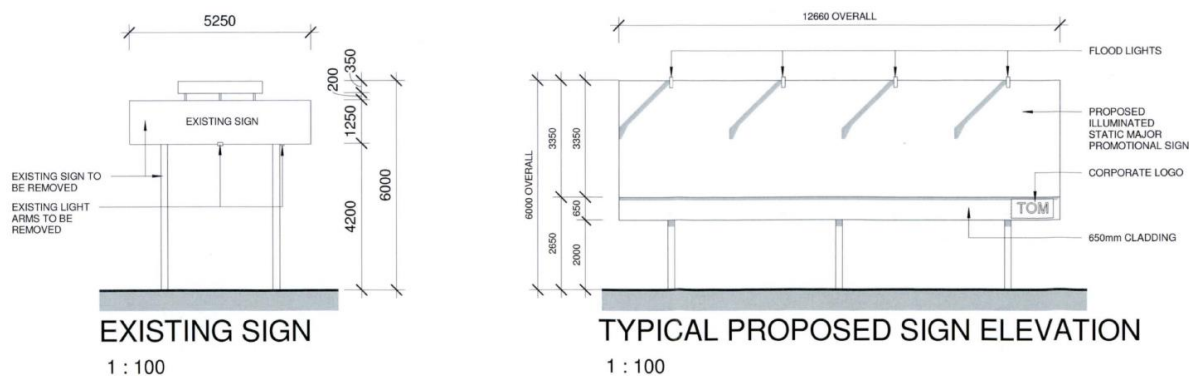
The proposed major promotional sign will comprise of two panels (back to back) with a width of 12.66 metres and an overall height of 3.35 metres. The sign will sit on three steel panels with an overall height of 2 metres. The maximum height of the sign will be 6 metres and the total advertising area will be 42.41 square metres (across both sides).

Two 400 watt floodlights will be located on each side of the sign to allow for spotlight illumination at night time. These lights will be appropriately baffled to stop light spill outside of the site on to road users.

Only one advertisement will be shown across either side of the sign at any one time. It is proposed initially to have signage for the TAC as shown below:



6.3 Planning Permit Application No. P2018-099
- Use and Development of Land for a Major Promotion Sign ~ 15 Tarcombe Street, Euroa (cont.)



This application has previously been considered by the Planning Committee. Since the deferral of the decision on the application at the previous meeting, the applicant has advised that they would entertain a reduction in the overall size of the sign to be a maximum of 9m by 3m. This would be done by way of a condition on any Notice of Decision issued. No formal amendment to the application has been made.

Subject site & locality

The subject site is formally known as Lot 1 on Title Plan 003243U and is located at 15 Tarcombe Street, Euroa. The land is rectangular in shape and is located on the eastern side of Tarcombe Street.

The subject site is developed with two single storey commercial buildings which were previously used as a service station and associated restaurant. The land is flat and is clear of any vegetation in the location of the sign. The site is currently enclosed with high cyclone fencing on the two street frontages. The site also contains an unused promotional sign which is 6 metres high with a total advertising area of 13.125 square metres (across both sides). Under the current provisions of the Strathbogie Planning Scheme, this sign does not require a planning permit.

Being the main road through Euroa, there are a range of mixed land uses surrounding the site where land is zoned for both commercial and residential purposes. The land to the north of the site is currently vacant however has recently been approved for an education centre. Further beyond this is the BP Service Station and a restaurant. The land to the immediate east is Tarcombe Street which is managed by VicRoads. Beyond this is another former service station which is currently unoccupied, a dwelling and a hairdressing salon. South of the subject site, on the opposite side of Templeton Street is another former service station that is now used as a garage and car rental as well as a restaurant and hotel. West of the site, land is in the General Residential Zone and is developed primarily for single dwellings and associated outbuildings.

6.3 Planning Permit Application No. P2018-099
- Use and Development of Land for a Major Promotion Sign ~ 15 Tarcombe Street, Euroa (cont.)

Permit/Site History

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

This application was previously heard by the Planning Committee on 27 November 2018 however was deferred after four objections were received on the day the application was heard and officers were directed to consult further through media. A notice advising of the application has been placed in the Euroa Gazette.

Since the deferral of the application, the applicant has advised that they would consider changes to the plans with a reduction in size however the application has not been formally amended. As the application has not been formally amended, consideration must be given as per the submitted plans. A reduction in the overall size of the sign would need to be enforced by way of permit condition on any permit/notice of decision issued.

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 five objections to date. The key issues that were raised in the objection are:

- The sign is too big
- The sign should be located out on the freeway where it is visible to more traffic.
- The sign is not consistent with a number of objectives of the Strathbogie Planning Scheme
- The sign will detract from the 'village feel' of the town

Officer Response:

The size of the sign must be considered in the context of both the subject site and the surrounding area which is discussed further into this report. Applications can only be assessed for the land on which they are applied. Additional signage on the freeway could be considered were an application to be received.

An assessment of the provisions of the planning scheme relevant to this application is detailed further into this report.

Consultation

Upon receipt of the objection, the objection was forwarded on to the applicant to provide a response. The applicant has provided a response to Council which was forwarded on to the objector for consideration. No response has been received from the objectors

6.3 Planning Permit Application No. P2018-099
- Use and Development of Land for a Major Promotion Sign ~ 15 Tarcombe Street, Euroa (cont.)

Following the deferral of the application at the November meeting of the Planning Committee, a notice has been placed in the Euroa Gazette as per the direction of the Committee.

Since the application was deferred, the permit applicant has advised that the size of could be reduced from 42.41 square metres per side (12.66m by 3.35) to 27 square metres (9m by 3m) per side.

Referrals

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	VicRoads, no objection subject to conditions
Section 52 Notices	Public Notice

Internal Council Referrals	Advice/Response/Conditions
Asset Services	No objection, no conditions

Assessment

The zoning of the land and any relevant overlay provisions

Commercial 1 Zone

Purpose:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
- *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

A permit is not required for signage on land within the Commercial 1 Zone. For the purposes of Clause 52.05 Signs, land in this zone is within Category 1 – Minimum Limitation

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.*

6.3 Planning Permit Application No. P2018-099
- Use and Development of Land for a Major Promotion Sign ~ 15 Tarcombe Street, Euroa (cont.)

- *To protect water quality in accordance with the provisions of relevant State Environment*
- *Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*

A permit is not required for an outdoor advertising sign on land affected by the Land Subject to Inundation Overlay.

The Planning Policy Framework (PPF)

Clause 15.01-1S Urban design

Objective

- *To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.*

Clause 15.01-5S Neighbourhood character

Objective

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

The design, scale and placement of the sign are considered appropriate within the mixed use context of the site and surrounding area. No specific character is defined in terms of land use or development style.

The proposed Major Promotion Sign is the same height as the existing promotion sign on the site. This existing sign will be removed. It is acknowledged that that the proposed sign is considerably larger however consideration must be given to a range of safety and amenity issues. From a safety perspective, it is not considered that the proposed sign will create any safety risks to drivers, pedestrians or the wider community. Land surrounding the site is used for a range of activities including a petrol station, vehicle repairs, hotel and restaurants, retail and residential. For lots not located on Tarcombe Street, it is considered that the impact on amenity will not be significant. Neighbours along Templeton Street behind the site have been notified and no objections have been received.

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

Clause 21.06-5 Commercial and Retail

Objective

- *To support retail and commercial/industrial development within the Shire.*

The proposed Major Promotion Sign is considered to be a commercial use of the land. It is considered that the use of this land will enable the current owners of the site to derive an income from the land while not jeopardising any use of the land for commercial purposes into the future. The proposed sign will be able to operate alongside any other commercial use of the land into the future.

6.3 Planning Permit Application No. P2018-099
- Use and Development of Land for a Major Promotion Sign ~ 15 Tarcombe Street, Euroa (cont.)

Clause 21.03 Local Area Plans

21.03-2 Euroa

- *To continue to develop Euroa as a weekend and short break destination, whilst maintaining its traditional roles as a rural service centre and 'drop in' location for Hume Freeway travellers.*
- *To maintain and enhance the Euroa "Village" character through strengthening its compact central area, the strong presence of services and the attractive historic buildings and streetscapes.*
- *To strengthen Euroa's relationship with its rural hinterland through showcasing activities, events and local products that portray the way the town's well vegetated streets and open spaces forge links with its landscape context.*

The installation of a Major Promotion Sign is not considered to contradict the objectives of the Local Area Plan for Euroa which is detailed at Clause 21.03 of the Strathbogie Planning Scheme.

Its installation is considered supportive of the role of the town as a rural service centre and has been sited away from the carriageway of Tarcombe Street in an area of mixed commercial development.

The 'village' character referred to as part of the objective and the Euroa Structure Plan is not considered to be significantly compromised by this application. While a Major Promotion Sign differs from existing promotion signage in the shire, the proposed location along the commercial area of the old highway with surrounding commercial land uses is not considered to be an inappropriate site for such land uses.

The sign is located away from the central commercial area of the town.

The reduced size of the sign, which would be required by way of condition should a permit issue, will result in a lower visual impact. The overall height of the structure should be required to be no more than six metres to achieve a height consistent with that of the current sign. The sign as proposed is slightly higher than the existing sign due to the location of the proposed lighting structures.

Locations for this type of signage along the old highway are scarce due to the mixture of residential, commercial and public areas along the streetscape however this is one of the few sites in which this could be considered as an appropriate development for the site.

Relevant Particular Provisions

Clause 52.05 Signs

Purpose:

- *To regulate the development of land for signs and associated structures.*
- *To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.*
- *To ensure signs do not contribute to excessive visual clutter or visual disorder.*

6.3 Planning Permit Application No. P2018-099
- Use and Development of Land for a Major Promotion Sign ~ 15 Tarcombe Street, Euroa (cont.)

- *To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.*

A Major Promotion Sign is defined under Clause 73.02 of the Strathbogrie Planning Scheme as:

- *A sign which is 18 square metres or greater that promotes goods, services, an event or any other matter, whether or not provided, undertaken or sold or for hire on the land or in the building on which the sign is sited.*

Land within the Commercial 1 Zone is considered 'Category 1 – Minimum Limitation' for the purposes of assessing an application against this provision of the Strathbogrie Planning Scheme. A Major Promotion Sign is considered to be a Section 2-Permit Required use.

The proposed sign is considered as a promotional sign as it is used as a commercial space by the owner for advertising of another entity, in this instance – the Transport Accident Commission.

The signage proposed will have a 41.2 square metres on either side of the sign and will be located along the southern boundary adjacent to Templeton Street but visible primarily along Tarcombe Street. The reduction in the size of the sign proposed by the application will reduce the size to 27 square metres on each side. In assessing the area of the sign, consideration must be given to all areas of the structure to be used in displaying a message.

Based on its definition, a Major Promotion Sign (or a promotion sign) can be used to advertise anything. This can be a commercial promotion, public notice or other community service. Should a permit issue, a condition should be required which prohibits contentious or offensive messages should be included. An existing promotion sign exists on the side of the milk bar located on the corner of Clifton Street and Euroa Mansfield Road.

The sign will replace the existing promotional sign on the site which is currently not used.

Such a large sign must have consideration for the decision guidelines of Clause 52.05, of which the guidelines considered relevant are detailed below:

All signs

- *The character of the area*

The site is located in the Commercial 1 Zone and adjoins commercially zoned and used properties along Tarcombe Street. The site was formerly part of the Hume Highway which was bypassed in 1992. This area of the town has not fully recovered and contains a mixture of uses including a petrol station, garage, two restaurants, a hotel, a salon and two disused roadhouse sites (of which the subject site is included). A new role for this section of the highway has yet to be defined since its bypass 25 years ago.

6.3 Planning Permit Application No. P2018-099
- Use and Development of Land for a Major Promotion Sign ~ 15 Tarcombe Street, Euroa (cont.)

- *Impacts on views and vistas*

Existing trees along the road corridor provide good screening to the properties adjoining the road. The sign is appropriately setback from the road which will ensure the existing character values and views along Tarcombe Street are not disturbed.

- *The relationship to the streetscape, setting or landscape*

The width of the Tarcombe Street road reserve is 35 metres which is consistent with its use as a major road. The existing promotional sign on the site has a total overall height of six metres and while it is visible, does not dominate the streetscape. It is acknowledged that area of signage is considerably larger than what already exists however the height is not changing which would be of bigger impact on the streetscape.

- *The relationship to the site and building*

Northbound traffic on Tarcombe Street will have a greater view of the proposed sign than southbound traffic due to this established screening. Despite the size of the sign, it is considered that the views of the sign will be appropriately buffered to limit its dominance within the streetscape but not impact on the desired function of Major Promotion Signage

- *The impact of structures associated with the sign*

The structure of the sign itself is a black steel frame which is relatively unobtrusive.

- *The impact of any illumination*

External lighting is proposed which will illuminate the site at night time. This is required to be designed in a way to stop light spill outside of the property and to not impact on the safety of road users

- *The impact on road safety*

Given the setbacks of the property from the road pavement, it is considered that the proposal will not impact on the safety of road users along Tarcombe Street or Templeton Street. The application was referred to both VicRoads and Council's Assets Department who have consented to the development. VicRoads have provided some conditions in relation to lighting and design of the advertisements. Assets have provided no conditions.

Major promotion signs

- *The effect of the proposed major promotion sign on:*
 - *Significant streetscapes, buildings and skylines.*
 - *The visual appearance of a significant view corridor, viewline, gateway location or landmark site identified in a framework plan or local policy.*
 - *Residential areas and heritage places.*
 - *Open space and waterways.*

6.3 Planning Permit Application No. P2018-099
- Use and Development of Land for a Major Promotion Sign ~ 15 Tarcombe Street, Euroa (cont.)

Additional consideration must be given for major promotion signs due to their larger size and potential impact on amenity, significant landscapes and public spaces and gateway locations.

While the old highway forms part of the entrance into the centre of the town, the gateway locations are located north of the site towards the Friendlies Oval at the intersection with Parker Street and south towards the Golf Club. It is not considered that the whole street is the gateway. The subject site is one of a number of former service stations within the town that are either vacant or used as storage yards for short term use. The installation of the proposed sign will not restrict further greater commercial land uses from occurring on the site.

It is considered that the use of the land for a Major Promotion Sign will not detract from residential amenity for the nearby residential land uses. All adjoining land owners have been notified of the proposal. Officers consider the biggest potential impact to be on the dwelling to the south west of the site along Templeton Street (towards the creek). The visual impact on this dwelling is considered to be largely mitigated by the orientation of the dwelling, an existing street tree and the location of the sign towards the front of the site.

Additionally, Clause 52.05-8 also states the following in relation to the assessment of an application for a Major Promotion Sign:

- *When determining the effect of a proposed major promotion sign, the following locational principles must be taken into account:*
 - *Major promotion signs are encouraged in commercial and industrial locations in a manner that complements or enhances the character of the area.*
 - *Major promotion signs are discouraged along forest and tourist roads, scenic routes or landscaped sections of freeways.*
 - *Major promotion signs are discouraged within open space reserves or corridors and around waterways.*
 - *Major promotion signs are discouraged where they will form a dominant visual element from residential areas, within a heritage place or where they will obstruct significant viewlines.*
 - *In areas with a strong built form character, major promotion signs are encouraged only where they are not a dominant element in the streetscape and except for transparent feature signs (such as neon signs), are discouraged from being erected on the roof of a building.*

The location of the proposed sign is considered appropriate due to the mixed commercial character of the area. This is one of few sites within the township of Euroa where such a development is considered appropriate. Land to the south of the site, and to a lesser extent north, where commercial development is more dispersed amongst residential land uses along the former highway would likely be discouraged.

6.3 Planning Permit Application No. P2018-099
- Use and Development of Land for a Major Promotion Sign ~ 15 Tarcombe Street, Euroa (cont.)

The decision guidelines of Clause 65

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

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

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

There are no relevant adopted State policies.

Relevant incorporated, reference or adopted documents

There are no relevant incorporated, reference or adopted documents.

Relevant Planning Scheme amendments

There are no relevant planning scheme amendments.

Risk Management

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

Strategic Links – policy implications and relevance to Council Plan

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

Summary of Key Issues

With regard to the Clause 52.05: The proposed Major Promotion Sign will replace an existing Promotion Sign on the subject site. It is considered that although large, the subject site is one of only a few along the old highway which is capable of supporting the proposed use without significantly impacting on the character values of the site or surrounding areas.

6.3 Planning Permit Application No. P2018-099
- Use and Development of Land for a Major Promotion Sign ~ 15 Tarcombe Street, Euroa (cont.)

In summary, the proposal meets the objectives of the State Planning Policy Framework, Local Planning Policy Framework and Clause 52.05.

Conclusion

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

Attachments

Locality Map/s



PLANNING COMMITTEE REPORT NO. 4 (PRINCIPAL PLANNER - CAMERON FRASER)

**6.4 Planning Permit Application No. P2018-124
- Development of Land for an Above Ground Diesel Self-Serve Fuel Cell ~ 62
Spring Creek Road, Strathbogie**

Application Details:

Application is for:	Development of land for an above ground diesel self serve fuel cell
Applicant's/Owner's Name:	Strathbogie Recreation Reserve Committee of Management
Date Received:	10 September 2018
Statutory Days:	114
Application Number:	P2018-124
Planner: Name, title & department	Cameron Fraser Principal Planner Planning and Investment Department
Land/Address:	Crown Allotment 2004 Township of Strathbogie Parish of Strathbogie Certificate of Title Volume 11806 Folio 165 Lot 1 on Title Plan 101022 Certificate of Title Volume 09552 Folio 510 62 Spring Creek Road, Strathbogie VIC 3666
Zoning:	Pubic Park and Recreation Zone
Overlays:	Erosion Management Overlay
Is a CHMP required?	No
Is it within an Open Potable Catchment Area?	Yes
Under what clause(s) is a permit required? (include description)	Clause 36.02-1 – Use of land in the Public Park and Recreation Zone Clause 36.02-2 – Buildings and works on land in the Public Park and Recreation Zone Clause 44.01-1 – Buildings and works on land in the Erosion Management Overlay
Restrictive covenants on the title?	Nil
Current use and development:	Leisure and recreation

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*.

6.4 Planning Permit Application No. P2018-124
- Development of Land for an Above Ground Diesel Self-Serve Fuel Cell ~ 62
Spring Creek Road, Strathbogie (cont.)

Summary

- The application proposes the use and development of land at the Strathbogie Recreation Reserve for the installation of a fuel cell.
- The land is in the Public Park and Recreation Zone and is affected by the Erosion Management Overlay.
- The fuel cell will have a capacity of 65,000 litres and will be located near the existing recycling amenities provided on site.
- The facility provides only diesel and will be available 24 hours a day
- The application was advertised and 2 objections were received. The objections raise a number of issues including traffic management, demand for diesel and amenity.
- The application has not been assessed within the 60 day statutory timeframe due to Planning Committee Agenda timelines and the receipt of objections.
- The application is being heard before Planning Committee due to the 2 unresolved objections and at the request of Council.
- The proposal meets the objectives of the State Planning Policy Framework, Local Planning Policy Framework as well as the relevant particular provision.
- It is recommended that Council resolve to issue a Notice of Decision to grant a permit in accordance with the Officer's recommendation.

RECOMMENDATION

That Council

- **having caused notice of Planning Application No. P2018-124 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 36.02-1, Clause 36.02-2 and Clause 44.01-1 of the Strathbogie Planning Scheme in respect of the land known as Crown Allotment 2004 Township of Strathbogie Parish of Strathbogie Certificate of Title Volume 11806 Folio 165, Lot 1 on Title Plan 101022 Certificate of Title Volume 09552 Folio 510, 62 Spring Creek Road, Strathbogie VIC 3666, for the Development of land for an above ground diesel self serve fuel cell , 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.**

- 6.4 Planning Permit Application No. P2018-124
- Development of Land for an Above Ground Diesel Self-Serve Fuel Cell ~ 62
Spring Creek Road, Strathbogrie (cont.)

Environmental Health Conditions:

2. If any proposed buildings, new boundaries or works encroach over any part of the existing septic tank system, including buffer zones, the system must be relocated to the satisfaction of Council.

Engineering Conditions:

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 at the development for supply vehicles and emergency vehicles, must be all weather construction with a minimum trafficable width of 4m.
4. Prior to commencement of works plans must be submitted for approval showing;
 - Access to the site as per SD265
 - Turning areas with appropriate turning templates shown for access vehicles including supply vehicle.
 - All whether access roads for turnaround areas as per the turning templates.
 - (As per the EPA referral and recommendation sent through for this application)
 - A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard, in accordance with the
 - EPA Publication 347 Bunding Guidelines 1992 or as amended. Refer to the EPA website www.epa.vic.gov.au
 - Protection barriers must also be placed around the structure to prevent impact from vehicles as per relevant Australian Standard.
5. All stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge drains to the satisfaction of the Responsible Authority/Goulburn Murray Water or dissipated within the site boundaries. No effluent or polluted water of any type may be allowed to enter the stormwater drainage system.
6. Appropriate steps must be taken to retain all silt and sediment on site during the construction phase to the satisfaction of the Responsible Authority, in accordance with the sediment control principles outlined in Construction Techniques for Sediment Pollution Control (EPA, 1991) and to the satisfaction of the Responsible Authority.
7. Any damage to the Responsible Authority's assets (i.e. sealed roads, kerb& channel, trees, nature strip etc), and boundary fences, must be repaired at the cost of the applicant all to the satisfaction of Responsible Authority.

6.4 Planning Permit Application No. P2018-124
- Development of Land for an Above Ground Diesel Self-Serve Fuel Cell ~ 62
Spring Creek Road, Strathbogie (cont.)

EPA Conditions:

8. A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard, in accordance with the EPA Publication 347 Bunding Guidelines 1992 or as amended.

Goulburn Murray Water Conditions:

9. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
10. The installation and use of the fuel tank and stormwater protection systems must be in accordance with (but not limited to) the following:
- The Storage and Handling of Flammable and Combustible Liquids (AS/NZS 1940: 2004)
 - Dangerous Good Act (1985)
 - Dangerous Goods (Storage & Handling) Regulations (2000)
 - Bunding Guidelines (Environment Protection Agency Publication 347.1, 2015)
11. The fuel bowser area must be appropriately bunded to ensure any spilt fuel or oils are prevented from discharging off-site or entering the stormwater drainage system. Run-off must be directed to an oil/water separator before it is discharged to sewer or transported off-site by an EPA approved contractor. No contaminated stormwater is to be discharged either directly or indirectly to the private dam located approx. 75m from the proposed bowser area.

General Conditions:

12. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land, to the satisfaction of the Responsible Authority.
13. Primary access to the facility must be provided to the facility from the main entrance located approximately 110 metres from the southern boundary along Spring Creek Road. Access to the cell from the northern entrance must be used only during emergency or special circumstances to the satisfaction of the Responsible Authority.
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.

6.4 Planning Permit Application No. P2018-124
- Development of Land for an Above Ground Diesel Self-Serve Fuel Cell ~ 62
Spring Creek Road, Strathbogie (cont.)

Permit Expiry:

15. This permit will expire if one of the following circumstances applies:
- (h) The development is not started within two (2) years of the date of this Permit,
 - (i) 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.
- Application is based on a general access heavy vehicle supply vehicle as defined by the Heavy Vehicle National Law. For restricted access heavy vehicle 'supply vehicle' please see the requirements of the 'national heavy vehicle register'.

Proposal

The application proposes Use and Development of land for an above ground diesel self-serve fuel cell at the Strathbogie Recreation Reserve.

The fuel cell will be a movable container which is 12.192 metres long, 2.438 metres wide, 2.895 metres high and a capacity for up to 65,000 litres of diesel fuel.

The fuel cell will be located within the Strathbogie Recreation Reserve on the eastern allotment. The cell will be 9.8 metres from the southern boundary and 30 metres from the western boundary of this allotment.

The fuel cell will be accessed from the main entrance to the Strathbogie Recreation Reserve and will be available 24 hours a day and will utilise existing infrastructure on the site for access. The cell to be installed is fully self-contained and transportable.

6.4 Planning Permit Application No. P2018-124
- Development of Land for an Above Ground Diesel Self-Serve Fuel Cell ~ 62
Spring Creek Road, Strathbogie (cont.)

Minor scraping of the site will be required to provide a level surface for the proposed fuel cell to be installed. No native vegetation is required to be removed.

Subject site & locality

The subject site is located on the eastern side of Spring Creek Road and is made up of two parcels.

The site has a total area of approximately 3.4 hectares and is irregular in shape. Used for recreation purposes, the site contains a football oval, tennis court, public toilets and clubhouse facilities. The land is used by the community for a range of recreational purposes.

Planted and remnant vegetation is scattered around the perimeter of the site particularly around the oval in the northern portion of the land.

Adjoining parcels to the north, east and south along Spring Creek Road are used for residential purposes with nearly all lots developed with a single dwelling and associated shedding. Land to the south and west of the allotment on which the fuel cell is to be located is occupied by the Strathbogie Golf Club which is accessed from Armstrong Avenue on the southern end of Main Street.

Main Street and the central area of Strathbogie which contains a number of businesses, other community facilities and the primary school is located approximately 800 metres from the entrance to the Strathbogie Recreation Reserve.

Permit/Site History

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

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 two objections to date. The key issues that were raised in the objections are:

- Road not suitable for b-double or semi-trailers and will increase risks to motorists and pedestrians through additional traffic volumes and speeding vehicles.
- Entrance to the site is available from a blind corner at the northern entrance.
- Use of the northern entry to the site will affect amenity.
- The amount of fuel to be supplied is not required.
- Additional amenities to Strathbogie will detract from appeal of the area.

6.4 Planning Permit Application No. P2018-124
- Development of Land for an Above Ground Diesel Self-Serve Fuel Cell ~ 62
Spring Creek Road, Strathbogie (cont.)

In addition to the objections, 125 letters of support were provided including from local state and federal members of parliament and the Sustainable Development Reference Group.

Officer Response to Objections:

Primary access to the facility is proposed via the main entrance to the recreation reserve which is considered a safe location for both customer and supplier traffic. Access from the northern boundary of the site will be available however conditions of the permit can be used to ensure this is used only in exceptional circumstances such as during fire events.

Council's Assets department have reviewed the application and have considered the traffic implications of the proposal and provided conditions to address relevant issues.

The size and capacity of the fuel cell from a financial viability perspective is not an issue that can be assessed through the planning process.

While the attraction for some to places like Strathbogie are desirable for the minimalist lifestyle, it is not considered that the supply of diesel to the area will significantly detract from the overall amenity of the town. Consideration of the issues negatively affecting a proposal must be balanced objectively to make a determination.

Consultation

The applicant has had pre application discussions with Council Planning Officers on 10 September 2018 at which time the application was first lodged.

This followed previous discussions in relation to the project with Council as well as the Sustainable Development Reference Group.

At the time of lodgement of this application, the applicant also sought a waiver of the fees which was approved by the Planning Committee at its meeting on 23 October 2018.

During the notice period, a consultation session was held in the Strathbogie Hall on 13 December 2018. This was attended by two planning officers, the applicant and the ward councillor.

Referrals

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	GMW – No objection, subject to conditions
Section 52 Notices	Public Notice DELWP – No objections, no conditions EPA – No objection, subject to conditions CFA – No objection, no conditions

6.4 Planning Permit Application No. P2018-124
- Development of Land for an Above Ground Diesel Self-Serve Fuel Cell ~ 62
Spring Creek Road, Strathbogie (cont.)

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

Assessment

The zoning of the land and any relevant overlay provisions

Public Park and Recreation Zone

Purpose:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To recognise areas for public recreation and open space.*
- *To protect and conserve areas of significance where appropriate.*
- *To provide for commercial uses where appropriate*

A permit is required for the use and development of land for a fuel cell on land in the Public Park and Recreation Zone as this is an innominate use under Section 2 of the Zone.

Council are the public land manager for the area of the reserve in which the fuel cell is to be located. DELWP are the public land manager for the land to the west along Spring Creek Road which contains the tennis courts, public toilets, playground and buildings.

Being zoned for public purposes, consideration must be given to whether a private use of the land is appropriate. While the fuel cell is owned and operated by a private provider, the application has been initiated by the Strathbogie Tableland Action Group (the action group) who is seeking to have a fuel supply in Strathbogie to benefit the local community. Through the provision of a space in which to install the facility, the action group will be compensated on a per litre basis of fuel sold. This money will then be spent within the community.

The provision of fuel in the Strathbogie Township will benefit the both the township and residents in a number of ways. Such benefits, as provided by the applicant include:

- Rebates from the operator to the action group to be spent in the community
- Locals will no longer need to travel to Euroa, Violet Town or Merton for fuel which attracts additional purchases such as newspaper and groceries which are also available in town
- Additional money into the town from tourists and visitors
- Additional supply for CFA who use the site as a staging ground
- Reduce risk of individual people bringing drums up and down the mountain
- Reduced need or demand for on farm diesel tanks

6.4 Planning Permit Application No. P2018-124
- Development of Land for an Above Ground Diesel Self-Serve Fuel Cell ~ 62
Spring Creek Road, Strathbogie (cont.)

While it is considered that the benefits submitted by the applicant are tangible such as the additional incidental spending in the township and the benefits to the CFA, it is not considered that the fuel cell will replace on farm supplies for larger agricultural properties. However, an additional fuel supplier in the area could potentially benefit local operators.

The fuel cell on the land uses a small portion of the site next to the area used for recycling and is considered appropriate co-location of community uses which are not specifically recreational. Given that the proposal has been initiated by the community and will likely be of overall benefit to the wider community, the use of this land by a private entity is considered appropriate.

Erosion Management Overlay

Purpose:

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

A permit is required for the works associated with the levelling of the pad for the fuel cell. The land on which the fuel cell is proposed is relatively flat however will require some minor scraping to provide a more level pad. The earthworks are considered to be minor are unlikely to have any significant erosion implications. Standard conditions will be included with regard to site management during installation and ongoing management of erosion which ultimately will be the ongoing responsibility of Council. It is considered that the proposal is consistent with the purpose and decision guidelines of the Erosion Management Overlay.

The Planning Policy Framework (PPF)

Clause 13.04-2S, Erosion and landslip

Objective

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

The proposal is unlikely to have any significant erosion implications with minor scraping works required to enable a level pad on which the proposed fuel cell can be installed. The proposal is considered to be consistent with this objective of the Strathbogie Planning Scheme.

Clause 14.02-1S, Catchment planning and management

Objective

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

6.4 Planning Permit Application No. P2018-124
- Development of Land for an Above Ground Diesel Self-Serve Fuel Cell ~ 62
Spring Creek Road, Strathbogie (cont.)

The subject site, along with most of the Strathbogie area, has been identified as an open potable catchment supply area under Catchment and Land Protection Act 1994. In assessing this application, a referral to Goulburn Murray Water under Section 55 of the Planning and Environment Act 1987 was required. Goulburn Murray Water have consented to the proposal.

Clause 17.01-1S, Diversified economy

Objective

- *To strengthen and diversify the economy.*

The provision of a fuel supply in Strathbogie will benefit both residents and businesses of the town. In the absence of any other commercial supply in the township, this supply will provide greater opportunity to spend money within the town which is currently lost to surrounding towns with a fuel supply.

Clause 17.02-1S, Business

Objective

- *To encourage development that meets the community's needs for retail, entertainment, office and other commercial services.*

The size of the town limits the viability for a traditional petrol station in the area. This proposal provides an appropriate alternative to service a large portion of the community who will not have to leave town for what could be considered as an essential service.

Clause 17.04-1R, Tourism - Hume

Strategies

- *Support opportunities for nature-based tourism throughout the region, including in wetlands of national and regional significance, such as the Winton Wetlands, the Barmah Forest and the lower Ovens River.*
- *Support large commercial tourism uses in urban locations or rural areas of lower agricultural value and away from areas identified as strategic agricultural land.*
- *Facilitate rural tourism activities that support agricultural enterprises such as cellar door and farm gate sales and accommodation in appropriate locations.*
- *Support the region's network of tracks and trails and activities that complement and extend their use.*

It is not considered that the proposal will have a direct impact on tourism in the area in terms of attraction or making Strathbogie a specific destination. It is considered however that the provision of fuel in the town will be supportive of tourism, including food and nature tourism and will not detract from the appeal of the area.

6.4 Planning Permit Application No. P2018-124
- Development of Land for an Above Ground Diesel Self-Serve Fuel Cell ~ 62
Spring Creek Road, Strathbogie (cont.)

Clause 18.02-3S, Road system

Objective

- *To manage the road system to achieve integration, choice and balance by developing an efficient and safe network and making the most of existing infrastructure.*

The proposed use is considered appropriate for the subject site which is easily accessible to the town using the existing road network. The application has been referred to Council's Assets Department who have considered the implications of the development beyond the site and provided support for the application with appropriate conditions.

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

Clause 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 proposed fuel cell is to be located at the rear of the property away from the road. The Strathbogie Recreation Reserve is elevated from Spring Creek Road and screened around a large portion of its perimeter. The plans submitted show the fuel cell being white in colour. It is considered that in addition to the layout and topography of the site, the size of the fuel cell is relatively small and is unlikely to have any significant visual implications to the wider area. It is considered that the proposal is not in contradiction of this objective of the Strathbogie Planning Scheme.

Clause 21.03 Local Area Plans

Clause 21.03-6, Strathbogie

Overview

Strathbogie has a population of approximately 300 and is located on an elevated plateau in the Strathbogie Ranges. Strathbogie is growing as a food and wine region and has many natural features.

Objective

- *To retain the village ambience.*

The growth in the wider Strathbogie region as well as the township in recent years has created a greater need for services in the area. The supply of fuel to the area has been identified as a community need. The installation of a fuel cell, as opposed to a full petrol station will have less of an impact on the appearance of the area and will seek to retain the village ambience of the town.

6.4 Planning Permit Application No. P2018-124
- Development of Land for an Above Ground Diesel Self-Serve Fuel Cell ~ 62
Spring Creek Road, Strathbogie (cont.)

The location of the cell, away from the main street but in an area of the town frequented by locals is considered appropriate in this instance.

Relevant Particular Provisions

No Particular Provisions are considered relevant to this proposal.

The decision guidelines of Clause 65

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

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

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

There are no relevant adopted State policies.

Relevant incorporated, reference or adopted documents

There are no relevant incorporated, reference or adopted documents.

Relevant Planning Scheme amendments

There are no relevant planning scheme amendments.

Risk Management

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

6.4 Planning Permit Application No. P2018-124
- Development of Land for an Above Ground Diesel Self-Serve Fuel Cell ~ 62
Spring Creek Road, Strathbogie (cont.)

Strategic Links – policy implications and relevance to Council Plan

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

Summary of Key Issues

With regard to the Public Park and Recreation Zone: The proposal is a commercial development however due to its initiation by the community and the wider community benefit, it is considered appropriate.

With regard to the Erosion Management Overlay: The earthworks associated with the application are considered minor and will not have any significant erosion implications.

In summary, the proposal meets the objectives of the Planning Policy Framework, Local Planning Policy Framework, Public Park and Recreation Zone and Bushfire Management Overlay, Erosion Management Overlay.

Conclusion

After due assessment of all the relevant factors, it is considered appropriate to issue a notice of decision to grant a permit, subject to conditions.

Attachments

Locality Map/s

PLANNING COMMITTEE REPORT NO. 5 (PRINCIPAL PLANNER - CAMERON FRASER)

**6.5 Planning Permit Application No. P2018-143
- Use and Development of Land for a Dwelling ~ 283 Coombs Road, Mangalore**

Application Details:

Application is for:	Use and development of land for a dwelling
Applicant's/Owner's Name:	COOMBS, Frank Henry
Date Received:	10 October 2018
Statutory Days:	102
Application Number:	P2018-143
Planner: Name, title & department	Cameron Fraser Principal Planner Planning and Investment Department
Land/Address:	Lot 2 on Title Plan 892365Q Certificate of Title Volume 09664 Folio 425 Lot 9 on Plan of Subdivision 425086S Certificate of Title Volume 09535 Folio 080 283 Coombs Road, Mangalore VIC 3663
Zoning:	Farming Zone
Overlays:	Bushfire Management Overlay (Part) (Not in development area),
Is a CHMP required?	No
Is it within an Open Potable Catchment Area?	No
Under what clause(s) is a permit required? (include description)	Clause 35.07-1 – Use of land in the Farming Zone for a dwelling Clause 35.07-4 – Development of land in the Farming Zone in association with a Section 2 Use.
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*.

6.5 Planning Permit Application No. P2018-143
- Use and Development of Land for a Dwelling ~ 283 Coombs Road, Mangalore
(cont.)

Summary

- The application proposes the use and development of land at 283 Coombs Road, Mangalore for a dwelling.
- The subject site comprises two parcels, it is proposed that these two parcels will be consolidated prior to the construction of the proposed dwelling should the application be approved. The total area would result in a single lot comprising of 44.12 hectares.
- The subject site is in the Farming Zone and is affected in part by the Bushfire Management Overlay.
- The dwelling is proposed outside of the area of the site affected by the Bushfire Management Overlay.
- The proposed dwelling contains four bedrooms and will be constructed of weatherboards with a colourbond roof.
- The dwelling will be used to support the existing agricultural use of the land which is part of a larger holding and will be occupied by one of the owners of the farm.
- The application was advertised and no objections were received.
- The application has not been assessed within the 60 day statutory timeframe due to Planning Committee Agenda timelines.
- The application is being heard before Planning Committee as the application proposes a dwelling on a lot under the minimum lot size for the area, i.e. 100 hectares.
- The proposal meets the objectives of the Planning Policy Framework, Local Planning Policy Framework as well as the Farming Zone.
- It is recommended that Council resolve to grant a permit in accordance with the Officer's recommendation.

RECOMMENDATION

That Council

- **having caused notice of Planning Application No. P2018-143 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme**

and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Grant a Permit under the provisions of Clause 35.07-1 and Clause 35.07-4 of the Strathbogie Planning Scheme in respect of the land known as Lot 2 on Title Plan 892365Q Certificate of Title Volume 09664 Folio 425 and Lot 9 on Plan of Subdivision 425086S Certificate of Title Volume 09535 Folio 080, 283 Coombs Road, Mangalore VIC 3663, for the Use and development of land for a dwelling, in accordance with endorsed plans, subject to the following conditions:

Endorsed Plans:

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

6.5 Planning Permit Application No. P2018-143
- Use and Development of Land for a Dwelling ~ 283 Coombs Road, Mangalore
(cont.)

Consolidation of Titles

2. Prior to the commencement of buildings and works Lot 2 on Title Plan 892365Q Certificate of Title Volume 09664 Folio 425 and Lot 9 on Plan of Subdivision 425086S Certificate of Title Volume 09535 Folio 080 must be consolidated into one parcel of land to the satisfaction of the responsible authority.

Section 173 Agreement:

3. Prior to the commencement of use, the owner must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority. Such agreement shall:
 - a. Prevent subdivision of the land which increases the number of lots including house lot excision.

A memorandum of the agreement is to be entered on the title and the cost of the preparation and execution of the agreement and entry on the title is to be paid by the owner.

Environmental Health Conditions:

4. Prior to the commencement of construction of the dwelling or shed, plans of a suitable effluent disposal system and its location on the land must be approved in writing by the Responsible Authority
5. 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.
6. No part of the septic tank system may be located within a fill pad.
7. All wastewater from the proposed development/extension must be discharged into the existing septic tank system to the satisfaction of Council.
8. 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).
9. No buildings or works shall occur over any part of the approved waste disposal system including the septic tank in accordance with the requirements of the Environment Protection Act 1970, the Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management 891. 4 (2016).

6.5 Planning Permit Application No. P2018-143
- Use and Development of Land for a Dwelling ~ 283 Coombs Road, Mangalore
(cont.)

Engineering Conditions:

10. Prior to the commencement of buildings and works new or otherwise vehicular entrances to the subject land from the road shall be constructed at a location and of a size and standard satisfactory to the Responsible Authority.
11. 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. Refer to Clause 12.9.2 "Rural Vehicle Crossings" of the Infrastructure Design Manual and to standard drawing SD255.
12. Internal access, including the turn-around areas for emergency vehicles, must be all weather construction with a minimum trafficable width of 4m.
13. 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.
14. 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.
15. 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. Driveway to access roadway perpendicular and at a suitable location to ensure adequate site distance in both directions.

General Conditions:

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 *Environmental 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.

6.5 Planning Permit Application No. P2018-143
- Use and Development of Land for a Dwelling ~ 283 Coombs Road, Mangalore
(cont.)

18. The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

19. 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.

Bushfire Protection Measures:

Water Supply

20. A minimum of 10,000 litres of effective water supply for fire fighting purposes must be provided which meets the following requirements:

- **Be stored in an above ground water tank constructed of concrete or metal.**
- **Have all fixed above ground water pipes and fittings required for fire fighting purposes made of corrosive resistant metal.**
- **Include a separate outlet for occupant use.**
- **Be readily identifiable from the building or appropriate identification signage to the satisfaction of the relevant fire authority.**
- **Be located within 60 metres of the outer edge of the approved building.**
- **The outlet/s of the water tank must be within 4 metres of the accessway and unobstructed.**
- **Incorporate a separate ball or gate valve (British Standard Pipe (BSP 65 millimetre) and coupling (64 millimetre CFA 3 thread per inch male fitting).**
- **Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling)**

Access

21. Access for firefighting purposes must be provided which meets the following requirements:

- **All weather construction.**
- **A load limit of at least 15 tonnes.**
- **Provide a minimum trafficable width of 4 metres**
- **Be clear of encroachments for at least 0.5 metre on each side and at least 4 metres vertically.**
- **Curves must have a minimum inner radius of 10m.**
- **The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50m.**
- **Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.**

6.5 Planning Permit Application No. P2018-143
- Use and Development of Land for a Dwelling ~ 283 Coombs Road, Mangalore
(cont.)

Permit Expiry:

22. This permit will expire if one of the following circumstances applies:

- (j) The development is not started within two (2) years of the date of this Permit,**
- (k) 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.
- Prior to installation works commencing on the septic tank system, a Permit to install must be obtained from Council.

Proposal

It is proposed to use and develop part of the land at 283 Coombs Road, Mangalore for a single dwelling. The dwelling is proposed to be sited 405 metres from the western boundary on the subject site and 35 metres from the southern boundary. The proposed dwelling will be accessed from Gerrards Road.

The total area of the dwelling will be approximately 220 square metres. The dwelling is proposed to be a 4 bedroom, single storey, weatherboard home with a colorbond pitched roof. The dwelling will also contain, two bathrooms, two living areas, kitchen, dining room and laundry.

No native vegetation will be required to be removed in association with the construction of the access or the dwelling.

6.5 Planning Permit Application No. P2018-143
- Use and Development of Land for a Dwelling ~ 283 Coombs Road, Mangalore
(cont.)

A whole farm plan has been prepared as part of the application material. The proposed dwelling will be occupied by the applicant's client's son and family who work on the larger farming property which is part of an existing legal agreement between three separate entities in relation to the operation of the farm. The farm is supplied with irrigation water and is used primarily for grazing and cropping. The larger farming property extends beyond the subject site and across the municipalities of both Strathbogie and Mitchell.

As part of the proposal, the applicant also proposes to consolidate two parcels of land which will increase the area of the site to 44.12 hectares.

A Land Capability Assessment has been prepared and an effluent area has been sited appropriately from the dwelling and the waterways on site.

Subject site & locality

Two parcels of land are included in this proposal. The parcels are located on the north eastern corner of Coombs Road and Gerrards Road Mangalore and have areas of 28.53 hectares and 15.59 hectares

The sites combined have a total area of 44.12 Hectares in area and are rectangular in shape. The land is generally flat with two gullies running through the site approximately a third of the way inwards from both the western and eastern boundaries.

The land included in this application is clear of development. Vegetation generally consists of paddock trees which are sparsely scattered throughout the site with higher concentrations along the two gullies.

The land forms part of a larger farming enterprise which included the land to the north which contains a single dwelling and associated outbuildings as well as a number of agricultural sheds.

Land surrounding the site is primarily used for agriculture with grazing and cropping the predominant agricultural uses. The site, as well as a number of others benefit from irrigation water to support agriculture in this area of the shire. Dwellings are scattered throughout the area and most dwellings in the area are occupied by people farming the land on which the dwellings are located..

The site is within the Farming Zone and is not affected by any overlays.

Permit/Site History

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

6.5 Planning Permit Application No. P2018-143
- Use and Development of Land for a Dwelling ~ 283 Coombs Road, Mangalore
(cont.)

Public Notification

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

- Sending letters to adjoining land owners

The notification has been carried out correctly.

Council has received no objections to date.

Consultation

No consultation has been required to be undertaken.

Referrals

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	Nil
Section 52 Notices	No objections, subject to conditions

Internal Council Referrals	Advice/Response/Conditions
Asset Services	No objections, subject to conditions
Health Department	No objections, 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 Clause 35.07-1 and Clause 35.07-4 of the Strathbogie Planning Scheme as the site is less than 100 hectares in area.

The documentation provided with the application demonstrates that the land is used as part of a larger farming enterprise. The applicant proposes to consolidate two existing parcels to create a lot of 44.12 Hectares. The site is considered capable of accommodating the proposed dwelling in conjunction with the agricultural land use.

6.5 Planning Permit Application No. P2018-143
- Use and Development of Land for a Dwelling ~ 283 Coombs Road, Mangalore
(cont.)

The use of the land for agriculture is well established on this property. The occupant of the dwelling is an part owner of the larger farming property.

It is considered that the proposal adequately responds to the decision guidelines of the Farming Zone, as the proposal will result in additional management of the land by supporting a long term agricultural use. The dwelling will not result in conflicts with adjoining land use activities as the property will be used for a horse agistment business.

Whilst the lot is smaller than the 100 hectare minimum lot size for this area of the municipality, for an 'as of right use', it is considered the proposal represents an appropriate use of an agricultural land parcel.

Clause 35.07-6 of the scheme provides decision guidelines to be considered when assessing an application in the Farming Zone, and includes a number of matters in relation to agricultural, environmental, design and siting issues and other general issues as detailed below:

General Issues	Complies	Officers Comment
<i>The Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</i>	Yes	Assessment against PPF & LPPF is provided below.
<i>Any Regional Catchment Strategy and associated plan applying to the land.</i>	Yes	The proposal will not have any adverse impact on local water catchment.
<i>The capability of the land to accommodate the proposed use or development, including the disposal of effluent.</i>	Yes	A Land Capability Assessment has been prepared for the site. The application has been referred to Council's environmental health department who have consented to this application, subject to conditions. Given this, it is considered the land is capable of treating effluent waste on site.

6.5 Planning Permit Application No. P2018-143
- Use and Development of Land for a Dwelling ~ 283 Coombs Road, Mangalore
(cont.)

<p><i>How the use or development relates to sustainable land management.</i></p>	<p>Yes</p>	<p>The use of the land for a dwelling will be primarily for one of the owners of the land who is a 5th generation farmer of the larger farming enterprise. The dwelling will provide necessary accommodation on the land for an operator of the larger farm which is in close proximity to the existing agricultural infrastructure. The applicant has provided a land management plan as well as a separate partnership agreement demonstrating that the land is used for agriculture and that the site will continue to be used by those working on the farm.</p>
<p><i>Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.</i></p>	<p>Yes</p>	<p>The subject site once consolidated will have a total area of 44.12 Hectares. Surrounding properties are primarily used for agriculture with dwellings scattered throughout. These dwellings are generally occupied by those working on the land in which they are located. Immediately west of the site on the opposite side of Coombs Road is the Goulburn Valley Freeway.</p> <p>Lot sizes vary in the area.</p> <p>The development of a dwelling on this lot is unlikely to create a detrimental impact on these adjoining land uses.</p>
<p><i>How the use and development makes use of existing infrastructure and service.</i></p>	<p>Yes</p>	<p>Access is proposed via a new crossover to be located on Gerrards Road. A condition should be included on any planning permit issued that the vehicle crossing shall be constructed at a location and of a size and standard satisfactory to the Responsible Authority.</p> <p>Access to electricity is available on site.</p>

6.5 Planning Permit Application No. P2018-143
- Use and Development of Land for a Dwelling ~ 283 Coombs Road, Mangalore
(cont.)

Agricultural Issues		
<i>Whether the use or development will support and enhance agricultural production.</i>	Yes	The proposal will support the existing agricultural use of the land which has been farmed by five generations of the same family.
<i>Whether the use or development will permanently remove land from agricultural production.</i>	No	<p>The area in which the dwelling is proposed uses a small area of the overall farming enterprise. Its use will not significantly detract from the use of the land for agricultural purposes.</p> <p>The dwelling has been sited on the southern end of the lot in close proximity to the proposed access which limits the amount of space that will no longer be usable for agricultural purposes</p> <p>While siting the proposed dwelling on the lot to the north which also contains a dwelling used as part of the farm would detract less from the amount of agricultural land, an assessment can be made only for the land included in the proposal.</p>
<i>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	It is considered the proposed use and development will not limit the operation of adjoining and nearby agricultural uses.
<i>The capacity of the site to sustain the agricultural use.</i>	Yes	The site has demonstrated its capacity for agricultural production over five generations. The proposed dwelling will support the growth of this enterprise.
<i>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</i>	Yes	The proposed use and development will enable the land continue to be used for agriculture and support the ongoing management and maintenance of the site.
<i>Any integrated land management plan prepared for the site.</i>	Yes	A land management plan as well as a separate partnership agreement has been prepared and submitted as part of the application documentation.

6.5 Planning Permit Application No. P2018-143
- Use and Development of Land for a Dwelling ~ 283 Coombs Road, Mangalore
(cont.)

Dwelling Issues	Complies	Officers Comment
<i>Whether the dwelling will result in the loss or fragmentation of productive agricultural land.</i>	Yes	The proposed dwelling will support the agricultural use of the land which has been undertaken on the site for five generations. The proposal utilises a small are of the site for the dwelling with will detract less from agricultural production on the site.
<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 affected by surrounding agricultural activities. The dwelling is proposed to support agriculture on the site.
<i>Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	The use of the land for a dwelling is very unlikely to limit the expansion of adjoining agricultural entities. The subject site is part of a larger farming enterprise.
<i>The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.</i>	Yes	This dwelling is unlikely to contribute to a proliferation of dwellings in the area. Most dwellings in the surrounding area are occupied by people working in agriculture on the land in which the dwellings are located.
Environmental issues		
<i>The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.</i>	Yes	The dwelling has been sited appropriately on the site. The proposal does not include the removal of any vegetation to construct access or the proposed dwelling. In addition, the applicant has put forward information regarding the improvements intended for the environmental values of the land.
<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.

6.5 Planning Permit Application No. P2018-143
- Use and Development of Land for a Dwelling ~ 283 Coombs Road, Mangalore
(cont.)

<i>The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.</i>	Yes	The proposal does not include the removal of any vegetation.
<i>The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.</i>	Yes	On site effluent disposal will be carried out in accordance with the requirements of the Responsible Authority.
Design and siting issue		
<i>The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.</i>	Yes	The proposed dwelling is located appropriately on site, away from the boundaries and in a clear area away from significant vegetation.
<i>The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.</i>	Yes	The proposed siting is considered appropriate. Should a permit be issued, a condition will be placed on the permit requiring muted tones on the exterior of the dwelling.
<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. Conditions on the permit require that muted materials are used. This will ensure that the buildings do not cause any unreasonable adverse visual impacts.
<i>The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.</i>	Yes	The proposed building is considered to be appropriately located on the site away from significant vegetation, and significant features. The proposal utilises the existing road for access and will have access to electricity. Water can be provided and waste water will be managed on site.

6.5 Planning Permit Application No. P2018-143
- Use and Development of Land for a Dwelling ~ 283 Coombs Road, Mangalore
(cont.)

<i>Whether the use and development will require traffic management measures.</i>	Yes	As the proposal is for a single dwelling, it is deemed not necessary for there to be traffic management measures implemented.
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The application is considered to be consistent with the purpose and decision guidelines of the Farming Zone.

The Planning Policy Framework (PPF)

Clause 13.02-1S, Bushfire planning

Objective

- *To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.*

The dwelling is not proposed to be constructed within an area of the site which is affected by the Bushfire Management Overlay. It is noted however that the site is included in the Bushfire Prone Area. The use of land in the bushfire prone area should have consideration for the safety of the occupants of the dwelling. It is considered that the dwelling is appropriately sited away from areas of significant bushfire risk with land to the north and west being generally clear. Land to the south is vegetated however is somewhat managed which reduces its overall risk. It is considered that should a permit issue, standard conditions in relation to site management and water supply and access should be included. The proposed dwelling meets this objective of the Strathbogie Planning Scheme.

Clause 14.01-1S 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 planning policy as detailed in the Strathbogie Planning Scheme.

The applicant has submitted comprehensive documentation which demonstrates that the dwelling forms part of a larger agricultural enterprise which consists of cropping and grazing. This dwelling is part of the succession planning of the partnership associated with the land. The land will continue to be used for agricultural production in accordance with the relevant policies within the Planning Policy Framework.

In addition, the use of the land for a dwelling is considered appropriate to support ongoing management of the land and business in accordance with the application documentation although the land is not identified as locally or regionally significant. The additional dwelling on the land will provide genuine support, management and assistance to the operation and management of the land which likely be of greater benefit to surrounding land owners.

6.5 Planning Permit Application No. P2018-143
- Use and Development of Land for a Dwelling ~ 283 Coombs Road, Mangalore
(cont.)

Clause 14.01-2S Sustainable agricultural land use

Objective

- *To encourage sustainable agricultural land use.*

The use of the land for a dwelling in conjunction with an agricultural use and ongoing land management as proposed is considered an appropriate land use for the site.

The land will continue to be used for agriculture. It is considered unlikely that a conflict over residential versus agricultural land uses is likely to result from the proposal. A dwelling is required to be constructed on this lot to allow for the ongoing operation of the existing agricultural enterprise on the site.

Clause 14.02-2S, Water Quality

Objective

- *To protect water quality.*

The dwelling is located over 350 metres from the named waterway (Eight Mile Creek) to the west, and outside of the depression located approximately 50 metres to the west. It is considered unlikely that the proposed use and development of the land for a dwelling will affect the health of the waterways or surrounding water resources.

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

Clause 21.02-3 Rural Residential

Objective

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

It is considered that the proposed use for a dwelling with the agricultural component is consistent with this objective, in that there will not be any adverse impacts on productive agricultural land and a better agricultural outcome overall.

Clause 21.02-4 Rural Zones

Objective

- *To protect and maintain established farming areas.*
- *To ensure suitable land is available to provide for emerging rural enterprises, e.g. intensive animal husbandry, horticulture and equine industry.*

The proposal is consistent with these objectives and will not affect established farming areas. The use of land for agriculture can be undertaken in a manner which is suitable for the site. Given the ongoing nature of the agricultural use of the land; it is considered that a dwelling is required.

6.5 Planning Permit Application No. P2018-143
- Use and Development of Land for a Dwelling ~ 283 Coombs Road, Mangalore
(cont.)

21.02-6 Building Material – Muted Tones

Overview

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

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

Objective

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

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

6.5 Planning Permit Application No. P2018-143
- Use and Development of Land for a Dwelling ~ 283 Coombs Road, Mangalore
(cont.)

Although this dwelling is proposed to be on a lot less than 100 hectares, there is a need for a dwelling on this site to support the ongoing agricultural use of the site which is in its 5th generation. It is considered the subject land will not be significantly affected by the use of a small area of the site for a dwelling.

The applicant also proposes to consolidate two parcels of land as part of this proposal. The total area of the land to be consolidated will be 44.12 hectares. Despite still being less than the minimum lot size, it is considered that this is consistent with the requirements of the policy.

It is proposed the dwelling can be accessed by emergency vehicles via a suitably constructed all weather road allowing for ingress and egress. A condition will be included on any permit issued that this is completed to the satisfaction of the Responsible Authority.

It is generally policy within the Strathbogie Planning Scheme that any permit issued for the use and development of a dwelling on a lot under the minimum size requires the permit holder enter into an agreement under Section 173 of the *Planning and Environment Act 1987* which prohibits further subdivision of the land. This is considered appropriate in this instance.

Relevant Particular Provisions

No particular provisions are considered relevant to this proposal.

The decision guidelines of Clause 65

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

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

6.5 Planning Permit Application No. P2018-143
- Use and Development of Land for a Dwelling ~ 283 Coombs Road, Mangalore
(cont.)

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

There are no relevant adopted State policies.

Relevant incorporated, reference or adopted documents

There are no relevant incorporated, reference or adopted documents.

Relevant Planning Scheme amendments

There are no relevant planning scheme amendments.

Risk Management

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

Strategic Links – policy implications and relevance to Council Plan

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

Summary of Key Issues

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

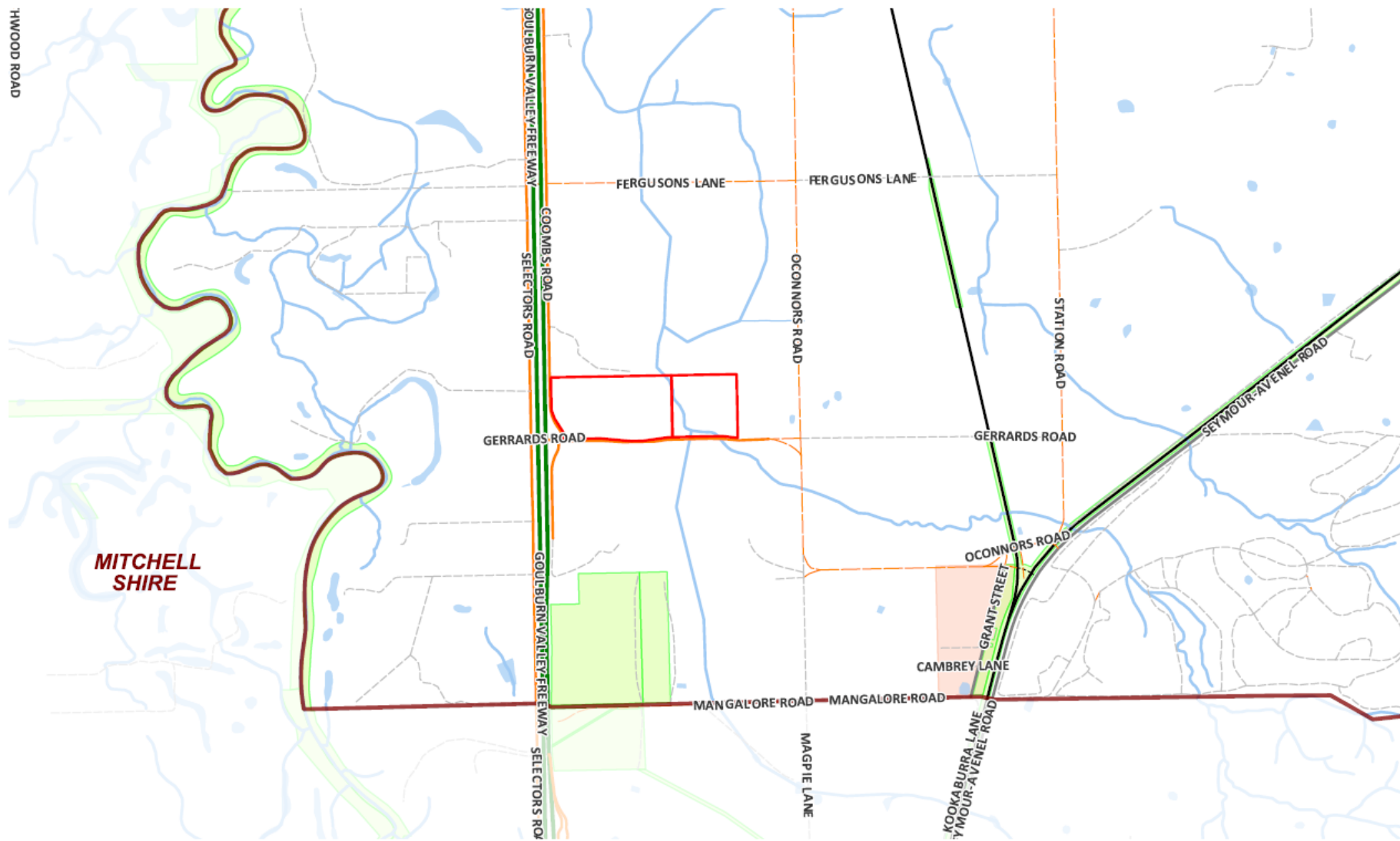
In summary, the proposal meets the objectives of the Planning Policy Framework, Local Planning Policy Framework and the Farming Zone.

Conclusion

After due assessment of all the relevant factors, it is considered appropriate to grant a planning permit, subject to conditions.

Attachments

Locality Map/s



PLANNING COMMITTEE REPORT NO. 6 (DIRECTOR, INNOVATION AND PERFORMANCE - PHIL HOWARD)

7. OTHER BUSINESS

**7.1 Planning Applications Received
- 15 November 2018 to 13 February 2019**

Following are listings of Planning Applications Received for the period 15 November 2018 to 13 February 2019.

RECOMMENDATION

That the report be noted.

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

Planning Applications Received

Thursday, 15 November 2018

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
5 Hyacinth Street, Violet Town VIC 3669	P2018-166	Two (2) lot re-subdivision and creation of access to Road Zone Category 1	Lachlan King	\$0.00*

Friday, 16 November 2018

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
84-94 Livingstone Street, Avenel VIC 3664	P2018-162	Development of land for a shed	Scott Jeffery	\$40,000.00

Monday, 19 November 2018

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
30 River Street, Nagambie VIC 3608	P2018-167	Use and development of land for a second dwelling (retrospective application)	Michelle Lyons	\$0.00*

Thursday, 22 November 2018

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
1697 Arcadia Two Chain Road, Miepoll VIC 3666	P2018-171	Use and development of land for a dwelling	Kane Mann	\$350,000.00
401 High Street, Nagambie VIC 3608	P2018-170	Use and development of land for a caravan park (cabins only) with associated car parking and create/alter to a road in Road Zone	John Beresford	\$7,700,000.00
550 Feltrim Road, Earlston VIC 3669	P2018-097 - 1	Use and development of land for a dwelling	Tony Campbell	\$0.00*

Friday, 23 November 2018

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
17 McGuinness Street, Euroa VIC 3666	P2018-172	Development of land for a garage	HARPER, John William	\$21,000.00
42 Creek Drive, Euroa VIC 3666	P2018-169	Two (2) lot subdivision	Mr Troy Spencer	\$0.00*

Tuesday, 27 November 2018

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
4 Boundary Road South, Euroa VIC 3666	P2018-161	Use and development of land for a dwelling and two (2) lot subdivision	ELMSLIE, Sally Elizabeth	\$150,000.00
45 Spencer Road, Avenel VIC 3664	P2014-045 - 2	Staged subdivision of the land into seven (7) lots and the creation of an easement	Cameron Ross	\$0.00*

Wednesday, 28 November 2018

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
54-60 Garrett Street, Euroa VIC 3666	P2018-174	Use and development of land for battery storage	Luke Scott	\$3,000,000.00

Thursday, 29 November 2018

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
24 Hovell Street, Avenel VIC 3664	P2018-168	Five (5) lot subdivision	ARAMINI, Kimbley James	\$0.00*

Friday, 30 November 2018

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
2167 Avenel-Longwood Road, Avenel VIC 3664	P2018-092 - 2	Use and development of land for a dwelling and shed	ANDIS, Phillip	\$0.00*

Tuesday, 4 December 2018

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
205 Goulburn Weir Road, Goulburn Weir VIC 3608	P2018-175	Two (2) lot subdivision (boundary re-alignment)	Rick Shorland	\$0.00*
Coach Road, Strathbogie VIC 3666	P2018-173	Three (3) lot subdivision	Russell Synnot	\$0.00*

Monday, 10 December 2018

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
28 Tarcombe Street, Euroa VIC 3666	P2018-177	Development of land for a dwelling and garage	Session Builders Pty Ltd	\$290,000.00
40 Armstrong Avenue, Strathbogie VIC 3666	P2017-073 - 2	Development of land for a dwelling, studio and a shed	Sue Mitchell	\$0.00*

Tuesday, 18 December 2018

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
41 Anderson Street, Euroa VIC 3666	P2018-179	Use of land for a dental surgery (2 practitioners) and the installation of business identification signage	Dr Tom Hudson	\$10,000.00

Thursday, 20 December 2018

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
254 Fernhills Road, Sheans Creek VIC 3666	P2018-176	Two (2) lot subdivision	SPENCER, Michael Frederick	\$0.00*
55 Anderson Street, Avenel VIC 3664	P2018-178	Four (4) lot subdivision	Mr Troy Spencer	\$0.00*

Friday, 4 January 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
470 Mitchellstown Road, Mitchellstown VIC 3608	P2019-002	Use of land for a place of assembly for camping and fishing competition event (GoFish Nagambie 2019)	Ellie Owen	\$40,000.00

Thursday, 10 January 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
39 Young Street, Nagambie VIC 3608	P2018-137 - 1	Use and development of land for a dwelling	Hayley Nicholson	\$0.00*
892 Wormangal-Wahring Road, Wahring VIC 3608	P2017-061 - 1	Use and development of land for a dwelling including a two (2) lot re-subdivision	Glenn Shearer	\$0.00*
Boathole Road, Ruffy VIC 3666	P2019-001	Use and development of land for a dwelling and shed	Talina Edwards	\$800,000.00

Monday, 14 January 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
274 Drysdale Road, Euroa VIC 3666	P2017-128 - 2	Use and development of land for an extension to an existing shed	Sonny Hoang	\$0.00*

Tuesday, 22 January 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
202 Wattlevale Road, Bailieston VIC 3608	P2019-003	Development of land for an extension to a shed	Frank Darke	\$17,350.00

Wednesday, 23 January 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
19-29 Branjee Road, Euroa VIC 3666	P2019-004	Two (2) lot subdivision	Mr Troy Spencer	\$0.00*

Friday, 25 January 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
47-51 Binney Street, Euroa VIC 3666	P2018-111 - 1	Development of land for a disabled toilet	Julie Stone	\$0.00*

Wednesday, 30 January 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
49 High Street, Violet Town VIC 3669	P2019-005	Use and development of land for a dwelling and shed	Craig and Raylene Down	\$260,000.00

Friday, 1 February 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
17 Bury Street, Euroa VIC 3666	P2019-006	Two (2) lot re-subdivision	Siv Onley	\$0.00
Brookleigh Road, Strathbogie VIC 3666	P2019-007	Use and development of land for a dwelling	Mr Troy Spencer	\$310,000.00
Creightons Creek Road, Creightons Creek VIC 3666	P2017-117 - 1	Use & development of land for a dwelling and shed	Bruce Mactier Building Designers	\$0.00

Tuesday, 5 February 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
51 Anderson Street, Avenel VIC 3664	P2019-009	Six (6) lot subdivision with common property access	Mr Troy Spencer	\$0.00

Wednesday, 6 February 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
115 Grenada Road, Mangalore VIC 3663	P2018-131 - 1	Use and development of land for nine (9) dwellings, water pump station and signage	John Ladd-Hudson	\$0.00
1532 Euroa-Strathbogie Road, Kelvin View VIC 3666	P2018-044 - 1	Use and development of land for a dwelling, outbuilding and farm machinery shed	Troy Spencer	\$0.00

Monday, 11 February 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
33 Penrose Street, Nagambie VIC 3608	P2019-013	Two (2) lot subdivision	Neville Howell	\$0.00

Wednesday, 13 February 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
72 Taylor Drive, Miepoll VIC 3666	P2019-012	Use and development of land for a dwelling	Amber Jones	\$119,200.00

*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