

STRATHBOGIE SHIRE COUNCIL PLANNING COMMITTEE AGENDA

MEETING TO BE HELD ON TUESDAY 27 AUGUST 2019 AT THE EUROA COMMUNITY CONFERENCE CENTRE COMMENCING AT 4.00 P.M.

Chair: Malcolm Little (Hughes Creek Ward)

Councillors: Amanda McClaren (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

David Roff Group Manager, Corporate and Community

Jeff Saker Group Manager, Community Assets

Emma Kubeil Acting Group Manager, Innovation and

Performance

Melissa Crane Acting Manager, Planning and Investment

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 Debra Bower (Lake Nagambie Ward)

4. Confirmation of Minutes of the Planning Committee meeting held on Tuesday 23 July 2019

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

Phil Howard

ACTING CHIEF EXECUTIVE OFFICER

16 August 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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<u>PLANNING COMMITTEE REPORT NO. 1 (TECHNICAL OFFICER PLANNING - TRISH HALL)</u>

6. PLANNING REPORTS

6.1 Planning Permit Application No. P2019-001 - Use and Development of Land for a Dwelling and Shed ~ Boathole Road, Ruffy

Application Details:

Application is for:	Use and development of land for a dwelling and shed
Applicant's/Owner's Name:	Talina Edwards
Date Received:	10 January 2019
Statutory Days:	48
Application Number:	P2019-001
Planner: Name, title & department	Trish Hall Technical Officer Planning Planning and Investment Department
Land/Address:	Certificate of Title Volume 08630 Folio 636 Crown Allotment 11 Section D Parish of Ruffy Boathole Road, Ruffy VIC 3666
Zoning:	Farming Zone
Overlays:	No Overlay
Is a CHMP required?	Yes The subject site is within an area of Cultural Heritage Sensitivity, however the construction of a single dwelling is an exempt activity, and does not require a Cultural Heritage Management Plan. This has been confirmed via the Aboriginal Heritage Planning Tool.
Is it within an Open Potable Catchment Area?	No
Under what clause(s) is a permit required? (include description)	Clause 35.07-1 (Use and development of land for a dwelling less than 40 hectares) Clause 35.07-4 (Buildings and works associated with a use in Section 2 of Clause 35.07-1)
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*.

 Use and Development of Land for a Dwelling and Shed ~ Boathole Road, Ruffy (cont.)

Summary

The application proposes the use and development of land at Boathole Road, Ruffy VIC 3666 for the use and development of land for a dwelling and shed

- The site has an area of approximately 22.7 hectares, is located in the Farming Zone and is not affected by any Overlays.
- The applicant proposes to re-establish and expand on the existing unused olive grove.
- The application was advertised to adjoining owners and a sign placed on the site, no objections have been received to date.
- The application was received in January, but required further information.
 This was not supplied until 26 June 2019, meaning the assessment period of the application commenced on this date.
- The application has been assessed within the 60 day statutory timeframe.
- 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 (40 hectares).
- The proposal meets the objectives of the Planning Policy Framework, Local Planning Policy Framework, and the Farming Zone.
- It is recommended that Council resolve to grant a planning permit in accordance with the Officer's recommendation.

RECOMMENDATION

That Council

 having caused notice of Planning Application No. P2016-168 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 Certificate of Title Volume 08630 Folio 636, Crown Allotment 11 Section D Parish of Ruffy Boathole Road, Ruffy VIC 3666, for the use and development of land for a dwelling and shed, in accordance with endorsed plans, subject to the following conditions:

Endorsed Plans:

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

 Use and Development of Land for a Dwelling and Shed ~ Boathole Road, Ruffy (cont.)

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* at no cost to Council, which ensures the following:
 - (a) Prevent subdivision of the land which increases the number of lots including house lot excision.
 - (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.

The Section 173 Agreement must be prepared by Council's solicitors, to the satisfaction of the Responsible Authority and must be recorded on the folio of the Register to the subject land pursuant to Section 181 of the *Planning and Environment Act 1987*.

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 installation works commencing on the septic tank system, a Permit to install must be obtained from Council.
- 5. All wastewater from proposed dwelling 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).

 Use and Development of Land for a Dwelling and Shed ~ Boathole Road, Ruffy (cont.)

Engineering Conditions:

- 7. Prior to the commencement of the use 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.
- 8. Prior to the commencement of the use all internal access roads must be constructed, formed and drained to avoid erosion and to minimise disturbance to natural topography of the land to the satisfaction of the Responsible Authority. Internal access, including the turn-around areas at the development 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. \Appropriate steps must be taken to retain all silt and sediment on site during the construction phase to the satisfaction of the Responsible Authority, in accordance with the sediment control principles outlined in Construction Techniques for Sediment Pollution Control (EPA, 1991) and to the satisfaction of the Responsible Authority.
- 10. 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.

 Use and Development of Land for a Dwelling and Shed ~ Boathole Road, Ruffy (cont.)

General Conditions:

- 12. 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.
- 13. 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*.
- 14. 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.
- 15. The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.
- 16. 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

- 17. 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)

Use and Development of Land for a Dwelling and Shed ~ Boathole Road, Ruffy (cont.)

Access

- 18. 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 3.5 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:

- 19. This permit will expire if one of the following circumstances applies:
 - (a) The development is not started within two (2) years of the date of this Permit,
 - (b) The development is not completed within four (4) years of the date of this Permit.

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

- before the permit expires; or
- within six months afterwards if the use or development has not yet started; or
- 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.

 Use and Development of Land for a Dwelling and Shed ~ Boathole Road, Ruffy (cont.)

Proposal

It is proposed to use and develop the land for a dwelling and shed. The dwelling is proposed to be sited 68 metres from the southern boundary and 160 metres from the western boundary from Boathole Road on the subject site.

The proposal seeks approval for the use and development of an off-grid sustainable dwelling and associated shed in the north-west corner of the subject site.

The dwelling, including the double garage, external entry porch, terrace, and north and south verandas and eastern deck will have a total area of approximately 207 square metres. The dwelling is proposed to be a three bedroom, single storey, dwelling constructed of a timber frame with a straw bale infill, and fibre cement and timber cladding, with a corrugated steel roof. The dwelling is proposed to be 36 metres in length and 13.5 metres wide, at the widest point, with various pitched rooflines. In addition to the three bedrooms proposed, it will contain a bathroom, ensuite, two toilets, laundry, an open plan meals, living/dining room and kitchen with pantry and cellar.

The shed is proposed to be located 50 metres west of the dwelling, 56 metres from the southern boundary, 104 metres from the western boundary and will include solar panels on the roof.

Water tanks are proposed for both buildings.

There is access available from two informal crossovers along Boathole Road, however a new crossover and driveway from Boathole Road is proposed. Boathole Road is unsealed. The new crossover is proposed to be 174.8 metres from the north western corner of the property. A driveway is not yet established. The new driveway will split to service both the proposed dwelling and shed, with a turnaround area provided near the garage.

The applicant purposes to plant 130 olive trees (associated with olive oil production) and install an associated irrigation network. The land that is not being directly used for olive production will be maintained for fodder production within the areas containing pasture, whilst the established native vegetation will be managed for improved biodiversity purposes. A whole farm plan has been prepared as part of the application.

No native vegetation is proposed to be removed.

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 10 metres north of the building site. The subject site has been assessed by Mansfield Land Capability and Soil Assessments and determined as a medium risk based on assessment to accommodate a three bedroom single storey dwelling.

 Use and Development of Land for a Dwelling and Shed ~ Boathole Road, Ruffy (cont.)

Subject site & locality

The subject site is located at Boathole Road, Ruffy VIC 3666 and can be formally identified as Certificate of Title Volume 08630 Folio 636 Crown Allotment 11 Section D Parish of Ruffy.

The subject site has a total area of 22.7 hectares. The site is triangular in shape and shares its south western boundary with Boathole Road and the eastern boundary with Boggy Creek, and the Murrindindi Shire Boundary. The land undulating and slopes towards Boggy Creek and the eastern boundary.

Boathole Road is unsealed and the subject site has access from two gates along Boathole Road.

Lots to the north, east, south and west vary in size, with most adjoining lots developed with single dwellings and associated shedding.

Adjoining lots to the north have been identified as Area 19 (Ruffy) in the 2004 Strathbogie Shire Rural Residential Strategy.

The land surrounding the smaller lifestyle parcels of land are used for small scale agricultural purposes, typically grazing. The site is approximately 820 metres from the township of Ruffy, and 18km from Old Longwood and the Hume Freeway to the north. The land neighbours Murrindindi Shire and is 10km west of Mansfield.

The subject site is vacant and currently used for grazing; it contains one dam on the southern boundary and has access to a bore (licensed) in north west corner. There are a few of remnant Olive trees in the south eastern corner. The land is undulating and has clusters of native vegetation and rocky outcrops across the site and in particular to the north east.

Telecommunications cable is in the vicinity of the southern boundary. Water, sewer and gas are not available to the subject site, and electricity is not readily available.

The subject site and surrounding land is in Farming Zone and not affected by any Overlays, it is in a Bushfire Prone Area and within a Cultural Sensitive Area.

Permit/Site History

A search of Council's electronic records shows that the following planning permits have been issued previously for the subject site:

• P131/98 Construction and use of a dwelling and ancillary shed generally in accordance with endorsed plans.

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

 Use and Development of Land for a Dwelling and Shed ~ Boathole Road, Ruffy (cont.)

The notification has been carried out correctly. Council has received no objections to date.

Consultation

At the time the application was made, further information was requested to address the requirements of Clause 22.01-3 *Dwellings on Small Lots in the Farming Zone*. The applicant requested the application be placed on hold while the additional information was prepared. The information was lodged on 26 June 2019. Under the *Planning and Environment Act 1987* the time taken to assess the application begins from when all the information required is supplied, being the 26 June 2019.

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

Assessment

The zoning of the land and any relevant overlay provisions Farming Zone

Purpose:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- 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.
- To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

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.

The applicant purposes to replant and expand the existing olive grove with 130 trees and maintain the balance of land for fodder production (hay) within the areas containing pasture, whilst the established native vegetation will be managed for improved biodiversity purposes.

 Use and Development of Land for a Dwelling and Shed ~ Boathole Road, Ruffy (cont.)

The use and development of the site for a dwelling will not lead to a loss in productive agricultural land. The land abuts an area identified in the 2004 Strathbogie Shire Rural Residential Strategy. The lots to the north are known as Ruffy Area 19. The applicant proposes to continue the use of the land for the grazing of 15 lactating ewes over 10.67 hectares and will replant 130 olive trees. The applicant will also manage approximately 7.2 hectares for biodiversity and ecological improvement.

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. 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. A Section 173 Agreement condition will be included on any planning permit issued to ensure that the use will be carried out in association with the Whole Farm Plan and acknowledges and accepts that the possibility of amenity impacts from adjoining and/or nearby land uses including agriculture. The Whole Farm Plan will be endorsed as part of this permit and the permit holder will be required to implement and comply with it to the satisfaction of the Responsible Authority. Further to Clause 22.01, this Section 173 agreement will also limit any further subdivision of the allotment.

The dwelling and shed are appropriately setback on the site and meet the relevant setbacks of the Farming Zone.

A LCA has been undertaken for the site and deemed satisfactory following referral to the Environmental Health Department who do not object subject to conditions.

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

Decision Guidelines	Complies	Officers Comment
General Issues		,
The Municipal Planning Strategy and the Planning Policy Framework.	Yes	Assessment against MPS & PPF is provided below.
Any Regional Catchment Strategy and associated plan applying to the land.	Yes	The proposed development supports the Goulburn Broken Regional Catchment Strategy 2004 through protecting the ongoing use of agricultural land into the future and improving biodiversity and environmental health in the catchment.
		It is considered the proposal will not have any adverse impact on the local water catchment.

The capability of the land to accommodate the proposed use or development, including the disposal of effluent.	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.
How the use or development relates to sustainable land management.	Yes	The applicant will replant 130 olive trees, install an internal irrigation network, graze sheep and manage other areas for biodiversity and ecological improvement, namely through weeding and increasing indigenous planting across the site.
		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 Planning and Environment Act 1987.
Whether the site is suitable for the use or development and whether	Yes	The subject site is approximately 22.7 hectares in area and is currently used for grazing.
the proposal is compatible with adjoining and nearby land uses.		Lot sizes in the area vary and some contain single dwellings and associated shedding. Adjoining land to the north has been identified as Area 19 (Ruffy) in the Strathbogie Shire Rural Residential Strategy 2004.
		The development of a dwelling on this lot is unlikely to create a detrimental impact on the adjoining land uses. The dwelling has been appropriately setback within the subject site.
		A condition will be included on any planning permit issued to ensure the landowner acknowledge and accepts 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> .

How the use and development makes use of existing infrastructure and service.	Yes	Access to the proposed dwelling is proposed via Boathole Road. A condition should be included on any planning permit issued that the vehicle crossing be constructed at a location and of a size and standard to the satisfactory to the Responsible Authority. Telecommunications cable is in the vicinity of the southern boundary. Water, sewer and gas are not available to the subject site, and electricity is not readily available. The proposal seeks approval for alternative servicing arrangements for an off-grid, sustainable dwelling.
Agricultural Issues		Sustainable dwelling.
Whether the use or development will support and enhance agricultural production.	Yes	The applicant proposes to replant 130 olive trees install an internal irrigation network graze sheep and manage other areas for biodiversity and ecological improvement.
Whether the use or development will permanently remove land from agricultural production.	Yes	The application for a dwelling included a Whole Farm Plan. It is considered the use and development will not permanently remove the land from agricultural production, due to the siting of the dwelling of the site with regard to the site features and adjoining activities.
The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.	Yes	It is considered the proposed use and development will not limit the operation of adjoining and nearby agricultural uses due to the location of the dwelling in relation to adjoining agricultural uses and topography.
The capacity of the site to sustain the agricultural use.	Yes	The subject site is currently used for grazing and can access water infrastructure to facilitate improved agricultural operation of the farm.
The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.	Yes	No detrimental impacts are likely to result from this proposal and the land is not identified as a significant piece of farming land. 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. The applicant proposes to rehabilitate and protect the soils and habitat.

Any integrated land management plan prepared for the site.	Yes	A land management plan has been integrated into the whole farm plan and is deemed to be satisfactory. 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.
Dwelling Issues		
result in the loss or fragmentation of productive agricultural	Yes	The proposed dwelling is in association with an agricultural business and will not result in the loss or fragmentation of productive agricultural land.
land.		The subject site adjoins land identified in the 2004 Strathbogie Shire Rural Residential Strategy to the north, it is considered those lots have been developed in a similar manner, and some have single dwellings and are still utilised for grazing.
		It is considered the dwelling is appropriately located on the site. It is considered the use and development should not result in loss or fragmentation of productive agricultural land.
		A whole farm plan has been submitted as part of the application and would be endorsed if a planning permit was issued.
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.	Yes	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> .

Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.	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 impact is made to the adjoining agricultural properties.
		The use of the land for a dwelling is very unlikely to limit the expansion of adjoining agricultural entities which are similarly constrained by surrounding dwellings and lots identified in the 2004 Strathbogie Shire Rural Residential Strategy to the north.
The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of	Yes	This dwelling is unlikely to contribute to a proliferation of dwellings in the area. There are already some dwellings along Boathole Road that are in association with agricultural production.
this on the use of the land for agriculture.		In addition land to the north of the subject site has been identified as Area 19 (Ruffy) in the 2004 Strathbogie Shire Rural Residential Strategy.
Environmental issues		
The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.	Yes	The dwelling has been sited appropriately on the site and a Land Capability Assessment has been carried out. The application was referred to Strathbogie Environmental Health Department who does not object subject to conditions.
The impact of the use or development on the flora and fauna on the site and its surrounds.	Yes	The application documentation submitted for this application demonstrates the land owner will seek to improve the site by undertaking land management processes such as pest eradication and vegetation and soil improvements. The Whole Farm Plan/ Land Management Plan will form part of any planning permit issued and included on a Section 173 Agreement.

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.	Yes	The proposal does not include the removal of any vegetation, nor is it likely that it would lead to vegetation removal in the future.
The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.	accordance with the required and the Responsible Authority and the	
Design and siting issues		
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.	Yes	The proposed dwelling is located appropriately on the site, where it can be appropriately drained, located away from the boundaries and clear of vegetation.
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.		The proposed siting is considered appropriate. The design and materials employed are appropriate within the rural context and the site's landscape. Should a permit be issued, a condition will be placed on the permit requiring muted tones on the exterior of the dwelling.
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.	Yes	The proposed dwelling is unlikely to detract from the existing character and amenity values of the area. Permit conditions will require that muted materials are used. This will mitigate any potential adverse visual impacts from buildings.

 Use and Development of Land for a Dwelling and Shed ~ Boathole Road, Ruffy (cont.)

The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.	Yes	The proposed building is considered to be appropriately located on the site away from significant vegetation and significant physical features. The proposal utilises the existing road.
Whether the use and development will require traffic management measures.	Yes	As the proposal is for a single dwelling, it is deemed not necessary for there to be traffic management measures implemented.

The Planning Policy Framework PPF)

Clause 13.02-1S Bushfire planning

• 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 13.02-1S. The subject site is within a bushfire prone area. The major bushfire hazards for the site are located more than 800 metres from the proposed dwelling, namely to the south and east.

The dwelling is proposed to be at least 70 metres from Boathole Road and will have suitable access for emergency vehicles including a turn-around area near the proposed garage. It is proposed the dwelling will be utilised as a permanent residence and will be managed and maintained appropriately. Standard bushfire protection conditions regarding water supply and access will be included on any planning permit issued. A neighbourhood safer place is located 60km way in Mansfield. Water tanks are proposed for both buildings.

Due to recent bushfires in the area the application was referred to the Country Fire Authority who have consented to the application and are confident the controls implemented through the "Building System" will adequately address the bushfire risk associated with the site on the subject land.

Clause 13.04-2S Erosion and landslip Objective

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

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. Revegetation works have been outlined within the application documentation to alleviate any land degradation processes.

Standard conditions will be included on any planning permit issued in regards to the retention of sediment and silt on site during and upon completion of construction.

 Use and Development of Land for a Dwelling and Shed ~ Boathole Road, Ruffy (cont.)

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 proposes that a dwelling is required to facilitate the reinstatement and management of an Olive Grove with 130 trees, install an internal irrigation network graze sheep and manage other areas for biodiversity and ecological improvement.

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 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.

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 facilitate the reinstatement and management of an Olive Grove with 130 trees, install an internal irrigation network, graze sheep and manage other areas for biodiversity and ecological improvement.

Given this, the proposal is considered consistent with this planning policy as detailed in the Strathbogie Planning Scheme.

Clause 14.02-1S, Catchment planning and management Objective

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

The dwelling is located over 100 metres from the nearest waterway to the east (Boggy Creek). The access driveway will follow the contours of the land to provide suitable drainage and to reduce potential for erosion.

Standard drainage conditions will be included on any planning permit issued.

 Use and Development of Land for a Dwelling and Shed ~ Boathole Road, Ruffy (cont.)

The Local Planning Policy Framework (LPPF) - including the Municipal Planning Strategy (MPS) 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 adjoins land identified in the 2004 Strathbogie Shire Rural Residential Strategy.

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. A Section 173 Agreement will prevent subdivision of the land which increases the number of lots including house lot excision. It 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.

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.

 Use and Development of Land for a Dwelling and Shed ~ Boathole Road, Ruffy (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 21.07-2 Urban Services Objective:

• To deliver sustainable services.

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 via tanks. Telecommunications cable is in the vicinity of the southern boundary. Water, sewer and gas are not available to the subject site, and electricity is not readily available. The proposal seeks approval for the use and development of an off-grid sustainable dwelling.

The proposal will have all of the above utilities or an alternative source and these can be required by way of condition on any permit issued.

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.

 Use and Development of Land for a Dwelling and Shed ~ Boathole Road, Ruffy (cont.)

> 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; however the lot adjoins land identified as Area 19 (Ruffy) in the 2004 Strathbogie Shire Rural Residential Strategy. The land is 22.7 hectares in area.

The land surrounding the smaller lifestyle parcels of land are used for small scale agricultural purposes, typically grazing. The site is approximately 820 metres from the township of Ruffy, and 18km from Old Longwood and the Hume Freeway to the north. The land neighbours Murrindindi Shire and is 10km west of Mansfield. The proposed driveway will be constructed to allow all weather access and minimum trafficable width for safe ingress and egress of emergency vehicles.

The dwelling is setback appropriately setback on the subject site 68 metres from the road and the southern boundary, approximately 700 metres from the eastern boundary, approximately 160 metres from the western boundary and 48 metres from the northern boundary. The shed is proposed to be located 50 metres on the western side of the dwelling, 56 metres from Boathole Road to the south and 104 metres from the western boundary. The dwelling and shed are more than 100metres from any waterway, neighbouring dwelling and 20 metres from the road and 5 metres from adjoining boundaries.

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 supported by a Whole Farm Plan. The property is being developed to produce olives, with planting already taking place within a well-drained and protected location. A total of 130 trees will be planted, and the irrigation network has been established. A bore is located on the property, which is licenced for irrigation purposes. The farm will be used to grow high quality olive fruit for olive oil production. The sale of olives grown on the property will be marketed to oil producers locally. The land is proposed to be maintained for fodder production (hay) within the areas containing pasture, whilst the established native vegetation will be managed for improved biodiversity purposes.

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 and 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.

 Use and Development of Land for a Dwelling and Shed ~ Boathole Road, Ruffy (cont.)

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 Municipal Planning Strategy and the Planning Policy Framework.
- 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.

 Use and Development of Land for a Dwelling and Shed ~ Boathole Road, Ruffy (cont.)

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 application has been referred to the Environmental Health Department who also do not object subject to conditions.

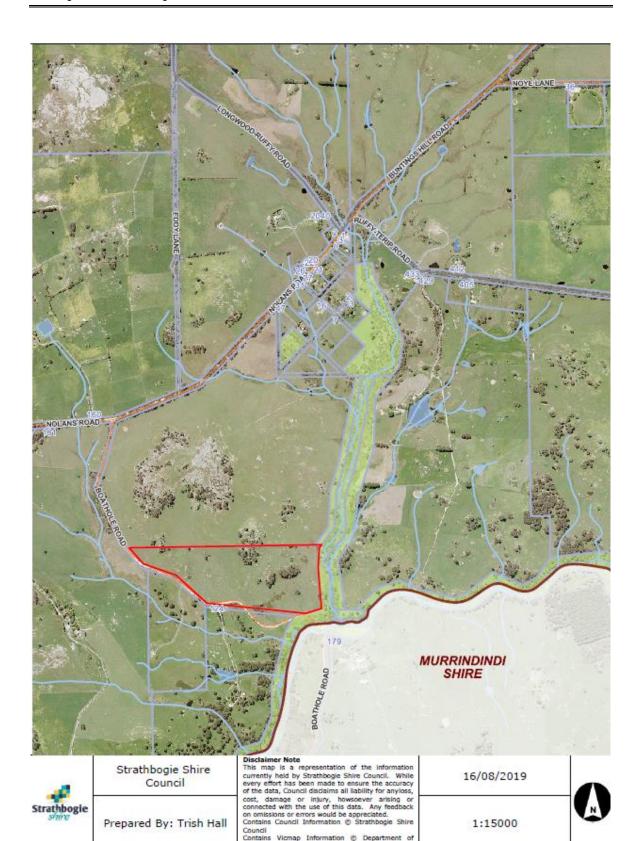
In summary, the proposal meets the objectives of the Planning Policy Framework, Local Planning Policy Framework, and Farming Zone.

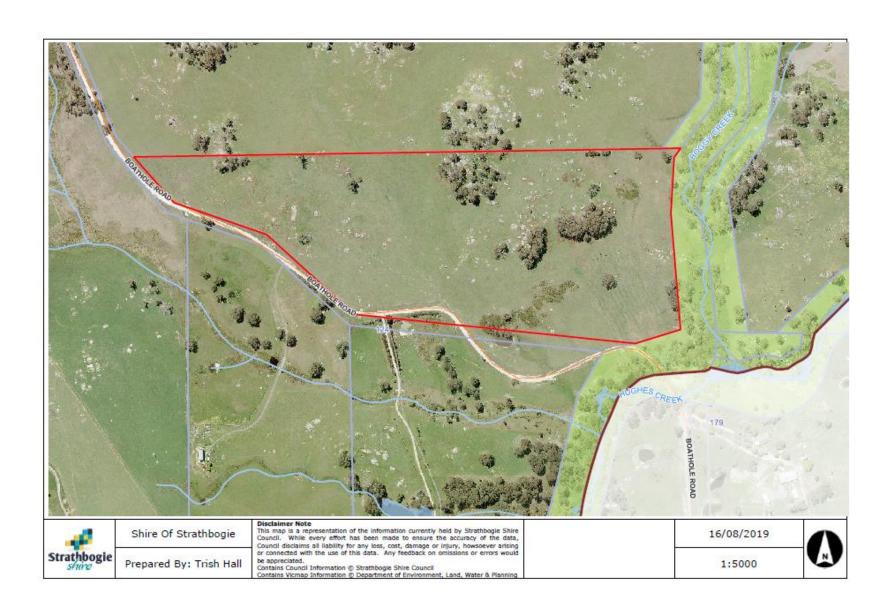
Conclusion

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

Attachments

Locality Maps





PLANNING COMMITTEE REPORT NO. 2 (ACTING MANAGER, PLANNING AND INVESTMENT - MELISSA CRANE)

7. OTHER BUSINESS

7.1 Strathbogie Planning Scheme Amendment C78

 Victorian Commission for Gambling and Liquor Regulation Notice of Amendment

Author / Department

Acting Manager Planning and Investment / Innovation and Performance Directorate

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

At the direction of the Department of Environment, Land, Water and Planning, further notice of Strathbogie Planning Scheme Amendment C78 was given under Section 32(2) of the *Planning and Environment Act 1987* to the Victorian Commission for Gambling and Liquor Regulation (VCGLR). A written response was received which advised there was no objection.

RECOMMENDATION

That Council having given further notice under Section 32(2) of the *Planning and Environment Act 1987* of Strathbogie Planning Scheme Amendment C78:

- has considered the submission under Section 22 of the Planning and Environment Act 1987;
- adopts the amendment under Section 29 of the Planning and Environment Act 1987; and
- submits the amendment to the Minister for Planning under Section 31 of the *Planning and Environment Act 1987.*

Background

At the Planning Committee Meeting held on 23 October 2018, Council adopted Planning Scheme Amendment C78. The amendment was submitted to the Minister of Planning for approval. The Department of Environment, Land, Water and Planning gave a direction under Section 32(2) of the *Planning and Environment Act 1987* (the Act) that prior to consideration of the amendment for approval, notice must be given to the Victorian Commission for Gambling and Liquor Regulation.

7.1 Strathbogie Planning Scheme Amendment C78

 Victorian Commission for Gambling and Liquor Regulation Notice of Amendment (cont.)

Although consultation was undertaken with VCGLR through the amendment process, notice was sent to VCGLR in January 2018 at the direction of the Department of Environment, Land, Water and Planning. The VCGLR responded by advising that the authority did not intend to provide a submission to the amendment. In order to progress the ministerial approval request, council must formally consider the submission under Section 22 of the Act, adopt the amendment after the consideration of the submission under Section 29 of the Act and submit the amendment for approval under Section 31 of The Act.

Alternative Options

The author and other officers providing advice in relation to this report have considered potential alternative courses of action. No feasible alternatives have been identified.

Risk Management

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

Strategic Links – policy implications and relevance to Council Plan

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

Best Value / National Competition Policy (NCP) / Competition and Consumer Act 2010 (CCA) implications

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

Financial / Budgetary Implications

The author of this report considers that the recommendation has no capital or recurrent budget considerations.

Economic Implications

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

Environmental / Amenity Implications

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

Community Implications

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

Victorian Charter of Human Rights and Responsibilities Act 2006

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

7.1 <u>Strathbogie Planning Scheme Amendment C78</u>

 Victorian Commission for Gambling and Liquor Regulation Notice of Amendment (cont.)

Legal / Statutory Implications

The author of this report considers that the recommendation has no legal or statutory implications which require the consideration of Council.

Consultation

The author of this report considers that the matter under consideration did not warrant a community consultation process.

Attachments

Nil.

PLANNING COMMITTEE REPORT NO. 3 (ACTING GROUP MANAGER, INNOVATION AND PERFORMANCE - EMMA KUBEIL)

7.2 Planning Applications Received - 11 July to 14 August 2019

Following are listings of Planning Applications Received for the period 11 July to 14 August 2019.

RECOMMENDATION

That the report be noted.

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

Planning Applications Received

Thursday, 11 July 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
66 Maggies Lane, Ruffy VIC 3666	P2019-075	Development of land for a shed	Darren Best	\$60,406.00

Friday, 12 July 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
42 Creek Drive, Euroa VIC 3666	P2018-169 - 2	Two (2) lot subdivision	DAVIDSON, James Hamilton	\$0.00

Monday, 15 July 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
23 Kettels Road, Kirwans Bridge	P2019-078	Development of land for alterations and extension to a dwelling	Bruce Mactier	\$200,000.00

Thursday, 18 July 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
123-133 High Street, Nagambie VIC 3608	P2016-100 - 1	Development of land to extend the existing residential village	Cameron Ross	\$0.00
Halsalls Lane, Creightons Creek VIC 3666	P2019-076	Development of land for a shed	Stacy McGregor	\$30,000.00

Friday, 19 July 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
207 Goulburn Weir Road, Goulburn Weir VIC 3608	P2019-077	Development of land for an extension to a dwelling	Hadyn Strichow	\$30,000.00

Wednesday, 24 July 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
354 Goulburn Weir-Murchison	P2019-050 - 1	Development of land for a retaining wall, gangplank and jetty	Andrew Roberts	\$0.00

Monday, 29 July 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
137 Creek Junction Road, Kithbrook VIC 3666	P2019-079	Boundary reallignment	Mr Gyula Kovacs	\$0.00
254 Oneils Road, Tabilk VIC 3607	P2019-080	Use and development of land for increased licensed area to allow for wedding receptions in the homestead garden and orchid (max pax 150 in each area), also supply food and alcohol on the cruise boat (max pax 30)	Tahbilk Pty Ltd	\$0.00
4 Bury Street, Euroa VIC 3666	P2019-081	Development of land for alterations to a building	Kristy King	\$40,000.00

Wednesday, 31 July 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
27-29 Binney Street, Euroa VIC 3666	P2019-082	Development of land for an open bay shed	Stephen Harrington	\$55,000.00

Friday, 2 August 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
21 Charman Avenue, Euroa VIC	P2018-158 - 1	Development of land for refurbishment of a dwelling and garage	Zvonko Orsanic	\$300,000.00

Wednesday, 7 August 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works		
131 Oneils Road, Tabilk VIC 3607	P2019-083	Development of land for a shed	Clare Hogan	\$49,862.00		
253-257 High Street, Nagambie VIC 3608	P2019-084	Two lot subdivision	T & C Development Services	\$0.00		

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Thursday, 8 August 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
3	P2019-086	2 (Two) Lot Subdivision	Neil & Jeffrey	\$0.00
3608			Lodding	

Friday, 9 August 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
1532 Euroa-Strathbogie Road, Kelvin View VIC 3666	P2018-044 - 2	Use and development of land for a dwelling, outbuilding and farm machinery shed	T & C Development Services	\$0.00

Monday, 12 August 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
79 Boundary Road North, Euroa VIC 3666	P2019-088	Development of land for a pool	Jillian Hayes	\$56,000.00

Tuesday, 13 August 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
909 Buffalo Swamp Road, Whroo VIC 3612	P2019-087	Development of land for a storage shed	Goulburn Valley Buildings	\$64,423.00

*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