



STRATHBOGIE SHIRE COUNCIL

PLANNING COMMITTEE

AGENDA

MEETING TO BE HELD ON TUESDAY 25 FEBRUARY 2014

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: Phil Howard – Acting Chief Executive Officer
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

Steve Crawcour - Chief Executive Officer

4. Confirmation of Minutes of the Planning Committee meeting held on 11 February 2014
5. Disclosure of Interests

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

Phil Howard
ACTING CHIEF EXECUTIVE OFFICER

20 February 2014

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7. Other Business				
7.1 (DSD-PH)	Planning Applications Received - 5 to 19 February 2014 <ul style="list-style-type: none"> • <i>Due to the changeover to a new reporting system, the Planning Applications Received report for the period 5 to 19 February is currently unavailable, but will be included in the next Planning Committee report</i> • 			

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

6. PLANNING REPORTS

**6.1 Planning Permit Application No. P2013/130
- Use and Development of the Land for a Dwelling ~ 133 Faithfull Road, Longwood**

Application Details:

Application is for:	Use and development of the land for a dwelling
Applicant's/Owner's Name:	Michael Barry
Date Received:	21 October 2013
Statutory Days:	98 Days
Application Number:	P2013-130
Planner: Name, title & department	Jennifer Dowling Team Leader – Planning Sustainable Development
Land/Address:	Lot 1 – 20 on Title Plan 159824A Certificate of Title Volume 09249 Folio 963, 133 Faithful Road, Longwood
Zoning:	Farming Zone
Overlays:	Erosion Management Overlay
Under what clause(s) is a permit required?	Clause 35.07-2 Clause 35.07-4 Clause 44.01-1
Restrictive covenants on the title?	N/A
Current use and development:	Vacant

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

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

Summary

- The proposal is for the use and development of land for a dwelling.
- The site is located in the Farming Zone and Erosion Management Overlay.
- The lot size is approximately 8 hectares.
- The subject site is located in Old Longwood. Whilst the allotments resemble township style layout, the general character of the area is agriculture.

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- Use and Development of the Land for a Dwelling ~ 133 Faithfull Road,
Longwood (cont.)

- The application was referred internally to Council's Asset Services Department and Council's Health Officer who offered no objection, subject to conditions.
 - The application was advertised to adjoining landholders, no objections have been received to date.
 - The application is being presented to Planning Committee as proposal is for a dwelling on an allotment under the minimum lot size in the Farming Zone, i.e. 40 hectares.
 - The application has been assessed outside the 60 day statutory time period due to consultation with the Applicant in relation to the proposed use and layout of the site.
 - An assessment against the Farming Zone and Erosion Management Overlay Decision Guidelines, State and Local Policies indicates the proposal is consistent with the provisions of the Strathbogie Planning Scheme.
 - It is recommended that Council resolve to Grant a Permit in accordance with the Officer's recommendation.
-

RECOMMENDATION

That Council:

- **having caused notice of Planning Application No. P2013-130 to be given under Section 52 of the *Planning and Environment Act 1987* and the Strathbogie Planning Scheme,**

and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Grant a Permit under the provisions of Clause 35.07-2, Clause 35.07-4 and Clause 44.01-1 of the Strathbogie Planning Scheme in respect of the land known as Lot 1 – 20 on Title Plan 159824A Certificate of Title Volume 09249 Folio 963, 133 Faithful Road, Longwood 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 use new or otherwise vehicular entrances to the subject land from the road must be constructed at a location and of a size and standard satisfactory to the Responsible Authority. The vehicular crossing must 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 must be at the Applicant's expense. The final location of the crossing is to be approved by the Responsible Authority via a Vehicle Crossing Permit. Reference should be made to Clause 12.9.2 "Rural Vehicle Crossings" of the Infrastructure Design Manual and the relevant Standard drawing.**

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2. Prior to the commencement of the use all internal access roads must be constructed, formed and drained to avoid erosion and to minimise disturbance to natural topography of the land to the satisfaction of the Responsible Authority. Internal access, including the turn-around areas for emergency vehicles, must be all weather construction with a minimum trafficable width of 4 metres.
3. Prior to the commencement of works, a permit to install a septic tank system is required from the Responsible Authority. An application to alter the existing septic tank may also be required if deemed wastewater generation will be increased.
4. Prior to the commencement of use, the Owner must provide and install a septic tank system (All Water Waste System or Treatment plant) in accordance with the current Septic Tank Code of Practice, in accordance with the recommendations of the approved Land Capability Assessment and to the satisfaction of the Responsible Authority.
5. All sewerage and sullage emanating from the permitted buildings shall be adequately treated, retained and disposed of within boundaries of the lot in accordance with Clause 40 of the state environmental protection policy (Waters of Victoria) 1988; Septic Tank Code of Practice; and AS/NZS 1547:2012.
6. A reserve effluent disposal area is required to designate, on building or development plans, equivalent in size to the proposed effluent disposal area described within the Land Capability Assessment for the site. The reserve effluent disposal area must not have permanent structures built upon it.
7. The Responsible Authority reserves the right to accept, reject or amend the recommendations of an LCA report.
8. The ingress of surface and seepage water shall be diverted around the perimeter and upslope of the effluent disposal area.
9. The effluent disposal field must be located 60 metres (primary treated effluent) or 30 metres (for secondary sewage and greywater effluent) from any waterways, dams, lakes, wetlands, estuaries or reservoirs (non-potable water supply).
10. All stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge drains to the satisfaction of the Responsible Authority or dissipated within the site boundaries. No effluent or polluted water of any type may be allowed to enter the stormwater drainage system.
11. Appropriate steps must be taken to retain all silt and sediment on site during the construction phase to the satisfaction of the Responsible Authority, in accordance with the sediment control principles outlined in Construction Techniques for Sediment Pollution Control (EPA, 1991) and to the satisfaction of the Responsible Authority.

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Longwood (cont.)

12. Any damage to the Responsible Authority's assets (i.e. sealed roads, kerb & channel, trees, nature strip etc), and boundary fences, must be repaired at the cost of the applicant all to the satisfaction of Responsible Authority.

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

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

- (a) Appearance of any building, works or materials;**
- (b) Transport of materials, goods or commodities to or from the land;**
- (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil;**
- (d) Presence of vermin, and;**
- (e) Others as appropriate.**

15. Goulburn Murray Water Conditions:

- (a) All wastewater from the proposed dwelling must be treated and disposed of using an EPA approved system, installed, operated and maintained in compliance with the relevant EPA Code of Practice and Certificate of Approval.**
- (b) The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.**
- (c) All construction activities must follow sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).**

16. 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 use and development is not completed within four (4) years of the date of this Permit.**

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

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

Planning Notes:

- **This Permit does not authorise the commencement of any building construction works. Before any such development may commence, the Applicant must apply for and obtain appropriate Building approval.**
- **This Permit does not authorise the removal of any native vegetation including for access. Before any such works may commence, the Applicant must apply for and obtain appropriate Planning approval.**
- **You are required to consult a suitably qualified person to conduct a Land Capability Assessment for the proposed new dwelling. The LCA must consider, soil profiles, soil percolation rates wastewater generation per bedroom/studies.**

Proposal

The application proposes the use and development of the land for a dwelling. The dwelling is proposed to be located to the east of the site, 35 metres from the eastern boundary and 56 metres from the southern boundary. The dwelling is proposed to have an area of 555.6m² and a height of 5.372 metres. The dwelling is proposed to include a kitchen, meals, and family room, laundry, four bedrooms, one with an ensuite, a bathroom and w/c.

The dwelling is to be used in conjunction with training and breeding approximately 15 thoroughbreds. A total of four horse shelters with an area of 10m² are located to the west of the site. Stables with an area of 200m² are located to the north of the dwelling. A machinery shed with an area of 200m² is located to the south of the dwelling.

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- Use and Development of the Land for a Dwelling ~ 133 Faithfull Road,
Longwood (cont.)

Subject site & locality

The subject site is located in Old Longwood. The site comprises 20 individual allotments and is essentially a block with areas for roads surrounding. To the north west is Faithful Road. The site is currently vacant.

The adjoining and surrounding lots vary in size and use. To the north and south of the site there are small lots similar to the subject site. These lots are currently vacant. To the east is a larger lot currently vacant. To the west are dog kennels and an associated dwelling.

Permit/Site History

There is no relevant planning history.

Public Notification

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

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

The notification has been carried out correctly.

Council has received no objections to date.

Consultation

A request for further information was sent to the applicant to clarify the proposed agricultural use and dimensioned floor plans and elevations.

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	No objections received

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

6.1 Planning Permit Application No. P2013/130
- Use and Development of the Land for a Dwelling ~ 133 Faithfull Road,
Longwood (cont.)

Assessment

The zoning of the land and any relevant overlay provisions

Farming Zone

The purpose of the Farming Zone is to:

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

A permit is required for the use and development of 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 Council's Health Officer who did not object subject to conditions being included on the permit.
<i>How the use or development relates to sustainable land management.</i>	Yes	The proposed dwelling will be used in conjunction with horse breeding and training. The land is currently vacant and this proposal will establish an agricultural use.
<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 small scale agriculture and a dwelling. The proposed dwelling is setback from the boundary which will allow a buffer between the proposed use and development and the surrounding residential and agricultural uses.

6.1 Planning Permit Application No. P2013/130
- Use and Development of the Land for a Dwelling ~ 133 Faithfull Road,
Longwood (cont.)

<i>How the use and development makes use of existing infrastructure and service.</i>	Yes	Access to the site is proposed to be via a government road to the north of the subject site.
Agricultural Issues		
<i>Whether the use or development will support and enhance agricultural production.</i>	Yes	The proposed use and development will allow the currently vacant site to be used for agriculture.
<i>Whether the use or development will permanently remove land from agricultural production.</i>	Yes	As detailed above the subject site is currently not used for agricultural production. The proposed dwelling will allow the land to be used for agriculture.
<i>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	Small scale agriculture is located to the north, south and east. To the west are dog kennels. The proposed dwelling is setback approximately 200 metres from the kennels. The proposed dwelling with an adequate setback and use of the land for horse training is considered compatible.
<i>The capacity of the site to sustain the agricultural use.</i>	Yes	The subject site is considered capable of sustaining the proposed horse training agricultural use.
<i>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</i>	Yes	The application states that the land is suitable for an agricultural use and has appropriate access to rural infrastructure.
<i>Any integrated land management plan prepared for the site.</i>	n/a	
Dwelling Issues	Complies	Officers Comment
<i>Whether the dwelling will result in the loss or fragmentation of productive agricultural land.</i>	Yes	As detailed above the dwelling is unlikely to result in the loss or fragmentation of productive agricultural land.
<i>Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.</i>	Yes	The dwelling is appropriately setback from the lot boundaries. This will provide an adequate buffer between the dwelling and surrounding agricultural uses.

6.1 Planning Permit Application No. P2013/130
- Use and Development of the Land for a Dwelling ~ 133 Faithfull Road,
Longwood (cont.)

<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 setback from the site boundaries and is associated with agricultural uses therefore it is unlikely to affect the operation and expansion of adjoining 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.
Environmental issues		
<i>The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.</i>	Yes	The 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	As detailed above the application was referred to Environmental Health. Should a permit be issued conditions will be included to ensure the septic system is appropriate.
Design and siting issue		
<i>The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.</i>	Yes	The dwelling has been setback from lot boundaries to provide a buffer distance to the surrounding agricultural uses.

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- Use and Development of the Land for a Dwelling ~ 133 Faithfull Road,
Longwood (cont.)

<i>The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.</i>	Yes	The proposed siting and design is considered appropriate. Should a permit be issued a condition will be placed on the permit requiring muted tones.
<i>The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.</i>	Yes	The proposed dwelling is unlikely to impact the character and appearance of the area.
<i>The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.</i>	Yes	The proposed dwelling and associated infrastructure is considered to be appropriately located.
<i>Whether the use and development will require traffic management measures.</i>	Yes	The application was referred to 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.

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.*

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- Use and Development of the Land for a Dwelling ~ 133 Faithfull Road,
Longwood (cont.)

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 in association with an agricultural use, horse breeding and training; will allow a currently vacant site to be productively used.

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.*

6.1 Planning Permit Application No. P2013/130
- Use and Development of the Land for a Dwelling ~ 133 Faithfull Road,
Longwood (cont.)

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

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.
- The subject site is identified in the Strathbogie Shire Rural Residential Strategy 2004 as rural residential.
- A section 173 Agreement is not considered necessary given the subject site currently contains 20 lots which could be individually transferred. Any new dwelling would require a planning permit in accordance with the Farming Zone.

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.*

6.1 Planning Permit Application No. P2013/130
- Use and Development of the Land for a Dwelling ~ 133 Faithfull Road,
Longwood (cont.)

- *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.

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 Erosion Management Overlay:

- The application was referred internally to the Assets Services Department. They did not object subject to conditions regarding stormwater, silt and sediment management. These conditions will ensure the buildings and works are not likely to cause erosion or landslip.

6.1 Planning Permit Application No. P2013/130
- Use and Development of the Land for a Dwelling ~ 133 Faithfull Road,
Longwood (cont.)

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

Conclusion

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

Attachments

Site Plan



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

**6.2 Planning Permit Application No. P2013/134
- Development of Land for a Farm Shed ~ 185 Wahring-Murchison East Road, Wahring**

Application Details:

Application is for:	Development of Land for a Farm Shed
Applicant's/Owner's Name:	Stratford Vineyards
Date Received:	30 October, 2013
Statutory Days:	90 days
Application Number:	P2013/134
Planner: Name, title & department	Emma Kubeil Manager Economic Growth Sustainable Development
Land/Address:	Lot 1 on Plan of Subdivision 506524U, Certificate of Title Volume: 09165, Folio: 175. 185 Wahring – Murchison East Road, Wahring
Zoning:	Farming Zone
Overlays:	Floodway Overlay Land Subject to Inundation Overlay Bushfire Management Overlay
Under what clause(s) is a permit required?	Clause 35.07-4
Restrictive covenants on the title?	Covenant as to part E581135 - Relates to drainage
Current use and development:	Two existing dwellings, Vineyard and associated infrastructure

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 seeks to develop land at 185 Wahring-Murchison East Road, Wahring for a large farm shed (3094 square metres in area).
- The shed will be located approximately 52.5 metres from the eastern boundary.
- The proposed development of the farm shed is consistent with the use of the land as a vineyard and the purposes of the Farming Zone for agricultural uses.

6.2 Planning Permit Application No. P2013/134
- Development of Land for a Farm Shed ~ 185 Wahrung-Murchison East Road,
Wahrung (cont.)

- A planning permit is required as the proposed shed is within the minimum setback (100m) to a road in the Road Zone Category 1.
- The application was referred externally to VicRoads, who offered no objection to the proposal.
- One (1) objection to this application was received relating to excessive height and a preference for the shed to be located further west within the site. In response to the concern regarding location it is noted that the shed is located more than 50 metres from the boundary which is consistent with the standard setback from roads in the Road Zone Category 1 in the Farming Zone. Strathbogrie's schedule to the Farming Zone requires the larger setback to the road of 100 metres. As the proposal is consistent with the standard setback it is considered unnecessary to require the shed to be further setback from the road. The proposed siting of the shed is to be located on an area of land with direct access to the main driveway within the site and at a central location to the vines providing easy access to the shed. In response to the excessive height concern it is shown on plans as a height of 7.64 metres, the objector has noted that the plans show a height of 16.4 metres. It appears that the plans have been misinterpreted. The height to the eaves is 6 metres and the height of the ridge is 1.64 metres being a total of 7.64 metres. In addition the objector also conveyed concerns in relation to the siting due to the amenity/appearance of the shed detracting from the vineyard.
- The application is being presented before Planning Committee due to one (1) unresolved objection.
- The application was not assessed within the 60 day statutory timeframe due to consultation with the objection.
- The application was referred internally to Council's Assets services and building departments. No objections were received, subject to conditions.
- The application was referred externally to CFA and VicRoads, neither authority offered an objection.
- The site is affected by the Floodway overlay, Land Subject to Inundation overlay and the Bushfire Management overlay. The proposed works do not trigger a permit under any of these overlays.
- In summary, the proposal meets the objectives of the State Planning Policy Framework, Local Planning Policy Framework and the Farming Zone.
- After due assessment of all the relevant factors, it is considered appropriate to issue a Notice of Decision to grant a planning permit, subject to conditions.

6.2 Planning Permit Application No. P2013/134
- Development of Land for a Farm Shed ~ 185 Wahring-Murchison East Road,
Wahring (cont.)

RECOMMENDATION

That Council:

- **having caused notice of Planning Application No. P2013-134 to be given under Section 52 of the *Planning and Environment Act 1987* and the Strathbogie Planning Scheme,**

and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision under the provisions of Clause 35.07-4 of the Strathbogie Planning Scheme in respect of the land known and described as Lot 1 on Plan of Subdivision 506524U, Certificate of Title Volume: 09165, Folio: 175, 185 Wahring – Murchison East Road, Wahring, for the development of land for a farm shed, in accordance with endorsed plans, subject to the following conditions:

- 1. Prior to the issue of the Certificate of Final Inspection all internal access roads must be constructed, formed and drained to avoid erosion and to minimise disturbance to natural topography of the land to the satisfaction of the Responsible Authority. Internal access, including the turn-around areas for emergency vehicles, must be all weather construction with a minimum trafficable width of 4 metres.**
- 2. 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 or dissipated within the site boundaries. No effluent or polluted water of any type may be allowed to enter the stormwater drainage system.**
- 3. 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.**
- 4. 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.**
- 5. The external cladding of the proposed shed including the roof, must be constructed of new materials of muted colours to enhance the aesthetic amenity of the area. Material having a highly reflective surface must not be used.**
- 6. Appropriate landscaping is to be provided around the eastern edge of the shed to provide a visual buffer to the satisfaction of the Responsible Authority.**

6.2 Planning Permit Application No. P2013/134
- Development of Land for a Farm Shed ~ 185 Warring-Murchison East Road,
Warring (cont.)

7. **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.**
8. **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.**
9. **This permit will expire if one of the following circumstances applies:**
 - (a) **The development is not started within two (2) years of the date of this Permit,**
 - (b) **The development is not completed within four (4) years of the date of this Permit.**

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

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

Planning Notes:

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

6.2 Planning Permit Application No. P2013/134
- Development of Land for a Farm Shed ~ 185 Warring-Murchison East Road,
Warring (cont.)

Proposal

The proposal is for the development of land for a large farm storage shed on the subject site. The shed will be located in the south eastern portion of Lot 2 (185 Warring-Murchison East Road, Warring).

The shed will be located approximately 52.5 metres west of the eastern boundary, being the frontage to Morningside Road/Goulburn Valley Highway and 360m north of the southern boundary of the site.

The shed will be 82.5 metres long and 37.5 metres wide with an overall height of 7.4 metres (6 metres wall height and 5 degree, 1.64 metres high ridged roof). Sliding doors and pedestrian doors will be provided along the north, west and south walls of the shed. A 12 metres x 22.5 metres veranda structure will be provided at the northern end of the structure to provide shelter to the northern sliding door. The internal area of the shed will be approximately 3094 square metres.

The shed will be used to store pallets and will also include two toilets and three small rooms in the north eastern corner.

Subject site & locality

The subject site is owned by Stratford Vineyards and is located to the west of the Warring-Murchison East Road and the Shepparton railway line. The property includes two lots separated by the Noorilim Homestead site, Lot 2 is the southern of the two lots. The land is bound by the Goulburn River to the west.

The site is planted with vines and includes three east-west driveways, two dwellings, garages, sheds and dams. The existing buildings are all located near the Goulburn River boundary of the site, this area includes significant vegetation. The shed would be located on a square of land not currently used for vines located near the main crossover accessing the site.

The land to the immediate north of Lot 2 is Noorilim Homestead a heritage listed estate (HO9, VHR H297). Both Noorilim and the lot to the north forming the rest of 185 Warring-Murchison East Road are planted with vines. Other land in the area is of a similar size and used for agriculture. There are no dwellings within less than 1400m of the proposed shed.

The site is located to the immediate north west of the Goulburn Valley Freeway and its intersection with Warring-Murchison East Road. Access to the site is off Morningside Road.

6.2 Planning Permit Application No. P2013/134
- Development of Land for a Farm Shed ~ 185 Wahring-Murchison East Road,
Wahring (cont.)

Permit/Site History

Previous applications on record include:

- P74/2003 – Development of land for a second dwelling to be used as a caretaker’s dwelling.
- P2005-098 – Use and development of land for construction of a dwelling.
- P2012/058 – Development of land for construction of offices.

Public Notification

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

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

- Excessive height
- Inappropriate location – it is suggested the shed would be better located towards the rear of the site near the existing sheds.

It is noted the objector appears to have misread the height of the shed, the height will be 7.64 metres rather than the 16.4 metres mentioned by the objector. The objection has not been withdrawn.

Consultation

Consultation with the objector to ascertain concerns in relation to the height and in addition their concerns in relation to the proposed location on site.

Referrals

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	CFA – no objection, comments provided VicRoads – no objection
Section 52 Notices	Sign and notice to neighbours

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

6.2 Planning Permit Application No. P2013/134
- Development of Land for a Farm Shed ~ 185 Wahring-Murchison East Road,
Wahring (cont.)

Assessment

The zoning of the land and any relevant overlay provisions

Farming Zone

Purpose:

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

A permit is required for buildings and works within 100 metres of a Road Zone Category 1, pursuant to Clause 35.07-4.

Floodway 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.*

The proposed works are not within the portion of the site affected by the Floodway Overlay.

6.2 Planning Permit Application No. P2013/134
- Development of Land for a Farm Shed ~ 185 Wahrung-Murchison East Road,
Wahrung (cont.)

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.*

The proposed works are not within the portion of the site affected by the Land Subject to Inundation Overlay.

Bushfire Management Overlay

Purpose:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To assist to strengthen community resilience to bushfire.*
- *To identify areas where the bushfire hazard requires specified bushfire protection measures for subdivision and buildings and works to be implemented.*
- *To ensure that the location, design and construction of development considers the need to implement bushfire protection measures.*
- *To ensure development does not proceed unless the risk to life and property from bushfire can be reduced to an acceptable level.*

Clause 44.06-1, *Building and works*, of the Strathbogie Planning Scheme identifies uses for which associated buildings and works require a planning permit. As the proposed farm shed is not one of the identified uses, a permit is not required under this overlay.

The proposal was referred to the CFA who offered no objection or comments.

6.2 Planning Permit Application No. P2013/134
- Development of Land for a Farm Shed ~ 185 Wahring-Murchison East Road,
Wahring (cont.)

The State Planning Policy Framework (SPPF)

Clause 13.05-1, *Bushfire planning strategies and principles*, objective is relevant to this proposal:

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

Clause 14-01-2, *Sustainable agricultural land use*, is relevant to this proposal. It includes the following strategy:

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

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

Clause 21.06-2, *Adapting and diversifying agriculture*, is relevant to this proposal. The objective is:

- *To support and encourage the retention and diversification of agriculture.*

Relevant Particular Provisions

There are 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.*
- *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.*

6.2 Planning Permit Application No. P2013/134
- Development of Land for a Farm Shed ~ 185 Wahring-Murchison East Road,
Wahring (cont.)

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

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

There are no relevant adopted State policies.

Relevant incorporated, reference or adopted documents

There are no relevant incorporated, reference or adopted documents.

Relevant Planning Scheme amendments

There are no relevant planning scheme amendments.

Risk Management

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

Strategic Links – policy implications and relevance to Council Plan

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

Summary of Key Issues

The application seeks to develop land at 185 Wahring-Murchison East Road, Wahring for a large farm shed. The farm shed will have an internal area of approximately 3094 square metres. The shed will be located approximately 52.5 metres from the eastern boundary and thus less than 100m from a Road Zone Category 1.

With regard to the Zone:

The proposed development of the farm shed is consistent with the use of the land as a vineyard and the purposes of the Farming Zone for agricultural uses.

A planning permit is required as the proposed shed is within the minimum setback (100m) to a road in the Road Zone Category 1.

The application was referred externally to VicRoads, who offered no objection to the proposal.

6.2 Planning Permit Application No. P2013/134
- Development of Land for a Farm Shed ~ 185 Wahrung-Murchison East Road,
Wahrung (cont.)

The proposed shed whilst large, will have a limited impact on the surrounding properties due to its location in an agricultural area. There are no dwellings within 1.5km of the proposed shed which would be impacted by such a large structure. Conditions should be placed on the permit to provide landscaping to buffer the shed from the road and to require the building materials to be muted colours.

One (1) unresolved objection to this application remains, the issues raised in the objection related to excessive height and a preference for the shed to be located further west within the site. In response to these concerns it is noted that the shed is located more than 50 metres from the boundary which is consistent with the standard setback from roads in the Road Zone Category 1 in the Farming Zone. Strathbogie's schedule to the Farming Zone requires the larger setback to the road of 100m. As the proposal is consistent with the standard setback it is considered unnecessary and inappropriate to require the shed to be further setback from the road. Furthermore the shed is to be located on an area of land with direct access to the main driveway within the site and at a central location to the vines providing easy access to the shed. The shed is therefore considered to be appropriate.

The application was referred internally to Council's Assets services and building departments. No response was received from the building department and no objection, subject to conditions was received from the Assets department.

With regard to the Overlays:

The site is affected by the floodway overlay, land subject to inundation overlay and the bushfire management overlay. The proposed works do not trigger a permit under any of these overlays.

The application was referred externally to the CFA who did not object to the application. The CFA commented the shed is considered to be classified as a Large Isolated Building and requires certain access and fire hose and hydrant provisions. These issues would normally be dealt with as part of the building approvals process.

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

Conclusion

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

Attachments

Site Plan

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED ATP.M.