



## STRATHBOGIE SHIRE COUNCIL

### PLANNING COMMITTEE

# AGENDA

MEETING TO BE HELD ON TUESDAY 11 FEBRUARY 2013

COMMENCING AT 4.00 P.M.

AT THE EUROA COMMUNITY CONFERENCE CENTRE

**Councillors:** Malcolm Little (Chair)  
Colleen Furlanetto  
Alister Purbrick  
Patrick Storer  
Debra Swan  
Robin Weatherald  
Graeme (Mick) Williams

**Officers:** Steve Crawcour - Chief Executive Officer  
Phil Howard - Director, Sustainable Development  
Steven Hicks – Manager, Statutory Services  
Emma Kubeil – Manager, Economic Growth  
Jennifer Dowling – Team Leader, Planning  
Roy Hetherington – Director, Asset Services

**Business:**

1. Welcome
2. Acknowledgement of Traditional Land Owners  
  
*'In keeping with the spirit of Reconciliation, we acknowledge the traditional custodians of the land on which we are meeting today. We recognise indigenous people, their elders past and present'.*
3. Apologies
4. Confirmation of Minutes of the Planning Committee meeting held on Tuesday 10 December 2013
5. Disclosure of Interests

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**EXCERPT FROM MEETING PROCEDURE LOCAL LAW NO. 1**

***CONDUCT OF PUBLIC***

**52. VISITORS**

- (1) Visitors must not interject or take part in debate.
- (2) Silence shall be preserved in the gallery at all times.
- (3) If any visitor is called to order by the Chairperson and again acts in breach of this Local Law, the Chairperson may order that person to be removed from the gallery.

**53. CALL TO ORDER**

Any person who has been called to order including any Councillor who fails to comply with the Chairperson's direction will be guilty of an offence.

Penalty: \$500

**54. REMOVAL FOR DISRUPTION**

The Chairperson has discretion to cause the removal of any person including a Councillor who disrupts any meeting or fails to comply with a direction under the provisions of this Local Law.

6. Planning Reports
7. Other Business

Steve Crawcour  
**CHIEF EXECUTIVE OFFICER**

6 February 2014

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**PLANNING COMMITTEE REPORT NO. 1 (MANAGER, ECONOMIC GROWTH – EMMA KUBEIL)**

**6. PLANNING REPORTS**

**6.1 Planning Permit Application No. P2013/095  
- Development of Land for Six Dwellings and the Removal of an Easement ~ 12-14 Howitt Avenue, Euroa**

**Application Details:**

Application is for:	Development of land for six dwellings and the removal of an easement
Applicant's/Owner's Name:	T Quattrocchi
Date Received:	13 August 2013
Statutory Days:	53 days at 30 Jan 2014
Application Number:	P2013/095
Planner: Name, title & department	Emma Kubeil Manager Economic Growth Sustainable Development
Land/Address:	Lot 6 on Plan of Subdivision 088825, Certificate of Title Volume 08845 Folio 595 and Lot 7 on Plan of Subdivision 088825, Certificate of Title Volume 08845 Folio 596 12-14 Howitt Avenue, Euroa.
Zoning:	Residential 1 Zone
Overlays:	Land Subject to Inundation Overlay
Under what clause(s) is a permit required?	Clause 32.01-4; Clause 44.04-1; Clause 52.02
Restrictive covenants on the title?	Nil
Current use and development:	Vacant land

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

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

**Summary**

- The application is for the development of land at 12-14 Howitt Street, Euroa for six (6) dwellings and the removal of the existing drainage easement along the eastern side of the allotment.

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- The dwellings will each be single storey and comprise three bedrooms. Access will be provided via a central driveway.
- The application was advertised and one (1) objection was received. The objection related to over development of the site and flood/drainage impacts.
- The application was referred externally to Goulburn Valley Water (GVW). Following discussions with GVW they did not object to the application, subject to amendments to the plan and conditions.
- The application was referred externally to Goulburn Broken Catchment Management Authority (GBCMA) who did not object, subject to conditions.
- The application was referred internally to Council's Asset Services department who did not object, subject to conditions.
- The application has not been assessed within the 60 day statutory timeframe due to discussions between Council, GVW and the Applicant in relation to the easement and rear setbacks.
- The application is being heard before Planning Committee due to one (1) unresolved objection.
- The proposed dwellings comply with the Objectives and Standards of Rescode (Clause 55).
- In summary, the proposal meets the objectives of the State Planning Policy Framework, Local Planning Policy Framework, Residential 1 Zone and Land Subject to Inundation Overlay.

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## RECOMMENDATION

### That Council:

- **having caused notice of Planning Application No. P2013/095 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 32.01-4; Clause 44.04-1; and Clause 52.02 of the Strathbogie Planning Scheme in respect of the land known as Lot 6 on Plan of Subdivision 088825, Certificate of Title Volume 08845 Folio 595 and Lot 7 on Plan of Subdivision 088825, Certificate of Title Volume 08845 Folio 596; 12-14 Howitt Avenue, Euroa., for the Development of land for six dwellings and the removal of an easement, in accordance with endorsed plans, subject to the following conditions:**

1. **Prior to the commencement of development, the owner must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority. Such agreement shall require:**
  - (a) **The Private Open Space areas identified on the endorsed plan must be maintained as permeable areas.**

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

- 2. That upon receipt of the Section 173 Agreement, Council sign and affix the Agreement with the Common Seal of Strathbogie Shire Council.**
- 3. Prior to the commencement of works, plans to the satisfaction of the Responsible Authority must be submitted and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of three (3) copies must be provided. Such plans must show:**
  - (a) Windows (highlight or standard) within the northern walls of the family areas of Units 2 and 5.**
  - (b) Obscure glass to all bathroom windows.**
  - (c) Proposed landscaping for the site including a planting schedule of all proposed trees, shrubs and ground cover, which will include the location, number and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface materials as specified.**
- 4. The 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.**
- 5. Prior to the commencement of any works, detailed design plans for the development must be submitted for approval, to the satisfaction of the Responsible Authority. When approved, the plans will be endorsed and will form part of the planning permit. The plans must include the following all in accordance with Council's adopted 'Infrastructure Design Manual':**
  - (a) Road reserve, carriageway and verge widths**
  - (b) All infrastructure including drainage, public lighting and utility services.**
  - (c) Vehicle crossing for each lot.**
  - (d) Common access road with a concrete pavement design (or equivalent) incorporating kerb and channel.**
  - (e) Drainage design.**
  - (f) All surface details including pavement details.**
  - (g) Street tree locations and landscape plan.**
  - (h) Clearly outlined garbage collection point.**

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6. **Prior to the commencement of any works, the drainage system must be designed to incorporate principles of Water Sensitive Urban design and be designed so that the rate of storm water runoff from the development must not be more than the rate of runoff from the site prior to the development, all to the satisfaction of the Responsible Authority. The drainage design must incorporate on site storage for 100 year two hour storm event. A stormwater drainage plan including calculations must be submitted to the responsible authority for approval. Note that the storage may require both rainwater tanks and surface storage in the common access driveway.**
7. **Prior to acceptance of the works, vehicular crossings for each lot must be constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority, via a Vehicle Crossing permit and must comply with the following:**
  - (a) **Standard concrete residential vehicular crossings, as per the relevant standard drawing (SD240) of the Infrastructure Design Manual, must be constructed at right angles to the common access road to suit the proposed driveways, and tie in with the new kerb and channel.**
  - (b) **Any proposed 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.**
  - (c) **Crossings shall be either combined or at least 9 metres apart.**
8. **Prior to acceptance of works the existing entrance to the development must be upgraded in accordance with Council's current standard for industrial vehicle crossings with reference made to standard drawing SD250.**
9. **Any damage to the Responsible Authority's assets (i.e. sealed roads, kerb & channel, nature strip etc.), and boundary fences, must be repaired at the cost of the applicant all to the satisfaction of Responsible Authority.**
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. No effluent or polluted water of any type may be allowed to enter the stormwater drainage system.**

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12-14 Howitt Avenue, Euroa (cont.)

11. The landscaping shown on the endorsed plans must be maintained for a period of three months from the date of practical completion of the works to the satisfaction of the Responsible Authority. Any dead, diseased or damaged plants are to be replaced within 12 months of the date of practical completion for the works.
12. In the event of mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, appropriate measures must be implemented to minimise the problem to the satisfaction of the Responsible Authority.
13. 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.
14. Goulburn Broken Catchment Management Authority Condition:
  - (a) The finished floor levels of the proposed dwelling must be constructed at least 300 millimetres above the 100-year ARI flood level of 175.2 metres AHD, i.e. 175.5 metres AHD, or higher level deemed necessary by the Responsible Authority.
15. Goulburn Valley Water Conditions:
  - (a) Payment of a new customer contribution charges for water supply to units 2-5, such amount being determined by the Corporation at the time of payment.
  - (b) Provision of individual water supply meters to each dwelling (6 units) within the development.
  - (c) Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.

All works required are to be carried out in accordance with AS 3500.2 – 'Sanitary plumbing and drainage,' and to the satisfaction of the Corporation's Property Services Section.
  - (d) A notation is to be placed on the Plan of Subdivision to note that pursuant to Section 12(2) of the Subdivision Act 1988, there exists "implied easements" over all of the allotments and the common property within the development.



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**Alternatively, the developer is to provide a two metre wide sewerage easement over the common portion of the house connection drain, in favour of the benefiting land, to the satisfaction of the Goulburn Valley Region Water Corporation.**

**16. 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.**

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

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

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

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

**Planning Notes:**

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

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**GV Water Note:**

- **Should the applicant wish to subdivide each tenement onto separate titles in the future, provision of appropriate servicing arrangements to facilitate a future subdivision proposal should be investigated as part of this development.**

**GBCMA Note:**

- **The 100-year ARI flood is not the maximum possible flood. There is always a possibility that a flood larger in height and extent, than the 100-year ARI flood, may occur in the future.**

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**Proposal**

The proposal seeks to use and develop the land at 12-14 Howitt Avenue, Euroa for six (6) dwellings and to remove easement E-1, a 3.05 metre wide drainage easement running along the eastern boundary of Lot 6 (12 Howitt Avenue).

The proposed development will comprise:

- A central access way providing access to common property areas and to the six dwellings. This area will be constructed with patterned concrete paving.
- Six single storey dwellings each comprising 3 bedrooms (main with ensuite), open living areas, rear private open space areas and a single garage with tandem car space.
- Two visitor parking spaces.
- Letterbox and electrical switchboard facilities within the frontage of the site.
- A 5m landscaped front setback and minimum 1m rear setback.
- Garages are built to the side boundaries of the site.

The proposed dwellings will have floor spaces between 123 and 133 square metres. The private open space areas provided will be minimal with areas between 39.5 and 65.5 square metres provided with a minimum width of 4 metres.

A design response was provided with the application.

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12-14 Howitt Avenue, Euroa (cont.)

**Subject site & locality**

The subject site comprises approximately 1883 square metres with a 39 metre southern frontage to Howitt Avenue and side frontages of approximately 45 and 47 metres.

The site is currently vacant and devoid of any vegetation. An easement (3.05m wide) runs north south along the eastern boundary of the allotment. The site has a slight fall to the eastern boundary.

The adjoining lots to the east and west are also vacant. Dwellings are located on No. 6, 18 and 20 Howitt Avenue as well as on allotments along the southern side of Howitt Avenue. The allotments to the south of Howitt Street are angled to the street.

To the north of the subject site is the Euroa Local Command Centre on Clifton Street. Other properties on this portion of Clifton Street comprise dwellings and semi commercial premises. A park is located on the other side of Clifton Street.

Dwellings in the area are typically single storey (brick veneer or timber) with small landscaped setbacks and tiled pitched roof forms. Dwellings are predominantly early twentieth century in design and construction. Residential allotments are typically traditional quarter acre (1000 square metres) blocks. It is noted an application is currently before Council relating to the subdivision of land into three unit sized blocks each less than 400 square metres at 29 Lewis Street, less than 150 metres from the subject site.

The subject site is approximately 960 metres from Euroa's town centre and less than 200 metres to the hospital. The site is within approximately 400m walking distance to the Euroa Primary School.

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**Permit/Site History**

Nil on Council records

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**Public Notification**

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by a sign on site and notices to adjoining landholders. The notification has been carried out correctly.

Council has received one (1) objection to date. The key issues that were raised in the objection were:

- Over development of the site and the risk of a "ghetto" establishing.
- Flooding impacts from increased development and the increase in run-off.

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12-14 Howitt Avenue, Euroa (cont.)

**Consultation**

Council and Goulburn Valley Water (GVW) have had extensive consultation with the applicant regarding the location of the development and the impact on existing sewerage infrastructure to the rear of the site. GVW initially refused the application due to the impact on the existing sewer main from the location of the garages to Units 3 and 4. A further information request was provided to the applicant seeking a response to the objection grounds on September 11<sup>th</sup>, 2013. Discussions resulted in the development being setback 1m from the rear boundary to which GVW did not object. Plans showing the revised layout were received by Council on November 22<sup>nd</sup>, 2013.

**Referrals**

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	GBCMA – no objection, subject to conditions
Section 52 Notices	GVW – no objection, subject to conditions following amendments to the plan

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

The Asset Service response included the following note:

- The easement proposed for removal appears to be redundant as it is not consistent with the location of the drainage line on site. Asset services consents to removal of the easement from the north eastern side of lot 12, Howitt Avenue. The easement shall be added to lot 10, Howitt Avenue before development of the adjacent land.

**Assessment**

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

**Residential 1 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 residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.*
- *To encourage residential development that respects the neighbourhood character.*
- *In appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.*

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12-14 Howitt Avenue, Euroa (cont.)

A permit is required to construct two or more dwellings on a lot, pursuant to Clause 32.01-4.

**Land Subject to Inundation Overlay**

Purpose:

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

A permit is required for buildings and works within the overlay, pursuant to Clause 44.04-1.

The application was referred to GBCMA who did not object, subject to conditions regarding building floor heights.

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

Clause 11.02-1, *Supply of urban land*, of the Strathbogie Planning Scheme states as its objectives:

- *To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*

Clause 15.01-2, *Urban design principles*, of the Strathbogie Planning Scheme states as its objectives:

- *To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.*

Clause 16, *Housing*, of the Strathbogie Planning Scheme states that:

- *Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure.*
- *New housing should have access to services and be planned for long term sustainability, including walkability to activity centres, public transport, schools and open space.*

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12-14 Howitt Avenue, Euroa (cont.)

- *Planning for housing should include providing land for affordable housing.*

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

Clause 21.02-1, *Whole Municipality*, of the Strathbogie Planning Scheme is relevant to this proposal. Its strategies include:

- *Encourage development that considers environmentally sustainable practices...*
- *Ensure residential development can be appropriately serviced and is developed considering good design principles.*

Clause 21.03-2, *Euroa*, of the Strathbogie Planning Scheme is relevant to this proposal. Its objectives include:

- *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.*

The Euroa Structure Plan within this Clause identifies the site as residential.

**Relevant Particular Provisions**

Clause 52.02

Clause 52.02, *Easements, restrictions and reserves*, of the Strathbogie Planning Scheme applies to the proposal. The purpose of Clause 52.02 is:

- *To enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered.*

A permit is required before a person proceeds:

- *Under Section 23 of the Subdivision Act 1988 to create, vary or remove an easement or restriction or vary or remove a condition in the nature of an easement in a Crown grant.*

Decision guidelines for this Clause include that the responsible authority must consider the interests of affected people. As noted above, Council's Assets Services department has no objection to the removal of the easement.

Clause 52.06

Clause 52.06, *Car parking*, of the Strathbogie Planning Scheme applies to the proposal. The clause requires two (2) spaces for each three bedroom dwelling and one (1) visitor space for every five dwellings. The proposal provides two (2) spaces to each of the six dwellings as well as two (2) visitor spaces; this is in line with the requirements.

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Clause 55

Clause 55, *Two or more dwellings on a lot and residential buildings*, of the Strathbogie Planning Scheme applies to the proposal. A response to Clause 55 is provided in the table below.

Std No.	Description	Assessment Comments	Complies?
B1	<p><b>Neighbourhood character</b></p> <p><i>The design response must be appropriate to the neighbourhood and the site.</i></p> <p><i>The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.</i></p>	<p>The proposed development is in an established residential area. The proposal will provide for six dwellings within an established residential area of Euroa in close proximity to services and infrastructure. The development form of single storey dwellings is in keeping with surrounding development.</p> <p>A design response plan was provided with the application.</p>	✓
B2	<p><b>Residential policy</b></p> <p><i>Written statement of State policy and local planning policy framework</i></p>	<p>The proposal complies with the State and Local Planning Policies by providing a diversity of dwelling types within Euroa. The proposal locates increased density in a serviced and accessible location.</p>	✓
B3	<p><b>Dwelling diversity</b></p> <p><i>Range of dwelling sizes and types for developments of 10 or more dwellings</i></p>	<p>The development will provide six (6) small dwellings each with three (3) bedrooms. All dwellings are single storey.</p>	✓
B4	<p><b>Infrastructure</b></p> <p><i>Able to be connected to reticulated services. Capacity of the existing infrastructure.</i></p>	<p>There is existing infrastructure available and the dwellings can be connected to reticulated services.</p>	✓
B5	<p><b>Integration with the street</b></p> <p><i>Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.</i></p> <p><i>Development oriented to the street frontage.</i></p> <p><i>High fencing in front of dwelling should be avoided.</i></p>	<p>The development provides adequate and safe vehicle &amp; pedestrian links.</p> <p>The dwellings will front onto an internal driveway with Units 1 and 6 fronting Howitt Avenue. The common area driveway is designed to allow for adequate turning movements and to allow for clear lines of sight.</p> <p>Fencing is not proposed along the frontage in keeping with the neighbourhood character.</p>	✓
B6	<p><b>Street setback</b></p> <p><i>Minimum Setback from front street (m).</i></p>	<p>The front setback is proposed to be 5 metres. This is less than the standard of 6 metres; however this is considered to be appropriate to provide an adequate offset at the rear and is in keeping with the neighbourhood character which includes dwellings with minimal front setbacks (1, 2 &amp; 3 Howitt Avenue).</p>	X

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12-14 Howitt Avenue, Euroa (cont.)

B7	<b>Building Height</b> <i>9 metres maximum</i>	The development has a maximum height of less than 9m. The dwelling ceiling heights are a maximum of 3m. The single storey form is consistent with the character.	✓
B8	<b>Site Coverage</b> <i>60% maximum coverage</i>	The proposal has a maximum site coverage of less than 60%. The overall site coverage is 48.2%. This meets the standard however it is more than the site coverage of most Howitt Avenue developments.	✓
B9	<b>Permeability</b> <i>Pervious surfaces 20% min</i>	Pervious surfaces cover will be 28% of the site. This meets the standard.	✓
B10	<b>Energy Efficiency</b> <i>Orientation</i> <i>Living areas located on the north side of development.</i> <i>Maximise north facing windows</i>	The dwellings have been designed to maximise energy efficiency by orientating the dwellings to include north facing POS or living areas where possible.  Energy efficiency could be improved to Units 2 and 5 by providing highlight windows to the northern walls of the family areas.	✓
B11	<b>Open Space</b> <i>If any public or communal open space is provided on site it should: be fronted by dwellings, provide outlook for dwellings, be designed to protect any natural features, be accessible and useable.</i>	No communal open space is proposed.	✓
B12	<b>Safety</b> <i>Entrances to dwellings should not be obscured or isolated from the street and internal access ways.</i> <i>Planning which creates unsafe spaces along streets and access ways should be avoided.</i> <i>Developments should be designed to provide good lighting, visibility and surveillance of car parking and internal access ways.</i> <i>Private spaces within developments should be protected from inappropriate use as public thoroughfares.</i>	The entrances to each of the proposed dwellings are visible from the street or internal driveway.  No public thoroughfare areas will be created.	✓



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12-14 Howitt Avenue, Euroa (cont.)

B13	<p><b>Landscaping</b></p> <p><i>Protect any predominate landscape character of the neighbourhood.</i></p> <p><i>To provide appropriate landscaping</i></p> <p><i>To encourage the retention of mature vegetation on the site.</i></p>	<p>A condition will be included on the permit requiring a landscaping plan.</p> <p>The plan must be to the satisfaction of the Responsible Authority and completed within three months of the commencement of use.</p>	✓
B14	<p><b>Access</b></p> <p><i>Allow convenient, safe and efficient vehicle movements and connections within the development and the street network</i></p> <p><i>Forward direction exit</i></p> <p><i>Be at least 3 metres wide</i></p> <p><i>Have an internal radius of at least 4 metres at changes of direction</i></p> <p><i>Accessways width not exceed 33% or frontage &gt;20metre 40%</i></p>	<p>Access to the dwellings is simple and has been designed to enable a sufficient space for vehicles to exit the subject site in a safe and efficient manner. The common areas allow for cars to turn and exit in a forward manner.</p> <p>Council Assets Services has not objected to the proposal subject to conditions.</p> <p>Accessways for this development do not exceed 40% of the lot frontage and is at least 3m wide.</p>	✓
B15	<p><b>Parking location</b></p> <p><i>Reasonably close and convenient to dwellings and residential buildings</i></p> <p><i>Be secure</i></p> <p><i>Allow safe and efficient movements within the development</i></p>	<p>All dwellings are provided with a single lock-up garage and tandem car parking space, located to the side of each dwelling.</p> <p>Two additional car parking spaces are proposed within the site for visitors.</p>	✓
B17	<p><b>Side and rear yard setbacks</b></p> <p><i>Side or rear setbacks - 1 m plus 0.3m for every metre of height over 3.6 m up to 6.9m, plus 1m for every metre over 6.9m</i></p>	<p>The proposed dwellings are single storey and have a minimum side setback of 1m (Units 3 &amp; 4). The garages to Units 1, 2, 5 &amp; 6 are located on the side boundaries.</p>	✓
B18	<p><b>Walls on boundary</b></p> <p><i>A new wall constructed on or within 200mm of a side or rear boundary of a lot or carport constructed on or within 1m of a side or rear boundary should not abut a boundary for a length of no more than – 10m plus 25% of the remaining length of the boundary of an adjoining lot</i></p>	<p>The garages are proposed on the boundary or within 1m of the boundary. The length of the garages on each boundary is less than 10 metres.</p>	✓
B19	<p><b>Daylight to existing windows</b></p> <p><i>Impact on existing dwellings</i></p>	<p>There are no adjoining dwellings to the north, west and east. The proposed dwellings will not impact on daylight to existing dwellings.</p>	✓
B20	<p><b>North facing windows</b></p> <p><i>North facing habitable rooms</i></p>	<p>There are no adjoining north facing windows which would be impact by the proposal.</p>	✓

6.1 Planning Permit Application No. P2013/095  
- Development of Land for Six Dwellings and the Removal of an Easement ~  
12-14 Howitt Avenue, Euroa (cont.)

B21	<p><b>Overshadowing Open Space</b></p> <p><i>The impact of the proposal on the amenity of existing dwellings and their private open space areas</i></p>	<p>The application states there is no overshadowing to the open space areas of adjoining properties. Overshadowing will be minimal.</p>	✓
B22	<p><b>Overlooking</b></p> <p><i>Habitable room windows balcony, terrace, deck or patio should be located and designed to avoid direct views into a secluded private open space of an existing dwelling. Views should be measured from a height of 1.7metres above floor level with a horizontal distance of 9m and a 45-degree angle for the setback.</i></p>	<p>The proposed dwellings are single storey and have a colorbond fence. Overlooking to adjoining properties will be in accordance with the relevant standard.</p>	✓
B23	<p><b>Internal views</b></p> <p><i>Windows and balconies should be designed to prevent overlooking of more than 50% of the secluded private open space of a lower-level dwelling or residential building directly below or within the same development.</i></p>	<p>As the dwellings are single storey, there will be no internal views between the dwellings.</p>	✓
B24	<p><b>Noise impacts</b></p> <p><i>Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings.</i></p> <p><i>Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take into account noise sources on immediately adjacent properties</i></p>	<p>The proposal does not include mechanical plants near proposed bedrooms nor is there a plant on existing properties that will result in noise impacts to proposed bedrooms.</p>	✓
B25	<p><b>Accessibility</b></p> <p><i>The dwelling entries of the ground floor of dwellings and residential buildings should be made accessible to people with limited mobility.</i></p>	<p>The entrances to the dwellings could easily be made to be accessible. It is noted that flooding considerations restrict accessibility to the site.</p>	✓
B25	<p><b>Dwelling entry</b></p> <p><i>Entries to dwellings and residential buildings should:</i></p> <ul style="list-style-type: none"> <li>- <i>Be visible and easily identifiable from streets and other public areas.</i></li> <li>- <i>Provide shelter, a sense of personal address and transitional space around the entry.</i></li> </ul>	<p>Each dwelling's entry is well defined. A porch area at the entrance of the dwelling provides a comfortable access to the dwelling.</p>	✓

6.1 Planning Permit Application No. P2013/095  
- Development of Land for Six Dwellings and the Removal of an Easement ~  
12-14 Howitt Avenue, Euroa (cont.)

B27	<p><b>Daylight to new windows</b></p> <p><i>A window in a habitable room should be located to face:</i></p> <p><i>- An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot</i></p>	Habitable room windows are well located to receive adequate daylight.	✓
B28	<p><b>Private open space</b></p> <p><i>An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room.</i></p>	<p>The application proposes POS areas of:</p> <ul style="list-style-type: none"> <li>- 39.5sqm for Units 5 &amp; 6</li> <li>- 42.5sqm for Units 1 &amp; 2</li> <li>- 65.5sqm for Units 3 &amp; 4</li> </ul> <p>The areas are all at least 4m wide. With the exception of Units 3 &amp; 4 the POS areas also contain storage sheds and clotheslines reducing the area available. The areas are minimal particularly for Units 5 &amp; 6.</p> <p>Units 1 &amp; 6 will also have access to landscaped frontages.</p>	✓
B29	<p><b>Solar access to open space</b></p> <p><i>The private open space should be located on the north side of the dwelling or residential building, if appropriate.</i></p> <p><i>The southern boundary of secluded open space should be setback from any wall on the north side of the space at least (2+0.9h metres, where 'h' is the height of the wall.</i></p>	<p>Units 3 &amp; 4 will have north facing POS areas.</p> <p>Units 1 &amp; 2 will have west facing POS areas.</p> <p>Units 5 &amp; 6 will have east facing POS areas.</p> <p>The setbacks from the northern wall of POS areas meet the standard.</p>	✓
B30	<p><b>Storage</b></p> <p><i>Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.</i></p>	The development includes provision of sheds with 6 cubic metres for storage.	✓
B31	<p><b>Design Detail</b></p> <p><i>To encourage design detail that respects the existing or preferred neighbourhood character.</i></p>	The design of the proposed dwellings responds to the existing character of the area through the development of single storey dwellings and vertical design elements to the entrances along Howitt Avenue.	✓
B32	<p><b>Maximum front fence height</b></p> <p><i>Should not exceed 1.5 metres in height when adjoining a road that is not located in a road zone.</i></p>	No front fences are proposed.	✓

6.1 Planning Permit Application No. P2013/095  
- Development of Land for Six Dwellings and the Removal of an Easement ~  
12-14 Howitt Avenue, Euroa (cont.)

B33	<p><b>Common property</b></p> <p><i>Clearly delineate public, communal and private areas.</i></p> <p><i>Common property should be functional and capable of efficient management.</i></p>	The driveway will be common property and can be clearly delineated.	✓
B34	<p><b>Site services</b></p> <p><i>Ensure site services can be installed, maintained and look attractive.</i></p>	The application states that all mailboxes will be located at the entrance to the driveway. Bins can be accommodated within the 6.5m long garages.	✓

**The decision guidelines of Clause 65**

Clause 65.01, Approval of an application or plan, of the Strathbogie Planning Scheme is relevant to this proposal. It states that the following must be considered when assessing an application:

- *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.

6.1 Planning Permit Application No. P2013/095  
- Development of Land for Six Dwellings and the Removal of an Easement ~  
12-14 Howitt Avenue, Euroa (cont.)

**Risk Management**

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

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

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

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**Summary of Key Issues**

The application seeks the development of land at 12-14 Howitt Avenue, Euroa for six dwellings and the removal of the north-south drainage easement (E-1) along the eastern boundary.

The proposed dwellings will each be single storey with three bedrooms and will be accessed from a central common property boundary. The proposal will include a 5m front setback. Adequate parking for residents and visitors will be provided internally to the site.

With regards to the drainage easement to be removed, Council's assets services department have indicated the easement does not appear to be in line with the drainage infrastructure and they do not object to the removal of the easement.

The application was advertised and one (1) objection was received. The objection related to over development of the site and flood/drainage impacts.

The application has not been assessed within the 60 day statutory timeframe due to discussions between Council, GVW and the Applicant.

The application has come to Planning Committee due to the unresolved objection.

With regard to the Zone:

- The application was referred externally to GVW. Following discussions with GVW they did not object to the application, subject to amendments to the plan and conditions.
- The application was referred internally to Council's Asset Services department who did not object, subject to conditions.
- The proposal provides for increased density within a central part of Euroa in close proximity to schools and other community facilities including public open space areas. Whilst the location is not proximate to the town centre, commercial facilities are available along Clifton Street. Overall, it is considered that the location is appropriate for such an increase in density provided the built form is of a high quality.
- The proposed dwellings meet the Objectives and Standards of Rescode (Clause 55). Improvements to the designs could be made to ensure adequate solar access for each dwelling. Conditions will be placed on the permit to require screening, additional windows, landscaping and permeable surfaces within the Private Open Space areas.

6.1 Planning Permit Application No. P2013/095  
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12-14 Howitt Avenue, Euroa (cont.)

- The design of the dwellings being single storey brick dwellings with tiled pitched roof forms and a landscaped frontage is consistent with the character of Howitt Avenue.

With regard to the Overlay:

- The application was referred externally to GBCMA who did not object, subject to conditions regarding finished floor levels.
- Drainage conditions (Assets Services) will be included on the permit to ensure stormwater drainage is appropriately managed on site.

In summary, the proposal meets the objectives of the State Planning Policy Framework, Local Planning Policy Framework, Residential 1 Zone and Land Subject to Inundation Overlay.

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### **Conclusion**

After due consideration, it is recommended that Council resolve to issue a Notice of Decision to grant a permit in accordance with the officers recommendation.

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### **Attachments**

Site Map.



**PLANNING COMMITTEE REPORT NO. 2 (MANAGER, ECONOMIC GROWTH – EMMA KUBEIL)**

**6.2 Planning Permit Application No. P2013/117  
- Use and Development of Land for a Dwelling ~ 53 Lydiards Road, Euroa**

**Application Details:**

Application is for:	Use and development of the land for a dwelling
Applicant's/Owner's Name:	Tomkinson Group – Monger & Tomkinson
Date Received:	10 September 2013
Statutory Days:	105 Days
Application Number:	P2013-117
Planner: Name, title & department	Emma Kubeil Manager Economic Growth Sustainable Development
Land/Address:	Crown Allotment 2 Section A1 Parish of Euroa, Certificate of Title Volume 06348 Folio 506, 53 Lydiards Road, Euroa
Zoning:	Farming Zone
Overlays:	Land Subject to Inundation Overlay (part), Floodway Overlay (part)
Under what clause(s) is a permit required?	Clause 35.07-1 Clause 35.07-4 Clause 44.03-1 Clause 44.04-1
Restrictive covenants on the title?	n/a
Current use and development:	Agriculture

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

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

**Summary**

- The proposal is for the use and development of land for a dwelling.
- The site is located in the Farming Zone.
- The lot size is approximately 8.6356 hectares.
- The character of the area is rural residential.
- The application was referred internally to Council's Asset Services Department and Council's Health Officer who offered no objection, subject to conditions.



6.2 Planning Permit Application No. P2013/117  
- Use and Development of Land for a Dwelling ~ 53 Lydiards Road, Euroa (cont.)

- An assessment against the Farming Zone, Floodway Overlay, Land Subject to Inundation Overlay and State and Local Policies indicates the proposal is consistent with these provisions of the Strathbogie Planning Scheme.
- The application was advertised to adjoining landholders, no objections have been received to date.
- The application is being presented to Planning Committee as the proposal is for a dwelling on an allotment under the minimum lot size in the Farming Zone, i.e. 40 hectares.
- The application has been assessed outside the 60 day statutory time period due to consultation with applicant on preferred site location and capability.
- It is recommended that Council resolve to Grant a Permit in accordance with the Officer's recommendation.

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**RECOMMENDATION**

**That Council:**

- ***having caused notice of Planning Application No. P2013-117 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, Clause 35.07-4, Clause 44.03-1 and Clause 44.04-1 of the Strathbogie Planning Scheme in respect of the land known as Crown Allotment 2 Section A1 Parish of Euroa, Certificate of Title Volume 06348 Folio 506, 53 Lydiards Road, Euroa for the use and development of the land for a dwelling, in accordance with endorsed plans, subject to the following conditions:**

- 1. Prior to the commencement of the development, amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of three copies must be provided. Such plans must be generally in accordance with the plan submitted but modified to show:**
  - a. Fully dimensioned site plan, floor plans and elevations.**
- 2. Prior to the commencement of development, the owner must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority. Such agreement shall:**
  - a. *Prevent the excision of the dwelling from the parent lot.***

6.2 Planning Permit Application No. P2013/117  
- Use and Development of Land for a Dwelling ~ 53 Lydiards Road, Euroa (cont.)

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

- 3. Prior to the commencement of the use vehicular entrances to the subject land from the road shall be constructed at a location and of a size and standard satisfactory to the Responsible Authority. The vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense. The final location of the crossing is to be approved by the Responsible Authority via a Vehicle Crossing Permit. Reference should be made to the relevant clause of the Infrastructure Design Manual.**
- 4. Prior to the commencement of the use all internal access roads must be constructed, formed and drained to avoid erosion and to minimise disturbance to natural topography of the land to the satisfaction of the Responsible Authority. Internal access, including the turn-around areas for emergency vehicles, must be all weather construction with a minimum trafficable width of 4m.**
- 5. Prior to the commencement of works, a permit to install a septic tank system is required from the Responsible Authority. An application to alter the existing septic tank may also be required if deemed wastewater generation will be increased.**
- 6. You are required to consult a suitably qualified person to conduct a Land Capability Assessment for the proposed new dwelling. The LCA must consider, soil profiles, soil percolation rates wastewater generation per bedroom/studies.**
- 7. Prior to the commencement of use, the Owner must provide and install a septic tank system (All Water Waste System or Treatment plant) in accordance with the current Septic Tank Code of Practice, in accordance with the recommendations of the approved Land Capability Assessment and to the satisfaction of the Responsible Authority.**
- 8. All sewerage and sullage emanating from the permitted buildings shall be adequately treated, retained and disposed of within boundaries of the lot in accordance with Clause 40 of the state environmental protection policy (Waters of Victoria) 1988; Septic Tank Code of Practice; and AS/NZS 1547:2012.**
- 9. A reserve effluent disposal area is required, on building or development plans, equivalent in size to the proposed effluent disposal area described within the Land Capability Assessment for the site. The reserve effluent disposal area must not have permanent structures built upon it.**
- 10. The Responsible Authority reserves the right to accept, reject or amend the recommendations of an LCA report.**

6.2 Planning Permit Application No. P2013/117  
- Use and Development of Land for a Dwelling ~ 53 Lydiards Road, Euroa (cont.)

11. The ingress of surface and seepage water shall be diverted around the perimeter and upslope of the effluent disposal area.
12. The effluent disposal field must be located 60m (primary treatment) or 30m (secondary sewage and greywater effluent) from any waterways, dams, lakes or reservoirs (non-potable water supply).
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.
16. 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.
17. The amenity of the area must not be detrimentally affected by the use, through the:
  - (f) Appearance of any building, works or materials;
  - (g) Transport of materials, goods or commodities to or from the land;
  - (h) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil;
  - (i) Presence of vermin, and;
  - (j) Others as appropriate.
18. Goulburn Broken Catchment Management Authority Conditions

The finished floor level of the proposed dwelling must be constructed at least 300 millimetres above the 100-year ARI flood level of 170.8 metres AHD, i.e. metres AHD, or higher level deemed necessary by the responsible authority

6.2 Planning Permit Application No. P2013/117  
- Use and Development of Land for a Dwelling ~ 53 Lydiards Road, Euroa (cont.)

**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. Before any such works may commence, the Applicant must apply for and obtain appropriate Planning approval.
- Goulburn Broken Catchment Management Authority, please note that the 100-year ARI is not the maximum possible flood. There is always a possibility that a flood larger in height and extent, than the 100-year ARI flood may occur in the future.
- Flood-prone areas: Onsite wastewater management systems are generally not suitable for areas likely to flood more frequently than every 20 years (on average) unless the treatment system is watertight and has mechanisms in place which prohibit floodwaters or wastewater from the land application system from flowing into the tank and from the tank into the premises. Systems which are not watertight may only be installed in areas that have an 'annual exceedance probability' (AEP) of flooding of more than 20 years (i.e. are likely to flood less frequently than every 20 years).

6.2 Planning Permit Application No. P2013/117  
- Use and Development of Land for a Dwelling ~ 53 Lydiards Road, Euroa (cont.)

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**Proposal**

The application proposes the use and development of the land for a dwelling. A building envelope is proposed to the north east of the site, 175m from the western (front) boundary. The building envelope is to accommodate a dwelling and wastewater disposal area.

A new crossover and access track from Monglonemby Road is proposed. Floor plans and elevations have not been provided for the proposed dwelling.

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

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**Subject site & locality**

The subject site is located to the north of Euroa. The site has an area of approximately 8.6356 hectares and is irregular in shape. The adjoining lot to the south is in the same ownership, both lots currently form one property. The site has a frontage to Moglonemby Road, access to the site is currently gained from Lydiards Road via the adjoining lot to the south.

The adjoining and surrounding lots vary in size. To the north, east and west the lots are generally larger lots used for agriculture. To the south the lots have been subdivided into 2ha lots and are generally occupied by a dwelling. Further south is the township of Euroa.

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**Permit/Site History**

P2012/169 Two lot subdivision

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**Public Notification**

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

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

The notification has been carried out correctly. No objections have been received today.

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**Consultation**

Consultation was required in relation to preferred sitting

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**Referrals**

External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	Goulburn Broken Catchment Management Authority, no objection, subject to conditions
Section 52 Notices	Public notice – no objections received

6.2 Planning Permit Application No. P2013/117  
- Use and Development of Land for a Dwelling ~ 53 Lydiards Road, Euroa (cont.)

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

**Assessment**

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

Farming Zone

The purpose of the Farming Zone is to:

- *Implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and Local Planning Policies.*
- *Provide for the use of land for agriculture.*
- *Encourage the retention of productive agricultural land.*
- *Ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture.*
- *Encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*
- *Protect and enhance natural resources and the biodiversity of the area.*

A permit is required for use and development of the land for a dwelling.

General Issues	Complies	Officers Comment
<i>The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</i>	Yes	Assessment against SPPF & LPPF is provided below.
<i>Any Regional Catchment Strategy and associated plan applying to the land.</i>	N/A	There is no relevant regional catchment strategy.
<i>The capability of the land to accommodate the proposed use or development, including the disposal of effluent.</i>	Yes	The application was referred to Councils Health Officer who did not object subject to conditions being included on the permit.
<i>How the use or development relates to sustainable land management.</i>	Yes	The site is currently used for small scale agriculture, generally grazing. The proposed dwelling will allow for the continued use of the land for agriculture Due to the size of the site there is limited opportunity for intensive agriculture.

6.2 Planning Permit Application No. P2013/117  
- Use and Development of Land for a Dwelling ~ 53 Lydiards Road, Euroa (cont.)

<i>Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.</i>	Yes	The subject site is considered to be a small lot suitable for a rural residential use. The proposed dwelling can be setback from the boundary within the building envelope which will allow a buffer between the proposed use and development and the surrounding residential and agricultural uses.
<i>How the use and development makes use of existing infrastructure and service.</i>	Yes	Access is proposed to be via a government road to the west of the subject site. Power will be supplied via an overhead power supply.
<b>Agricultural Issues</b>		
<i>Whether the use or development will support and enhance agricultural production.</i>	Yes	The subject site is at the border between small rural residential lots and larger lots used for agriculture. The large building envelope will allow for a buffer between the dwelling and any agricultural use that occurs on site.
<i>Whether the use or development will permanently remove land from agricultural production.</i>	Yes	It is unlikely that the dwelling will permanently remove land from agriculture. Due to the size of the site small scale agriculture will be required to maintain the site.
<i>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	Agricultural uses are located to the north, east and west of the subject site. However the site is separated from the land to the east and further north by a River and to the west by Moglonemby Road and Euroa – Shepparton Road. To the south the adjoining lots are small rural residential lots Therefore there are limited expansion opportunities.
<i>The capacity of the site to sustain the agricultural use.</i>	Yes	The site has limited capacity as detailed above due to its size.
<i>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</i>	Yes	The quality of the land in this area is generally considered productive.
<i>Any integrated land management plan prepared for the site.</i>	n/a	As detailed above the site is not capable of accommodating a large or intensive agricultural use.

6.2 Planning Permit Application No. P2013/117  
- Use and Development of Land for a Dwelling ~ 53 Lydiards Road, Euroa (cont.)

<b>Dwelling Issues</b>	<b>Complies</b>	<b>Officers Comment</b>
<i>Whether the dwelling will result in the loss or fragmentation of productive agricultural land.</i>	Yes	As detailed above the dwelling is unlikely to result in the loss or fragmentation of productive agricultural land.
<i>Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.</i>	Yes	The building envelope is large enough to allow a dwelling to be appropriately setback from the lot boundaries. This will provide an adequate buffer between the dwelling and surrounding agricultural uses.
<i>Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	As detailed above the dwelling is not in proximity to large agricultural uses and is therefore unlikely to affect the operation and expansion of adjoining and nearby agricultural uses.
<i>The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.</i>	Yes	The proposed dwelling has been assessed on its merit. Therefore it is unlikely that the proposed dwelling would directly result in the proliferation of dwellings.
<b>Environmental issues</b>		
<i>The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.</i>	Yes	The application was referred to Council's Environmental Health Officer who assessed the application and did not object to the proposal subject to conditions.
<i>The impact of the use or development on the flora and fauna on the site and its surrounds.</i>	Yes	The proposal does not include the removal of any vegetation and is appropriately located not to damage any vegetation.
<i>The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.</i>	Yes	The proposal does not include the removal of any vegetation.
<i>The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.</i>	Yes	The proposed building envelope and wastewater disposal area is setback greater than 100m from the adjoining river.



6.2 Planning Permit Application No. P2013/117  
- Use and Development of Land for a Dwelling ~ 53 Lydiards Road, Euroa (cont.)

<b>Design and siting issue</b>		
<i>The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.</i>	Yes	The building envelope is large enough to allow an appropriate setback from lot boundaries to provide a buffer distance to the surrounding agricultural uses.
<i>The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.</i>	Yes	The proposed siting and design is considered appropriate. Should a permit be issued a condition will be placed on the permit requiring floor plans and elevations of the proposed 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 impact the character and appearance of the area.
<i>The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.</i>	Yes	The proposed dwelling and associated infrastructure is considered to be appropriately located.
<i>Whether the use and development will require traffic management measures.</i>	Yes	The application was referred to Councils Assets Department who raised no concerns in relation to traffic management measures. A single dwelling is unlikely to unreasonably increase traffic in the area.

**Clause 44.04 Land Subject to Inundation Overlay**

**Purpose**

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

6.2 Planning Permit Application No. P2013/117  
- Use and Development of Land for a Dwelling ~ 53 Lydiards Road, Euroa (cont.)

- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*

A permit is required for buildings and works, including the development of the land for a dwelling.

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

**Clause 11.05-3, Rural productivity**

Objective:

- *“To manage land use change and development in rural areas to promote agriculture and rural production.”*

Strategies

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

**Clause 14.01, Agriculture,**

Objective:

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

**Clause 17 Economic Development**

*Planning is to provide for a strong and innovative economy, where all sectors of the economy are critical to economic prosperity. Planning is to contribute to the economic well-being of communities and the State as a whole by supporting and fostering economic growth and development by providing land, facilitating decisions, and resolving land use conflicts, so that each district may build on its strengths and achieve its economic potential.*

Assessment:

The proposed dwelling is in an area of existing settlement and is in keeping with the character of the area. The proposed dwelling is considered to be in accordance with the above policy.

6.2 Planning Permit Application No. P2013/117  
- Use and Development of Land for a Dwelling ~ 53 Lydiards Road, Euroa (cont.)

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

Clause 22.01 Housing and house lot excisions in the Farming Zone

Policy

*Dwellings on small lots*

*The construction of a new dwelling on an existing small lot will be discouraged unless it meets all of the following requirements:*

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

*If a permit is granted for the use and development of a dwelling on a small lot, the applicant will be required to enter an agreement under Section 173 of the Planning and Environment Act:*

- *Prevent the excision of the dwelling from the parent lot.*

Assessment:

The proposed dwelling meets the above requirements as detailed below:

- Access can be gained via an all weather road.
- Emergency ingress and egress is considered to be at an appropriate standard.
- As detailed above the dwelling will not inhibit the operation of agriculture and/or rural industries.
- The site will be able to accommodate wastewater disposal.

6.2 Planning Permit Application No. P2013/117  
- Use and Development of Land for a Dwelling ~ 53 Lydiards Road, Euroa (cont.)

- The subject site is identified in the Strathbogie Shire Rural Residential Strategy 2004 as rural residential.
- A section 173 Agreement will be required to ensure the dwelling is not excised.

**Clause 65**

Decision Guidelines

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

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

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

There are no other policies/strategies to be considered.

**Relevant incorporated, reference or adopted documents**

There are no other documents to be considered.

**Relevant Planning Scheme amendments**

There are no relevant Planning Scheme amendments.

**Risk Management**

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

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

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

6.2 Planning Permit Application No. P2013/117  
- Use and Development of Land for a Dwelling ~ 53 Lydiards Road, Euroa (cont.)

**Summary of Key Issues**

The proposal is for the use and development of land for a dwelling. The site is within the Farming Zone and is less than the area specified in the Schedule to the Farming Zone for a dwelling, 40 hectares.

With regard to the Farming Zone:

- The application was referred to Engineering who did not object subject to conditions regarding vehicle access, management of silt and erosion, storm water management and damage to assets. These conditions will be included on the permit, should a permit be issued.
- The application was referred to Council's Environmental Health Officer who did not object subject to conditions. The conditions refer to a permit being required for a septic system and associated works. These conditions will be included on the permit, should a permit be issued.

With regard to the Land subject to Inundation Overlay:

- The application was referred to Goulburn Broken Catchment Management Authority who did not object subject to conditions regarding a floor level. Should a permit be issued these conditions will be included on the permit.

The proposal is consistent with the purpose of the Farming Zone and Land Subject to Inundation Overlay and meets the objectives of the State Planning Policy Framework and Local Planning Policy Framework.

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**Conclusion**

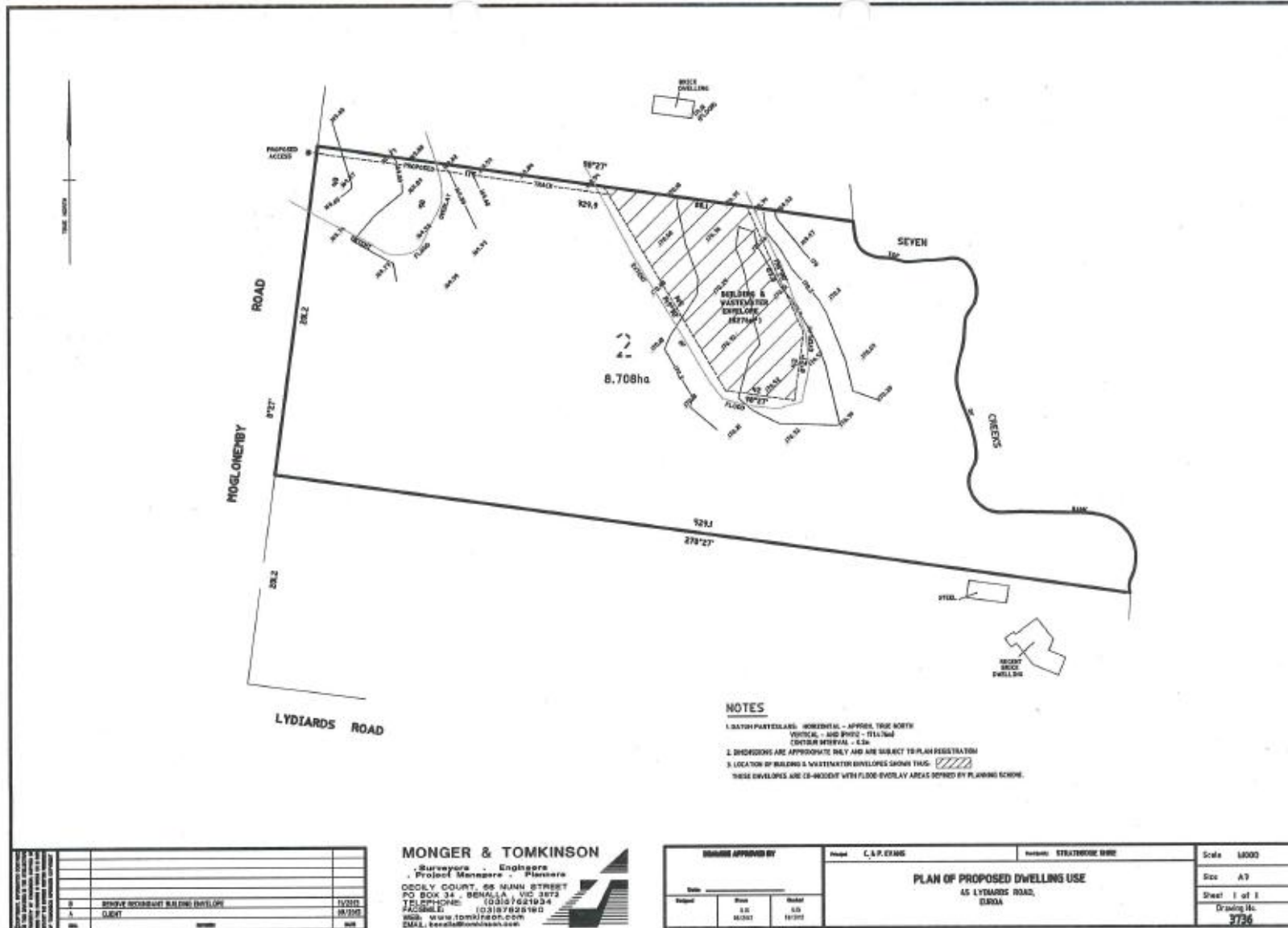
After due consideration of all the relevant factors, it is considered that a Notice of Decision should be issued for the application, subject to conditions.

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**Attachments**

Site Plan





**PLANNING COMMITTEE REPORT NO. 3 (MANAGER, STATUTORY SERVICES – STEVEN HICKS)**

**6.3 Planning Permit Application No. P2013/144  
- Use and Development of Land for a Dwelling ~ 156 Birkett Street, Euroa**

**Application Details:**

Application is for:	Use and Development of land for a Dwelling
Applicant's/Owner's Name:	Visser H
Date Received:	20 November 2013
Statutory Days:	47 days at 23 Jan 2014
Application Number:	P2013/144
Planner: Name, title & department	Steven Hicks Manager Statutory Services Sustainable Development
Land/Address:	Lot 1 on Plan of Subdivision 636434T, Certificate of Title Volume 11291, Folio 847. 156 Birkett Street, Euroa
Zoning:	Farming Zone Urban Floodway Zone
Overlays:	Land Subject to Inundation Overlay (part)
Under what clause(s) is a permit required?	Clause 35.07-1; Clause 35.07-4; Clause 44.04-1
Restrictive covenants on the title?	Section 173 Agreement – AH470326L: prohibits excision of dwellings, no further subdivision, compliance with permit P2010/038, and dwelling to be used only in conjunction with agriculture or other approved uses.
Current use and development:	Vacant Land

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

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

**Summary**

- The proposal is for the use and development of land for a dwelling at 156 Birkett Street, Euroa.
- The site is located in the Farming Zone with a minimum lot size of 40 hectares; the site is identified as within a “tidy up” area of Council’s *Rural Residential Strategy (2004)*. The site has a total area of approximately 4.76 hectares.



6.3 Planning Permit Application No. P2013/144  
- Use and Development of Land for a Dwelling ~ 156 Birkett Street, Euroa  
(cont.)

- The application does not provide any detail on the proposed agricultural use of the site.
- The proposal is consistent with the Section 173 agreement applying to the site.
- The proposed dwelling will be located within the front portion of the site, away from the Urban Floodway Zone (floodplain). The dwelling will comprise four (4) bedrooms.
- Planning approval is required for the use and development of land for a dwelling in the Farming Zone and within the Land Subject to Inundation Overlay.
- The application was referred externally to Goulburn Broken Catchment Management Authority and Goulburn Murray Water. Neither authority objected to the application, subject to conditions.
- The application was referred internally to Council's Asset Services and Health departments who offered no objection, subject to conditions.
- An assessment against the Farming Zone Decision Guidelines, Land Subject to Inundation Overlay, State and Local Policies indicates the proposal is generally consistent with these provisions of the Strathbogie Planning Scheme.
- The application was advertised to adjoining landholders, no objections have been received to date.
- The application is being presented to Planning Committee as the dwelling as applied for is on an allotment significantly under the minimum lot size for a dwelling in the Farming Zone, i.e. 40 hectares.
- The application has been assessed within the 60 day statutory time period (at 23/01/13).
- It is recommended that Council resolve to Grant a Permit in accordance with the Officer's recommendation.

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## RECOMMENDATION

### That Council:

- **having caused notice of Planning Application No. P2013/144 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, Clause 35.07-4 and Clause 44.04-1 of the Strathbogie Planning Scheme in respect of the land known as Lot 1 on Plan of Subdivision 636434T, Certificate of Title Volume 11291, Folio 847; 156 Birkett Street, Euroa, for the use and development of land for a dwelling, in accordance with endorsed plans, subject to the following conditions:**

6.3 Planning Permit Application No. P2013/144  
- Use and Development of Land for a Dwelling ~ 156 Birkett Street, Euroa  
(cont.)

1. **Prior to the commencement of works for the dwelling, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:**
  - a. **Revised site plan showing:**
    - i. **Proposed driveway and crossover alignment.**
    - ii. **Location of existing trees on the site within 100m of the Birkett Street frontage.**
    - iii. **Revised dwelling location showing the dwelling setback from Birkett Street a minimum of 32 metres to avoid impacting on existing mature trees.**
    - iv. **Setbacks of the dwelling to boundaries and trees on the site.**
    - v. **Proposed wastewater disposal area.**
2. **Prior to the issue of the Certificate of Occupancy 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.**
3. **Prior to the commencement of use the drainage system must be constructed as per the approved plans.**
4. **The drainage system must be designed and constructed so that the rate of storm water runoff from the development must not be more than the rate of runoff from the site prior to the development. The drainage design must incorporate on site storage for 100 year two hour storm event. The stormwater drainage system for the development shall incorporate water sensitive urban design. The system must include rainwater tanks and the development must be plumbed to supply reuse water for laundry and toilet flushing.**
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. No effluent or polluted water of any type may be allowed to enter the stormwater drainage system.**

6.3 Planning Permit Application No. P2013/144  
- Use and Development of Land for a Dwelling ~ 156 Birkett Street, Euroa  
(cont.)

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 and channel, trees, nature strip etc.), and boundary fences, must be repaired at the cost of the applicant all to the satisfaction of Responsible Authority.**
8. **Where a new septic system is to be installed it will be subject to the following EPA requirements for management of onsite wastewater in unsewered areas:**
  - a. **Prior to the commencement of works, a permit to install a septic tank system is required from the Responsible Authority. An application to alter the existing septic tank may also be required if deemed wastewater generation will be increased.**
  - b. **You are required to consult a suitably qualified person to conduct a Land Capability Assessment for the proposed new dwelling. The LCA must consider, soil profiles, soil percolation rates wastewater generation per bedroom/studies.**
  - c. **Prior to the commencement of use, the Owner must provide and install a septic tank system (All Water Waste System or Treatment plant) in accordance with the current Septic Tank Code of Practice, in accordance with the recommendations of the approved Land Capability Assessment and to the satisfaction of the Responsible Authority.**
  - d. **All sewerage and sullage emanating from the permitted buildings shall be adequately treated, retained and disposed of within boundaries of the lot in accordance with Clause 40 of the state environmental protection policy (Waters of Victoria) 1988; Septic Tank Code of Practice; and AS/NZS 1547:2012.**
  - e. **A reserve effluent disposal area is required, on building or development plans, equivalent in size to the proposed effluent disposal area described within the Land Capability Assessment for the site. The reserve effluent disposal area must not have permanent structures built upon it.**
  - f. **The Responsible Authority reserves the right to accept, reject or amend the recommendations of an LCA report.**
  - g. **The ingress of surface and seepage water shall be diverted around the perimeter and upslope of the effluent disposal area.**
  - h. **The effluent disposal envelope must be located 60m from any watercourse, dam, lake or reservoir (non-potable) (for primary treated effluent).**



6.3 Planning Permit Application No. P2013/144  
- Use and Development of Land for a Dwelling ~ 156 Birkett Street, Euroa  
(cont.)

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

(a) The finished floor level of the proposed dwelling must be constructed at least 300 millimetres above the 100-year ARI flood level of 173.6 metres AHD, i.e. 173.9 metres AHD, or higher level deemed necessary by the responsible authority.

**13. 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.

**14. 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.

**Planning Notes:**

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

6.3 Planning Permit Application No. P2013/144  
- Use and Development of Land for a Dwelling ~ 156 Birkett Street, Euroa  
(cont.)

- **Application must be made to Goulburn-Murray Water prior to construction of any dams on the subject land. A licence must be obtained where surface or groundwater supplies are taken and used for commercial irrigation purposes or if a dam is to be constructed on a waterway as defined under the Water Act 1989. For further information, the applicant should contact Goulburn-Murray Water Diversion Operations on 1800 013 357.**
- **Please note that the 100-year ARI flood is not the maximum possible flood. There is always a possibility that a flood larger in height and extent, than the 100-year ARI flood, may occur in the future.**

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### **Proposal**

The application is for the use and development of the land at 156 Birkett Street, Euroa for a dwelling.

The dwelling will be located within the Birkett Street frontage of the lot. It will be setback 10 metres from the road and 44.22 metres from either side boundary.

The dwelling will comprise an integrated garage; as well as four (4) bedrooms, living room and an integrated family area. The total width of the dwelling will be 15.6 metres and it will have a maximum length of 23.1 metres. The dwelling will be single storey with a ceiling height of 2.55 metres. The dwelling will be constructed of brickwork and render with a metal roof.

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### **Subject site & locality**

The site at 156 Birkett Street comprises 4.756 hectares and is irregular in shape. The site has a frontage to Birkett Street of 104 metres. The site adjoins the railway line to the west and the Castle Creek to the south. The site comprises scattered mature native vegetation and existing farm fencing, sheds and shelters. A vehicle crossover provides access into the site.

The dwelling is proposed to be located in between the canopies of the larger eucalypts on the site within land under the Farming Zone.

The site is partly within the Urban Floodway Zone and partly within the Farming Zone. An LSIO affects the land within the Farming Zone. The Urban Floodway Zone relates to the Castle Creek.

The site is located to the south of the Melbourne-Sydney Railway line and on the eastern edge of Euroa.

Surrounding land is a mixture of farming properties and large lot residential uses. The site to the south includes a recently developed dwelling and shed approximately 150 metres from the proposed dwelling.

6.3 Planning Permit Application No. P2013/144  
- Use and Development of Land for a Dwelling ~ 156 Birkett Street, Euroa  
(cont.)

Land to the south and north is within the Farming Zone and partly within the Urban Floodway Zone.

**Permit/Site History**

P2010/038 Two lot subdivision and dwelling on the second lot  
 S2010/022 Two lot subdivision

**Public Notification**

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by a sign on site and notification to neighbours. The notification has been carried out correctly.

Council has received no objections to date.

**Consultation**

Council has discussed an additional front setback to the dwelling with the applicant to minimise the impact on the trees in this area. It is proposed to require the dwelling to be setback 32 metres from Birkett Street. The applicant has indicated they would be happy with this.

**Referrals**

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	Goulburn Murray Water – no objection, subject to conditions
Section 52 Notices	Letters to neighbours, sign on site

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

**Assessment**

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

**Farming Zone**

Purpose:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*

6.3 Planning Permit Application No. P2013/144  
- Use and Development of Land for a Dwelling ~ 156 Birkett Street, Euroa  
(cont.)

- *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 of a dwelling on the land as the site is less than the minimum of 40 hectares in line with Clause 35.07-1. A permit is required for building and works for a Section 2 use (dwelling) and for works within 100 metres of a watercourse (floodplain) and within 20 metres of a road in line with Clause 35.07-4.

The application was referred to GMW who did not object, subject to conditions.

An assessment of the proposal against the decision guidelines in the Farming Zone is provided below:

<b>General Issues</b>	<b>Complies</b>	<b>Officers Comment</b>
<i>The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</i>	Yes	Assessment against SPPF & LPPF is provided below.
<i>Any Regional Catchment Strategy and associated plan applying to the land.</i>	N/A	There is no relevant regional catchment strategy.
<i>The capability of the land to accommodate the proposed use or development, including the disposal of effluent.</i>	Yes	The application was referred to Council's Health Department who did not object subject to conditions being included on the permit.
<i>How the use or development relates to sustainable land management.</i>	Yes	The dwelling will be located within the front portion of the site leaving the majority of the site for grazing or other agricultural uses in the future.
<i>Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.</i>	Yes	The subject site has the capability to sustain the use of the land for a dwelling. The adjoining lots are utilised for low scale farming activity in addition to acting as rural residential properties. Land to the east of Birkett Street is either vacant, used for education purposes or for standard residential uses. The proposed use is considered compatible with the adjoining land uses.
<i>How the use and development makes use of existing infrastructure and service.</i>	Yes	Services are already in place following subdivision of the land.



6.3 Planning Permit Application No. P2013/144  
- Use and Development of Land for a Dwelling ~ 156 Birkett Street, Euroa  
(cont.)

<b><i>Agricultural Issues</i></b>	<b>Complies</b>	<b>Officers Comment</b>
<i>Whether the use or development will support and enhance agricultural production.</i>	Yes	The proposed dwelling will allow for the continued management of the land now that it is in different ownership to the adjoining Lot 2.
<i>Whether the use or development will permanently remove land from agricultural production.</i>	Yes	The dwelling is proposed to be located within the front portion of the site away from the floodplain. This limits the loss of land from agriculture. A small portion of land is likely to be lost from productive agriculture. However on balance this is considered appropriate to allow agricultural uses to be established on the majority of the site in the future.
<i>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	The proposed dwelling is considered appropriate. There are few limitations to agricultural uses in the area. The site is located in an area recognised as a tidy up rural residential area.
<i>The capacity of the site to sustain the agricultural use.</i>	Yes	The subject site is currently used for grazing. The site is large enough to sustain grazing activities.
<i>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</i>	Yes	The site is either within the Castle Creek floodplain or subject to inundation limiting the types of agricultural activity that can occur on the land.
<i>Any integrated land management plan prepared for the site.</i>	No	No land management plan has been prepared for the site nor have any details been provided with regards to land management.
<b><i>Dwelling Issues</i></b>	<b>Complies</b>	<b>Officers Comment</b>
<i>Whether the dwelling will result in the loss or fragmentation of productive agricultural land.</i>	Yes	The dwelling is appropriately located within the front portion (100m) of the site. This limits the loss of land from agriculture. A small portion of land is likely to be lost from agriculture production. However on balance this is considered appropriate to allow the continued management of the land.

6.3 Planning Permit Application No. P2013/144  
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(cont.)

<i>Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.</i>	Yes	The dwelling will be setback at least 40 metres from each side boundary; this will limit the impact of adjoining agricultural uses on the dwelling. Agricultural uses on adjoining land are minimal due to the proximity to town.
<i>Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	The dwelling is setback from the boundary to provide an adequate buffer from any surrounding agricultural uses.
<i>The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.</i>	Yes	It is unlikely that the proposed dwelling would result in the proliferation of dwellings, due to the nature of the area and existing development and subdivision pattern.
<b>Environmental issues</b>	<b>Complies</b>	<b>Officers Comment</b>
<i>The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.</i>	Yes	The application was referred to Council's Environmental Health Officer, GBCMA and GMW who assessed the application and did not object to the proposal subject to conditions.
<i>The impact of the use or development on the flora and fauna on the site and its surrounds.</i>	Yes	The proposal does not include the removal of any vegetation and is with conditions will be appropriately located to avoid damage to any vegetation.
<i>The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.</i>	Yes	The proposal does not include the removal of any vegetation.
<i>The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.</i>	Yes	The application was referred to Council's Health Officer, GBCMA and GMW, who offered no objection, subject to conditions. The conditions refer to the installation of waste water treatment and its location and avoidance of the UFZ area.

6.3 Planning Permit Application No. P2013/144  
- Use and Development of Land for a Dwelling ~ 156 Birkett Street, Euroa  
(cont.)

<b>Design and siting issue</b>	<b>Complies</b>	<b>Officers Comment</b>
<i>The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.</i>	Yes	The dwelling has been sited to avoid removing excessive areas of land from agricultural production. Conditions will be placed on the permit to require a greater setback to minimise damage to existing mature trees.
<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 of the dwelling is considered appropriate. A condition will be placed on the permit requiring detailed plans including materials and colours.
<i>The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.</i>	Yes	The proposed dwelling is unlikely to impact the character and appearance of the area. The dwelling is of a similar design to other dwellings in this part of Euroa with an integrated garage.
<i>The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.</i>	Yes	The proposed dwelling and associated infrastructure is considered to be appropriately located near the front of the lot.
<i>Whether the use and development will require traffic management measures.</i>	Yes	The application was referred to Council's Assets Department who raised no concerns in relation to traffic management measures. A single dwelling is unlikely to unreasonably increase traffic in the area.

**Urban Floodway Zone**

Purpose:

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

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- Use and Development of Land for a Dwelling ~ 156 Birkett Street, Euroa  
(cont.)

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

The proposed dwelling is located outside the portion of the site affected by the UFZ; as such a permit is not required under Clause 37.03 of the Strathbogrie Planning Scheme.

**Land Subject to Inundation Overlay**

Purpose:

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

A permit is required to construct a building or to construct or carry out works, pursuant to Clause 44.04-1.

The application was referred to GBCMA who did not object, subject to conditions.

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

Clause 14.02-1, *Catchment planning and management*, is relevant to this proposal. The objective is:

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

The proposal was referred to GMW who offered no objection, subject to conditions.

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- Use and Development of Land for a Dwelling ~ 156 Birkett Street, Euroa  
(cont.)

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

Clause 21.02-4, *Rural Zones*, is relevant to this proposal. The objectives are:

- *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.*

Strategies in this Clause seek to limit inappropriate uses within farming areas, including dwellings not required to support an agricultural use.

Clause 21.04-3, *Water Resources* includes the following strategy:

- *Ensure new developments consider impacts on surface and ground water resources, wetlands, rivers and streams.*

Clause 22.01, *Housing and house lot excisions in the Farming Zone* includes the following policy:

- *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 lot has been identified in the Strathbogie Shire Rural Residential Strategy, 2004 as rural residential; implying that there is an historic use and development pattern. Consideration should be given to the recommendations in the Strategy.*

The site is located on the edge of an area identified as a “tidy-up” area for rezoning to rural living in the *Rural Residential Strategy 2004*.

**Relevant Particular Provisions**

No relevant particular provisions.

**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.*

6.3 Planning Permit Application No. P2013/144  
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(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.*

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

There are no relevant adopted State policies.

**Relevant incorporated, reference or adopted documents**

*Strathbogie Shire Rural Residential Strategy, 2004*

**Relevant Planning Scheme amendments**

There are no relevant planning scheme amendments.

**Risk Management**

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

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

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

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**Summary of Key Issues**

The proposal is for the use and development of the land at 156 Birkett Street, Euroa for a dwelling.

The application does not include any detail regarding the agricultural use of the site.

The proposal complies with the Section 173 agreement applying to the site, the dwelling will need to comply with the provisions of the agreement.

With regard to the Zone:

- As the land is less than the 40 hectare minimum in the Farming Zone a planning permit is required to use the land for a dwelling and for building and works associated with the dwelling.

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- Use and Development of Land for a Dwelling ~ 156 Birkett Street, Euroa  
(cont.)

- The dwelling is located within a relatively cleared portion of the site in excess of 60 metres from the watercourse (Castle Creek) and outside the Urban Floodway Zone land. The site can be provided with the necessary services and access required by Clause 37.05-2. The dwelling will comprise four bedrooms; detailed plans for the dwelling have been provided. The dwelling is located approximately 160 metres from the neighbouring dwelling to the south.
- The applicant proposes to locate the dwelling with only a 10m setback to Birkett Street; this is less than the minimum setback in the Farming Zone of 20m and will also locate the dwelling in between two large and mature eucalypts which have the potential to be damaged by the construction of the dwelling. It is proposed to include a condition requiring the dwelling to be further setback to increase the frontage and to protect the existing trees. The proposed setback condition of at least 32m will still allow the dwelling to be constructed within the Farming Zone land.
- The applicant has not provided any details on agriculture uses of the site. The site appears to be capable of accommodating grazing activities on the site. The site was recently granted a permit (2010) to re-subdivide the site and the adjoining land into the two allotments and to construct a dwelling on the site to the south. It is considered the intention of the subdivision at the time was to create two allotments capable of containing a dwelling. This is in line with the site's location within a "tidy up" area for rural living within the *Rural Residential Strategy, 2004*.
- No details on the effluent disposal area have been provided; permit conditions will seek these details. The application was referred to GMW and Council's Environmental Health Officer who did not object to the permit subject to specific conditions.
- The application was referred to Council's Asset Services area who offered no objection subject to conditions in relation to the construction of crossovers, drainage and silt and sediment reduction.

With regard to the Overlay:

- The proposal locates the dwelling within the Land Subject to Inundation Overlay. Conditions required by GBCMA will ensure the dwelling is built above the 100-year ARI flood level. The dwelling is appropriately located in the area of the site least impact by floodwaters.

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

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- Use and Development of Land for a Dwelling ~ 156 Birkett Street, Euroa  
(cont.)

**Conclusion**

After due assessment of all the relevant factors, it is recommended that Council decide to Grant a Permit in accordance with the Officers recommendation.

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**Attachments**

Site Map.





**PLANNING COMMITTEE REPORT NO. 4 (DIRECTOR, SUSTAINABLE DEVELOPMENT - PHIL HOWARD)**

**7. OTHER BUSINESS**

**7.1 Planning Applications Received  
- 5 December 2013 to 5 February 2014**

Following are listings of Planning Applications Received for the period 5 December 2013 to 5 February 2014.

**RECOMMENDATION**

**That the report be noted.**

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

## Strathbogie Shire Council LIST OF PLANNING APPLICATIONS RECEIVED

5/02/2014

*(from 5 December 2013 to 5 February 2014)*

<b>Reg No.</b>	<b>Assess</b>	<b>Date Recv</b>	<b>Dev Type</b>	<b>Project Description And Applicant</b>	<b>Property Location</b>
P2013/149	ELK	11/12/2013	Planning	Use & development of land for two dwellings and a two (2) lot subdivision Monger & Tomkinson Shop 6, 66 Nunn St Benalla 3672	14 Lorraine Avenue, Nagambie
P2013/150	ELK	12/12/2013	Planning	Native vegetation removal Strathbogie Shire Council 109A Binney St Euroa 3666	2 Tulip Street, Violet Town
P2013/151	ELK	11/12/2013	Planning	Two (2) lot subdivision Nacha Moore Land Surveyors Pty Ltd 226 Mitcham Rd Mitcham 3132	311 Kippings Road, Strathbogie
S2013/037	SJH	16/12/2013	Subdivision	Consolidation Planright Surveying Pty Ltd 21 Nish Street Echuca 3564	509 Pine Lodge Road, Miepoll
S2013/038	ELK	16/12/2013	Subdivision	Three (3) Lot Subdivision Planright Surveying Pty Ltd 21 Nish Street Echuca 3564	6 Church Street, Nagambie
P2013/153	ELK	13/12/2013	Planning	Development of land for an outbuilding Longwood Primary School 1-21 Hurley St Longwood 3665	1-21 Hurley Street, Longwood
P2013/154	ELK	16/12/2013	Planning	Use & development of land for a dwelling and associated outbuilding Tim Miller 175 Henkes La Yarck 3719	Lydiards Road, Euroa
P2013/155	ELK	17/12/2013	Planning	Two (2) lot subdivision Land Management Surveys (Shepparton) Pty Ltd 577 Wyndham St Shepparton 3630	2 Hughes Street, Avenel
P2013/156	SJH	18/12/2013	Planning	Development of land for an access track and variation of building envelope Frank Darke 103 Murdoch Rd Wangaratta 3677	Creightons Creek Road, Creightons Creek
S2013/039		19/12/2013	Subdivision	Consolidation Monger & Tomkinson P.O. Box 34 Benalla. Vic. 3672	11 Main Street, Strathbogie
P2013/157	ELK	19/12/2013	Planning	Creation of an easement T & C Development Services Pty Ltd 5 Clifton St Euroa 3666	41 Shiffner Street, Violet Town

P2013/158	ELK	20/12/2013	Planning	Two (2) lot subdivision Onleys PO Box 2120 Shepparton 3632	298 Mitchellstown Road, Tabilk
P2013/159	ELK	23/12/2013	Planning	Use & development of land for a dwelling Peps Plans Pty Ltd 71 Broken River Dr Shepparton 3630	805 Upton Road, Avenel
P2013/160	ELK	23/12/2013	Planning	Two (2) lot subdivision Ross and Worth Pty Ltd - Warragul 61 Smith St Warragul 3820	Buffalo Swamp Road, Whroo
S2014/003	SJH	2/01/2014	Subdivision	Two (2) Lot Subdivision Monger & Tomkinson P.O. Box 34 Benalla. Vic. 3672	19 Mitchell Street, Avenel
S2014/004	SJH	2/01/2014	Subdivision	Two (2) Lot Subdivision Rodney Aujard & Associates Level 1 325 Camberwell Road CAMBERWELL. Vic. 3124.	84 Burnt Creek Lane, Locksley
P2013/161	ELK	24/12/2013	Planning	Development of land for a carport Neal Cartledge Pty Ltd 28C Carrier St Benalla 3672	216 High Street, Violet Town
P2013/162	ELK	24/12/2013	Planning	Development of land for a dwelling Neal Cartledge Pty Ltd 28C Carrier St Benalla 3672	135 Creek Junction Road, Kithbrook
P2014/001	ELK	8/01/2014	Planning	Development of land for a dwelling and outbuildings David McCombe PO Box 315 Euroa 3666	547 Euroa-Strathbogie Road, Euroa
S2014/001		9/01/2014	Subdivision	Creation of an Easement Monger & Tomkinson P.O. Box 34 Benalla. Vic. 3672	69 Hurt Street, Violet Town
S2014/002		9/01/2014	Subdivision	Two (2) Lot Subdivision Monger & Tomkinson P.O. Box 34 Benalla. Vic. 3672	19 Mitchell Street, Avenel
P2014/002	ELK	9/01/2014	Planning	Use & development of land for a dwelling Chris Smith & Associates Pty Ltd 11 Edward St Shepparton 3630	1767 Euroa-Strathbogie Road, Kithbrook
P2014/003	ELK	23/01/2014	Planning	Use & development of land for a dwelling Monger & Tomkinson PO Box 34 Benalla 3672	105 Siems Road, Euroa
P2014/004	ELK	15/01/2014	Planning	Use & development of land for a dwelling Deborah Whithear PO Box 119 Avenel 3664	100 Mt Bernard Lane, Avenel
S2014/005	ELK	21/01/2014	Subdivision	Two (2) Lot Subdivision Chris Smith & Associates 11 Edward Street SHEPPARTON. Vic. 3630	1 Kibble Lane, Avenel
P2014/005	SJH	22/01/2014	Planning	Development of land for rural industry Patrick McNamara 168-194 High St Nagambie 3608	220 Hayshed Road, Goulburn Weir

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P2014/006	ELK	30/01/2014	Planning	Use of land for a restricted recreation facility Operation Blackhawk PO Box Nagambie 3608	877 Reedy Lake Road, Whroo
P2014/007	ELK	30/01/2014	Planning	Use & development of land for a two-storey dwelling Darrell Groat 128 Boundary Rd South Euroa 3666	128 Boundary Road South, Euroa

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Total Number of Permits: **28**