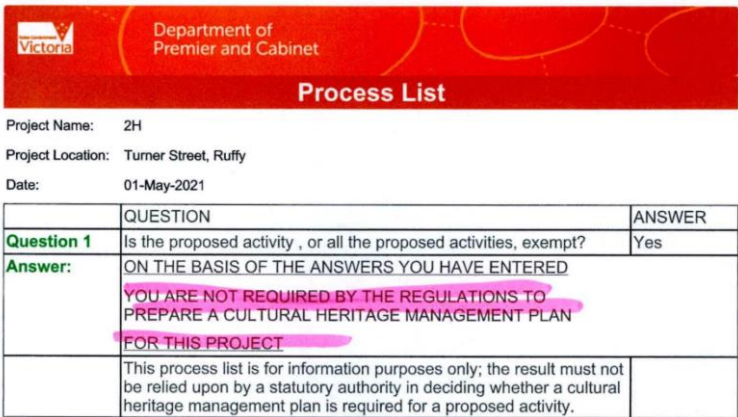


Officer Planning Report

Application Details:

Application is for:	Use and development of land for a dwelling and access in an unnamed unmade road reserve								
Applicant's/Owner's Name:	Hamill Agriculture								
Date Received:	4 June 2021 Application received 7 June 2021 Paid								
Statutory Days:	Over 60 days								
Application Number:	P2021-089								
Planner: Name, title & department	Trish Hall Senior Town Planner Planning and Investment Department								
Land/Address:	Certificate of Title Volume 05032 Folio 344 Crown Allotment 1 Section H Certificate of Title Volume 05032 Folio 345 Crown Allotment 2 Section H Known as 7 Hill Close, Ruffy VIC 3666								
Zoning:	Farming Zone								
Overlays:	No Overlays								
Is a CHMP required?	<p>No</p> <p>The subject site is affected by Cultural Sensitivity; however, a single dwelling is an exempt activity.</p>  <p>Project Name: 2H Project Location: Turner Street, Ruffy Date: 01-May-2021</p> <table border="1"> <thead> <tr> <th>QUESTION</th><th>ANSWER</th></tr> </thead> <tbody> <tr> <td>Question 1 Is the proposed activity, or all the proposed activities, exempt?</td><td>Yes</td></tr> <tr> <td>Answer: ON THE BASIS OF THE ANSWERS YOU HAVE ENTERED YOU ARE NOT REQUIRED BY THE REGULATIONS TO PREPARE A CULTURAL HERITAGE MANAGEMENT PLAN FOR THIS PROJECT</td><td></td></tr> <tr> <td colspan="2">This process list is for information purposes only; the result must not be relied upon by a statutory authority in deciding whether a cultural heritage management plan is required for a proposed activity.</td></tr> </tbody> </table>	QUESTION	ANSWER	Question 1 Is the proposed activity, or all the proposed activities, exempt?	Yes	Answer: ON THE BASIS OF THE ANSWERS YOU HAVE ENTERED YOU ARE NOT REQUIRED BY THE REGULATIONS TO PREPARE A CULTURAL HERITAGE MANAGEMENT PLAN FOR THIS PROJECT		This process list is for information purposes only; the result must not be relied upon by a statutory authority in deciding whether a cultural heritage management plan is required for a proposed activity.	
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This process list is for information purposes only; the result must not be relied upon by a statutory authority in deciding whether a cultural heritage management plan is required for a proposed activity.									
Is it within an Open Potable Catchment Area?	No The subject site is not within the Open Potable water Catchment Area.								
Under what clause(s) is a permit required? (include description)	Clause 35.07-1 Use of land for a dwelling on a small lot in the Farming Zone Clause 35.07-4 Buildings and works associated with a Section 2 Use in the Farming Zone and less than 20 metres from a road								
Restrictive covenants on the title?	No								

Current use and development:	Agriculture
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Disclosure of Conflicts of Interest in relation to advice provided in this report

After reading the definitions of a general or material conflict of interest as defined by the *Local Government Act 2020*, do you have a conflict of interest?

Yes ☐

(if YES, please complete a Conflict of Interest and Declaration Making Declaration form)

No ☒

Recommendation

That Council

- having caused notice of Planning Application No. P2021-091 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme

and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to issue a **Notice of Decision to grant a permit** under the provisions of Clause 35.07-1 Use of land for a dwelling on a small lot in the Farming Zone, Clause 35.07-4 Buildings and works associated with a Section 2 Use and less than 20 metres from a road, and less than 100 metres from a neighbouring dwelling and waterway in the Farming Zone of the Strathbogie Planning Scheme in respect of the land known as Certificate of Title Volume 05032 Folio 344 Crown allotment 1 Section H and Certificate of Title Volume 05032 Folio 345 Crown Allotment 2 Section H known as 7 Hill Close, Ruffy VIC 3666, for the Use and Development of land for a dwelling and access in accordance with endorsed plans, subject to the following conditions:

Amended Plans:

1. Prior to the commencement of any buildings or works a plan or plans must be submitted to and approved by, the Responsible Authority. When approved these plans shall be endorsed and form part of this permit. The plans must show –
 - a) A finalised set of floor plans and elevations for the dwelling.

Endorsed Plans:

2. 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.

Lot Consolidation:

3. Prior to any works commencing, Crown Allotment 1 and 2 Section H on Certificate of Title Volume 05032 Folio 345 must be consolidated into one title, to the satisfaction of the Responsible Authority.

Environmental Health Conditions:

Septic Tanks Code of Practice

4. All sewage and sullage waters shall be treated in accordance with the requirements of the Environment Protection Act 1970 and the Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management 891. 4 (2016)

and the Responsible Authority.

5. All wastewater shall be disposed of within the curtilage of the land and sufficient area shall be kept available for the purpose of wastewater disposal to the satisfaction of the Responsible Authority.
6. No wastewater shall drain directly or indirectly onto an adjoining property, street or any watercourse or drain to the satisfaction of the Responsible Authority.

Approval of wastewater disposal

7. Prior to installation/alterations works commencing on the septic tank system, a Permit to Install/Alter must be obtained from Council.

Area of wastewater disposal

8. No buildings or works shall occur over any part of the approved waste disposal system including the septic tank in accordance with the requirements of the Environment Protection Act 1970, the Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management 891.4 (2016).

Engineering Conditions:

Road Design Plan

9. The final design parameters for the roadways must be based on Council's Infrastructure Design Manual (IDM) as modified from time to time, all to the satisfaction of the Responsible Authority. All works shall conform to plans and specifications prepared by a qualified engineer at Owner's expense and approved by the Responsible authority. A list of specific details and requirements are as follows: -
 - (a) A pavement design must be submitted for the entire road network by a suitably qualified engineer in accordance with clause 12.4 and Standard Drawing 610 of the IDM.
 - (b) The Vehicle crossings to the individual lots from the road must be constructed at a location and of a size and standard satisfactory to the Responsible Authority.

Road Upgrading

10. Prior to the occupation of the dwelling, the developer is to upgrade the *unnamed road reserve accessed from Hobart Street* to the satisfaction of Strathbogie Shire Council.

Specific details are as follows:

- (a) Four metre width of gravel road and vehicular crossings;
- (b) underground conduits for water, gas, electricity and telephone;
- (c) appropriate intersection and tariffication measures;
- (d) appropriate street lighting and signage;

Road reserve and road widths must be in accordance with the requirements of the Infrastructure Design Manual

Rural Vehicle Crossing Location

11. Prior to the commencement of works on site, any new, relocated, alteration or replacement of required vehicular entrances to the subject land from the road shall be constructed at a location and of a size and standard 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 Clause 12.9.2 "Rural Vehicle Crossings" of the Infrastructure Design Manual. Refer to standard drawing SD255 for small vehicles or SD265 for large vehicles.

12. The vehicular crossing shall have satisfactory clearance to any power or Telecommunications pole, manhole cover or marker, or street tree and have a minimum of 50mm of gravel from the shoulder to the property boundary.

Internal Access Roads

13. Prior to the occupation of the dwelling 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.

Rural Drainage - Works

14. Prior to the occupation of the dwelling, 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.

Drainage Discharge Plan

15. *Before any of the development starts a properly prepared drainage discharge plan with computations 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 a minimum of three copies (or as specified) must be provided. The information submitted must show the details listed in the council's Infrastructure Design Manual and be designed in accordance with the requirements of that manual.*

The information and plan must include:

- a) Overall catchment plans showing the discharge location from four new lots and unmade road reserve
- b) details of how the works on the land are to be drained **and/or** retarded.
- c) computations including total energy line and hydraulic grade line for the existing and proposed drainage as directed by Responsible Authority
- d) a maximum discharge rate from the site is to be determined by computation to the satisfaction of Council.
- e) documentation demonstrating approval from the relevant authority for the legal point of discharge.
- f) the details of the incorporation of water sensitive urban design designed in accordance either "Urban Stormwater Best Practice Environmental Management Guidelines" 1999.
- g) maintenance schedules for treatment elements.

Prior to the occupation of the dwelling all works constructed or carried out must be in accordance with those plans. to the satisfaction of the Responsible Authority

Rural Drainage - Works

16. 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.

17. Appropriate steps must be taken to retain all silt and sediment on site during the construction phase to the satisfaction of the Responsible Authority and must be carried out in accordance with the following EPA guidelines and policies: -
- Environmental Guidelines for Major Construction Sites (EPA publication No. 480, December 19985); and
 - Construction Techniques for Sedimentation Pollution Control (EPA publication No. 275, May 1991)
18. Prior to the commencement of any works, the design parameters for any defined watercourse crossing(s), both structural and hydraulic design, shall be approved by the Responsible Authority (GBCMA – Works on Waterways Permit).

Council's Assets

19. Before the development starts or subdivision works commences, the owner or developer must submit to the Responsible Authority a written report and photos of any prior damage to public infrastructure. Listed in the report must be the condition of kerb & channel, footpath, seal, streetlights, signs and other public infrastructure fronting the property and abutting at least two properties either side of the development. Unless identified with the written report, any damage to infrastructure post construction will be attributed to the development. The owner or developer of the subject land must pay for any damage caused to the Councils assets/Public infrastructure caused as a result of the development or use permitted by this permit.

Ausnet Conditions:

20. The applicant must –

- Enter into an agreement with AusNet Electricity Services Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to the Lot being built upon. A payment to cover the cost of such work will be required.

DELWP Conditions:

Access and Encroachment

21. No access is permitted to the subject land via the Crown land.
22. Adjoining Crown land must not be used for truck turning areas, entry points, parking areas or temporary stack sites during the construction of buildings or works.
23. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into or watercourses on Crown land. Overland flows must be maintained at the same rate post development as on the undeveloped land.
24. No native vegetation is to be removed.

Goulburn Broken Catchment Management Authority

25. The finished floor level of the proposed dwelling must be constructed at least 300 millimetres above the highest existing ground level underneath the building footprint, or higher level deemed necessary by the responsible authority.

Goulburn Murray Water Conditions

26. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).

27. All wastewater from the dwelling must be treated to a standard of at least 20mg/L BOD and 30mg/L suspended solids using a package treatment plant or equivalent. The system must have a certificate of conformity issued by the Conformity Assessment Body (or equivalent approval) and be installed, operated and maintained in accordance with the relevant Australian Standard and EPA Code of Practice.
28. All wastewater must be applied to land via pressure-compensating sub-surface irrigation installed along the contour.
29. The wastewater disposal area must be located at least: 60m from any waterways, 40m from any drainage lines, 60m from any dams, and 20m from any bores.

Where wastewater is treated to at least a secondary standard, the distance may be reduced in accordance with the current EPA Code of Practice – Onsite Wastewater Management. However, where possible setback distances must be maximised.

30. The wastewater management system must be appropriately designed to manage the potential volume of wastewater generated under full occupancy (based on a minimum 4 bedrooms), including an appropriately sized disposal area based on a full water balance specific to the proposal and subject land in accordance with the requirements of the current EPA Code of Practice – Onsite Wastewater Management.
31. 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.
32. No buildings are to be constructed within 30 metres of any waterways or on any drainage lines.
33. Prior to the commencement of any works, the three parcels described as Crown Allotment 1 Section H Parish Ruffy and Crown Allotment 2, Section H, Parish Ruffy must be consolidated to create one parcel of land.

General Conditions:

34. The external cladding of the proposed buildings, including the roof, must be constructed of materials in good order and condition, be non-reflective and be of muted colours to enhance the aesthetic amenity of the area.
35. 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.

Dwelling Conditions:

36. The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for firefighting purposes.
37. The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

Permit Expiry:

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

- (a) The use and development has not started within two years of the date of this Permit.
- (b) The development is not completed within four years of the date of this Permit.
- (c) The use ceases for a period of two years or more.

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 creation of a new access way/crossover. Before any such development may commence, the Applicant must apply for and obtain appropriate approval from Council.
- 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.

Environmental Health Notes:

- The system must be at least 300 metres from potable water supply.
- The system must be at least 60 metres from any watercourse and/or dam (non-potable water supply) for primary sewage and 30 metres for secondary sewage, on the subject or neighbouring properties.
- A Medium Risk Template - Land Capability Assessment has been provided by Porta Environmental Pty Ltd and prepared in December 2020.

Ausnet Notes

- It is recommended that, at an early date the applicant commences negotiations with AusNet Services for a supply of electricity in order that supply arrangements can be worked out in detail. Arrangements for the supply may be subject to obtaining the agreement of other Authorities and any landowners that may be affected by routes of the electric power line required to supply the Lot and for any tree clearing.

DELWP Notes:

- The adjoining Crown land is not to be used for access, storage of materials or rubbish. Any private use of Crown land requires consent and/or licensing from the Department of Environment, Land, Water and Planning.

Goulburn Broken Catchment Management Authority Notes:

- 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.

Goulburn Murray Water Notes:

- The subject property is located within an area of Cultural Heritage Sensitivity. Should the activity associated with proposed development require a Cultural Heritage Management Plan (CHMP), planning permits, licences and work authorities cannot be issued unless a CHMP has been approved for the activity.

Proposal

The landowner is applying to use and develop the land for a dwelling on a small lot in the Farming Zone. The land is identified as Area 19 in the 2004 Strathbogie Shire Rural Residential Strategy and has an area of 7347 square metres this does not meet the required 40-hectare area for an as of right use in the Farming Zone.

The proposal is for the construction of a single storey 4-bedroom home with a floor area of 200.04 square metres. A length of 19.44 metres by 11.25 metres.

The proposed dwelling contains:

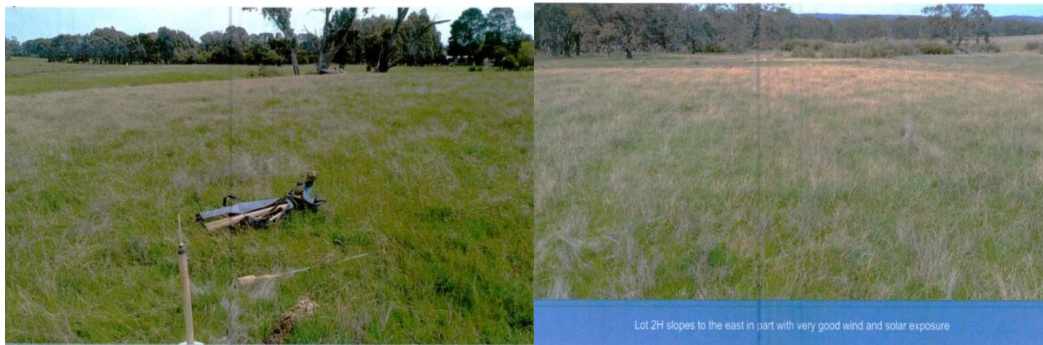
- Four bedrooms – including main bedroom with ensuite and WIR
- Media room
- Open kitchen, meals and family area
- Alfresco Area
- Double Garage



The applicant has requested that elevation plans be provided at a later stage by Condition on any planning permit issued.

The dwelling would be set back 5 metres from the "Turner Street" road reserve boundary to the northeast and 15 metres from the neighbouring lot to the west.

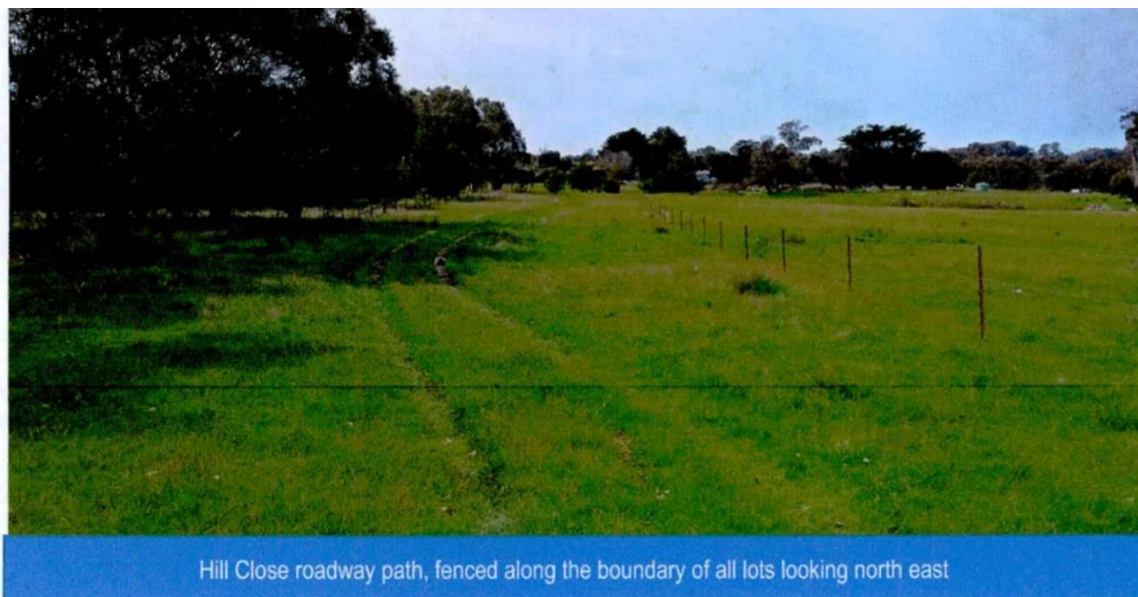
Site Plan



The proposed development includes road construction in accordance with IDM specifications for all weather access. It is proposed access will be via a portion of unmade road reserve which is informally named Hill Close.

There is no Crown land Tenure identified in any of the adjoining road reserves proposed to be utilised for access.

The applicant proposes the adjoining road reserve informally known as “Peter Street” will be undeveloped. The landowner proposes to retain their grazing licence on this portion and for it to be planted in native vegetation as a buffer zone between the residential and farming uses.



Subject site & locality

The property is made up of six (6) lots and is known as 7 Hill Close Ruffy.

Allotment 1 Section H – Approximately 4050 square metres

Allotment 2 Section H - Approximately 3297 square metres

Allotment 3 Section H – Approximately 12893 square metres

Allotment 7 Section G – Approximately 12127 square metres

Allotment 8 Section G - Approximately 4152 square metres

Allotment 9 Section D – Approximately 93 hectares



The proposal is for Certificate of Title Volume 05032 Folio 344 Crown Allotment 1 Section H Certificate of Title Volume 05032 Folio 345 Crown Allotment 2 Section H known as 7 Hill Close, Ruffy VIC 3666. These lots have a total area of 7347 square metres.



The lots are located on the southern side of the road reserve informally known as "Turner Street". The allotment is a corner lot with "Turner Street" to the north and an unmade road

reserve “Peter Street” to the east. The unmade road reserve is commonly referred to as “Hill Close” adjoining Crown Allotment 1 Section H.

“Hill Close” and “Turner Street” both have waterways crossing them which feed into the Boggy Creek to the southeast.

Hobart Street further to the north Adjoining the reserve known as “Hill Close” is a gravel road and adjoins Nolans Road 220 metres to the north. Nolans Road is sealed to the Nolans Road and Hobart Street corner and links to Longwood Ruffy Road and the Hume Freeway. The Hume Freeway is located approximately 18 kilometres to the north of the subject site.

Crown Allotment 2 Section H

Is vacant and contains a waterway along the southwestern edge that feeds into the Boggy Creek System to the south. The land adjoins Crown Allotment 1 Section H to the northwest.

Crown Allotment 1 Section H

Is vacant. The land contains several branches of waterway in the centre of the site which feeds into the Boggy Creek System to the south. The land adjoins Crown Allotment 2 Section H to the southeast.

The land is grassed and currently used as part of a larger grazing enterprise.

The applicant has stated that no sheep dip has been located on this or adjoining sites.

The surrounding neighbourhood

The site consists of two lots and measures 7347 square metres and it is considered to be a rural lifestyle property. The adjoining and neighbouring lots to the northwest and southwest are in the same ownership and are vacant.

The neighbouring lots to the north, east, and west are either developed, or have a planning permit for dwellings and shedding.

More broadly some of the lots originally surveyed more than a century ago remain undeveloped, and larger parcels are utilised for grazing, boutique enterprises and other uses.



Lots proposed for a single dwelling

- ★ Planning permit approved for a dwelling
- ★ Surrounding lots with dwellings

Area 19 2004 Strathbogie Shire Rural Residential Strategy

The subject site is identified in the 2004 Strathbogie Shire Rural Residential Zone as Area 19 – Ruffy Township. The township of Ruffy has been identified as a potential rural living destination. The town itself was originally surveyed more than a century ago, however it has barely been developed since then, and is predominantly utilised by the farming community surrounding it. More recently interest in Ruffy as a rural lifestyle area is growing. Ruffy is a village that operates one small produce store. The town has a town hall and community centre. The land in the area is used for sheep and cattle grazing with various boutique enterprises including vineyards, nurseries, trail riding facilities and bed & breakfasts etc. More recently, the town of Ruffy has seen weekend visitors taking advantage of the slow pace and scenery. Allotment sizes range from 5 acres to 20 acres.



Permit/Site History

A search of Council's electronic records showed the following planning permits have previously been issued:

P2014-061	Use and development of land for a dwelling (issued)
P2019-031 - 1	Use and development of land for a dwelling (issued)
P2021-090	Application Development of land for a dwelling and access NOD granted and planning permit issued
P2021-091	Application Development of land for a dwelling and access NOD granted and planning permit issued
P2021-092	Application Development of land for a dwelling and access NOD granted and planning permit issued

Public Notification

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

- Sending letters to adjoining landowners
- Placing (a) sign on site

The notification has been carried out correctly.

Council has received two (2) objections to date.

The objections included the following:

- Effluent Disposal Areas will affect naturally fed springs
- Run off and effluent will end up on adjoining and neighbouring properties
- Disturbance of peace with multiple dwellings; including disturbance to local wildlife and local area.
- Loss of privacy and peace from neighbouring dwellings
- The proposed development will impact the wildlife and animals on surrounding properties.

Please see locality map of objectors (identified with a red star).



17th September 2021

The applicant responded to the objections (Please see further below in report).

Environmental impact

As per the Porta Environmental Land Capability Assessment and the Strathbogie Shire Council, Environment Health Unit Response to a Planning Referral, the effluent disposal area is compliant and will not affect naturally fed springs and the runoff will not end up in the neighbouring properties.

There will be no loss of privacy or peace from the lots for which the applications are made as they are already in use with multiple daily attendances through agriculture production. There is a planning permit for a dwelling on the objectors property.

The precedent has been set and repeated in the granting of permits in this area on similar sized lots.

The wildlife will remain as it is. Significant native planting along Peter St, installed as a buffer between farmed land and the developing area, has created a new wildlife corridor to the creek reserve therefore the development has already and will continue to benefit the wildlife. The free roaming dog and cat from the objectors property have a far greater impact on the wildlife than the neighbours having a house to live in.

Consultation

4 June 2021	Application received
7 June 2021	Application paid
21 June 2021	Further information requested
23 June	Further information received
5 th August 2021	Advertised on website and to neighbours
20 th August 2021	Objection 1 received
30 th August 2021	Further details received
30 th August 2021	Objection 2 received
31 st August and	
1 st September 2021	Objections sent to applicant
17 th September 2021	Applicant responded to objections
17 th September 2021	Applicant's response sent to objectors with option 3 letter, 14 days to respond.
20th December 2021	Applicant advised they would Consolidate two titles as per GMW request.
19 January 2022	GBCMA referral response received
4 March 2022	Amended plans received
21 March 2022	Amended plans referred to GBCMA and GMW
25 March 2022	GBCMA response on amended plans
8 April 2022	GMW referral response received

Officers Response:

The objectors have indicated their objections stand and they do not wish to undertake mediation.

- **Effluent Disposal Areas will affect naturally fed springs**
- **Run off and effluent will end up on adjoining and neighbouring properties**

Conditions will be placed on any planning permit issued to ensure all sewage and sullage waters shall be treated in accordance with the requirements of the Environment Protection Act 1970 and be disposed of within the curtilage of the land. No wastewater shall drain directly or indirectly onto an adjoining property, street or any watercourse.

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.

The LCA provided states there no springs or bores noted on the near any of the LCA testing areas, there are also no dams for incised waterways or drainage line on the property apart from a localised depression some distance from the LCA test area.

- **Disturbance of peace with multiple dwellings; including disturbance to local wildlife and local area.**
- **Loss of privacy and peace from neighbouring dwellings**

- **The proposed development will impact the wildlife and animals on surrounding properties**

The subject site is identified in the 2004 Strathbogie Shire Rural Residential Strategy for consideration for rural type living, the proposal is for a single dwelling on lots with a total area 7347 square metres. Conditions will be placed on any planning permit issued to ensure the amenity of the area is not detrimentally affected by the use, through the:

- Appearance of any building, works or materials;
- Transport of materials, goods or commodities to or from the land;
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil;
- Presence of vermin, and;
- Others as appropriate.
- No native vegetation is removed

It is noted that the applicant has had three other applications for single dwellings on lots within the area considered separately by Council.

Referrals

External Referrals/Notices required by the Planning Scheme:

External Referrals	Advice/Response/Conditions
Ausnet (Section 52)	No Objection Subject to Conditions
DELWP (Section 52)	No Objection Subject to Conditions
Goulburn Murray Water	No Objection Subject to Conditions
Goulburn Broken Catchment Authority	No Objection Subject to Conditions

Internal Council Referrals	Advice/Response/Conditions
Asset Department	No Objection – subject to Conditions
Health Department	No Objection – subject to Conditions

Assessment

The zoning of the land and any relevant overlay provisions

Farming Zone

Purpose

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

- *To provide for the use and development of land for the specific purposes identified in a schedule to this zone.*

Officers Response:

A permit is required for the use and development of land for a dwelling, as the subject site is less than the minimum lot size (40 hectares). The subject site has been identified in Area 19 of the Strathbogie Shire 2004 Rural Residential Strategy. The site measures 7347 square metres and it is considered to be a rural lifestyle property. The adjoining and neighbouring lots to the southwest and northwest are in the same ownership and are vacant.




The neighbouring lots to the north, west and east are either developed, or have a planning permit for dwellings and shedding.

The use and development of the site for a dwelling will not lead to a direct loss in productive agricultural land. The land is identified in the 2004 Strathbogie Rural Residential Strategy, the lot is smaller in size, located in proximity to other rural dwellings. The impact of the proposed development on surrounding lots and broader agricultural activity to the southwest will be minimal as the land is separated by the area known as Ruffy Township to the north, Boggy Creek to the east and watercourses to the southwest.

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

General Issues	Complies	Officers Comment
<i>The Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Planning Strategy and local planning policies.</i>	Yes	Assessment against PPF & LPPF is provided below.
<i>Any Regional Catchment Strategy and associated plan applying to the land.</i>	Yes	Boggy Creek and Hughes Creek Catchment Area.
<i>The capability of the land to accommodate the proposed use or development, including the disposal of effluent.</i>	Yes	The application has been referred to Council's environmental health department who have consented to this application, subject to conditions. Given this, it is considered the land is capable of treating effluent waste on site. The development has an existing septic system on site.
<i>How the use or development relates to sustainable land management.</i>	Yes	The nature of the subject site including its size, location lends itself

		to residential development. The addition of a dwelling will result in regular monitoring and reduction in pests and weeds.
<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	It is considered the proposal is consistent with the adjoining land uses and is not likely to have a negative impact on the amenity of the exiting residents. The lot is separated from the larger surrounding agricultural parcels by the area known as Ruffy Township to the north, Boggy Creek to the east and watercourses to the southwest and east.
<i>How the use and development make use of existing infrastructure and service.</i>	Yes	Access is proposed via Hobart Street and the road reserves informally identified as "Hill Close" and "Turner Street". Conditions regarding appropriate access and the formation of roads will be included on any planning permit issued.
Agricultural Issues		
<i>Whether the use or development will support and enhance agricultural production.</i>	No	The subject land is vacant. The lot as part of a larger farming enterprise has previously been utilised as a farming enterprise. However, the land is identified as Area 19 in the <i>Rural Residential Strategy 2004</i> . The immediate surrounding lots vary in size, and some have been developed with single dwellings and shedding suitable for rural lifestyle living and is known as Ruffy Township.
<i>Whether the use or development will permanently remove land from agricultural production.</i>	Yes	<p>The site forms part of Ruffy Township. Despite its links through ownership to larger parcels of land to the south utilised for sheep and cattle grazing the area is considered appropriate use for rural lifestyle living and is identified in the Strathbogie 2004 Rural Residential Strategy.</p>  <p>The town itself was originally surveyed more than a century ago and is becoming more popular as a</p>

		rural living area. Ruffy is a village that operates one small produce store. The town has a town hall and community centre. The area has been identified as an area for investigation for Rural Residential and Low-Density Residential rezoning.
<i>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	It is considered the development will not directly limit the operation of adjoining and nearby agricultural uses. The site is separated from larger agriculture lots to the southwest and is separated by the area known as Ruffy Township to the north, Boggy Creek to the east and watercourses to the southwest. Smaller lots are identified in the 2004 Strathbogie Rural Residential Strategy and known as the Ruffy Township.
<i>The capacity of the site to sustain the agricultural use.</i>	Yes	The area is known as the Ruffy township and has already been established as an area for rural living. It is considered as discussed in this report the proposed development will not have a detrimental effect to the sustainable agricultural uses surrounding the subject site.
<i>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</i>	Yes	The land does have previous ties to agricultural use, several lots are in the same ownership, the site is a vacant smaller allotment.
<i>Any integrated land management plan prepared for the site.</i>	Yes	No integrated land management plans have been prepared; given the size of the land and the fact it is identified for rural residential purposes.
Dwelling Issues	Complies	Officers Comment
<i>Whether the dwelling will result in the loss or fragmentation of productive agricultural land.</i>	Yes	The proposed dwelling will not directly result in the loss or fragmentation of productive agricultural land, the subject site has been identified in the Rural Residential Strategy 2004 and neighbouring lots have been developed for residential purposes.
<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 subject site is surrounded by other rural lifestyle blocks of varied sizes. Land to the northwest is used for Rural Residential living whilst traditional agricultural purposes such as grazing exist past these allotments and to the south.

<i>Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	As the use of the land for a dwelling is in an area that is identified and already used for rural living purposes, there will be no impact on the adjoining agricultural practices in any different way than the neighbouring lots impact the land now.
<i>The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.</i>	Yes	The proposal has been assessed, taking into consideration the <i>Rural Residential Strategy 2004</i> it is unlikely that the proposed dwelling would directly result in the proliferation of dwellings beyond the area identified under the strategy.
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	Given the dwelling is proposed to be built in an area identified for rural living; the land is unlikely to be impacted any more detrimentally than it is already impacted from the current dwellings and shedding in the area. The site contains a waterway. The proposed dwelling, access and septic is located less than 100 metres from any waterway and more than 100 metres from Boggy Creek. The application has been referred to Strathbogie Shire's Environmental Health Department and appropriate conditions will be included on any issued planning permit regarding drainage and sediment and silt. Significant consultation has been undertaken with Goulburn Murray Water who consent subject to Conditions. The dwelling is less than 20 metres from the road reserve this is considered appropriate due to the area being used for rural type living.
<i>The impact of the use or development on the flora and fauna on the site and its surrounds.</i>	Yes	The proposal does not include the removal of any vegetation.
<i>The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.</i>	Yes	The proposal does not include the removal of any vegetation. Conditions will be included on any permit issued to ensure the dwelling and effluent disposal is located on the site to the satisfaction of the responsible authority.
<i>The location of on-site effluent disposal areas to minimise the impact</i>	Yes	On site effluent disposal will be required to be carried out in

<i>of nutrient loads on waterways and native vegetation.</i>		accordance with the requirements of the Responsible Authority.
<i>Design and siting issue</i>		
<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	<p>The proposed buildings and works are on a site with an area of 7347 square metres.</p> <p>The site contains a waterway along the southwestern boundary, The proposed dwelling, septic and driveway is less than 100 metres from the waterway.</p> <p>The proposed works are more than 100 metres from Boggy Creek to the southeast.</p> <p>The proposed dwelling is on a site that has been identified in the 2004 Rural Residential Strategy for rural living. Due to the size and location of the subject land it is considered the site is appropriate for residential living and the loss of any potential for agricultural production has already occurred to some degree. The lot is separated from larger agricultural parcels by the area known as Ruffy Township to the north, Boggy Creek to the east and watercourses to the southwest.</p>
<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	Should a permit be issued, a condition will be placed on the permit requiring muted tones and materials of good condition.
<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 proposal is unlikely to detract from the existing character and amenity values of the area. The subject site and surrounding land have been identified in the rural living strategy. Some have been developed in a similar manner with single dwellings and shedding constructed from similar materials. A muted tones condition will be included on any planning permit issued.
<i>The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.</i>	Yes	<p>The site is in the Farming Zone and standard conditions will be included on any planning permit issued regarding the provision of water, sewage, electricity and access.</p> <p>Construction of roads in the road reserve will be the responsibility of the developer and appropriate</p>

		Conditions will be included on any planning permit issued.
<i>Whether the use and development will require traffic management measures.</i>	Yes	As the proposal is for a dwelling, it is deemed not necessary for there to be traffic management measures implemented, however the developer will be responsible for road construction in the road reserves to the IDM Standards and Strathbogie Shire Asset Departments satisfaction.

The Planning Policy Framework (PPF)

Clause 13.02-1S, Bushfire planning

Objective

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

Clause 13.03-1S Floodplain management

Objective:

To assist in the protection of:

- *Life, property and community infrastructure from flood hazard.*
- *The natural Flood carrying capacity of rivers, streams and floodway'.*
- *The flood storage function of floodplains and waterways.*
- *Floodplain areas of environment significance or of importance to river health.*

Clause 13.04-2S Erosion and landslip

Objective:

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

Clause 14.01-1S Protection of agricultural land

Objective

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

Clause 14.01-1L Housing and house lot excisions in the rural areas

Objective

- *To discourage proliferation of dwellings on lots less than the minimum lot size specified in the Farming Zone.*

Clause 14.01-2S Sustainable agricultural land use

Objective

- *To encourage sustainable agricultural land use.*

Clause 14.02-1S, Catchment planning and management

Objective

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

Officers Response:

The proposal is considered consistent with the *Planning Policy Framework*. The subject site has a total area of 7347 square metres. The proposed development aligns with the character of the area as the pattern of development in the immediate area is considered rural residential with agricultural uses being undertaken outside of the Ruffy Township. This parcel is part of a

larger property within the Ruffy Township with an area of 97.39 hectares and is one of the last larger properties within the Township to still be utilised for grazing purposes.

It is considered the proposed dwelling will have minimal impact on the environment. No vegetation is proposed to be removed; the site contains grasses and few remnant trees. The proposal is unlikely to create any significant flooding issues the land is not affected by any flood overlays; conditions will be included on any permit issued to ensure stormwater and surface water is discharged from the site to the satisfaction of the responsible authority. The proposal includes road construction in the adjoining road reserves. Conditions will be included on any planning permit issued to ensure accessibility for emergency vehicles. The site is currently grazed and grass land is expected to be mown as part of the approval of any dwelling via amenity Conditions.

The impact on agricultural productivity is considered minimal given the small size of the lot and surrounding residential development, the use of the land for agriculture would become incompatible with surrounding land uses and it is considered the development and use of the land for a dwelling will enhance the existing rural residential character of the area. The land and surrounding area have previously been identified as Area 19 in the *Rural Residential Strategy 2004* as part of an area used for rural living purposes.

The proposed dwelling and works are less than 100 metres from the identified waterway to the southwest and more than 100 metres from Boggy Creek. Conditions will be included on any planning permit regarding drainage. The application was referred to both Goulburn Murray Water and Goulburn Broken Catchment Authority.

The surrounding area are used for residential purposes and therefore this is considered appropriate the lesser setbacks from the road and neighbouring dwellings is considered appropriate. The application was referred to both Goulburn Broken Catchment Authority and Goulburn Murray Water who considered the nearby waterway and given Conditional consent as the responsible authority.

The application was referred internally to Council's Assets and Health Department as discussed previously in this report.

Relevant Particular Provisions

2004 Strathbogie Shire Rural Residential Strategy

Area 19 Ruffy Township

The township of Ruffy has been identified as a potential rural living destination. The town itself was originally surveyed more than a century ago, however it has barely been developed since then, and is predominantly utilised by the farming community surrounding it. Ruffy is a village that operates one small produce store. The town has a State Primary School, town hall and community centre (cricket and tennis). The land in the area is used for sheep and cattle grazing with various boutique enterprises including vineyards, nurseries, trail riding facilities and bed & breakfasts etc. More recently, the town of Ruffy has seen weekend visitors taking advantage of the slow pace and scenery. Allotment sizes range from 5 acres to 20 acres.

Officers Response:

The proposal is in keeping with Area 19 of the 2004 Strathbogie Shire Rural Residential strategy. Ruffy no longer has a Primary School. There has been increased interest in rural residential type lots within the Shire and Ruffy township.

The required consolidation of Lot 1 Section H and Lot 2 Section H means the site can accommodate the buildings and is considered in keeping with the area and the rural residential development without having any further environmental impact.

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:*

Guideline	Assessment
<i>The matters set out in Section 60 of the Act.</i>	Complies. Consistent with the objectives for planning and satisfies the Scheme requirements. No significant effects are anticipated, including social or economic effects apart from being of benefit.
<i>The Municipal Planning Strategy and the Planning Policy Framework</i>	Complies.
<i>The purpose of the zone, overlay or other provision.</i>	Complies. The proposed development is in accordance with the 2004 Rural Residential Strategy as Area 19.
<i>Any matter required to be considered in the zone, overlay or other provision.</i>	Complies.
<i>The orderly planning of the area.</i>	Complies. The proposal is considered to represent orderly planning as it complies with the scheme and incorporated document requirements.
<i>The effect on the amenity of the area.</i>	Complies. The proposal is consistent with the purpose of the 2004 Strathbogrie Shire Rural Residential Strategy. No amenity issues are anticipated with the development. Standard amenity condition will be included on any planning permit issued.

<i>The proximity of the land to any public land.</i>	Complies. The subject site does not adjoin public land other than the road reserve. The proposed dwelling is less than 20 metres from the road; the area is primarily used for residential purposes.
<i>Factors likely to cause or contribute to land degradation, salinity or reduce water quality.</i>	Complies. The proposal will be governed by permit conditions which will ensure there will be no land degradation, salinity or reduction in water quality.
<i>Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.</i>	Stormwater runoff will be managed in accordance with Council's Engineering Conditions.
<i>The extent and character of native vegetation and the likelihood of its destruction.</i>	Complies. No native vegetation is proposed to be removed or impacted as part of the development works.
<i>Whether native vegetation is to be or can be protected, planted or allowed to regenerate.</i>	Complies.
<i>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.</i>	Complies. The site is not affected by the Bushfire Management Overlay it is within the Bushfire Prone Area. The dwelling will be required to be constructed to the appropriate BAL under the building regulations.
<i>The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.</i>	Not applicable.

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

There are no relevant adopted State policies.

Relevant incorporated, reference or adopted documents

2004 Rural Residential Strategy Area 19

The officer has made reference to this throughout the report.

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 and Assessment

- The land is in the Farming Zone and is less than the 40-hectare requirement for an as of right use for a dwelling.
- The land is identified in the 2004 Strathbogie Shire Rural Residential Strategy (Area 19).
- The proposed dwelling is less than 20 metres from the road reserve, which is a trigger for a planning permit under the Farming Zone.
- The proposed dwelling, access and septic is less than 100 metres from the waterway on site to the southwest.
- The dwelling is proposed to be located approximately 85 metres from a dwelling which has been previously given planning permission on the neighbouring land (objector) to the northeast. At the time of writing this report the dwelling has not been established.
- Required all weather road construction in unmade road reserves known as “Hill Close”.
- Lots 1 and 2 Section H will be required to be consolidated to lessen any impact on the land.

Officer Response:

It is considered appropriate to allow approval for the proposed dwelling. This is in keeping with the area and the Strathbogie Rural residential Strategy. The owner will still need to obtain appropriate building approvals to ensure the structures have the relevant permissions under the building code. The surrounding area are used for residential purposes and therefore the lesser setbacks from the road and neighbouring dwellings is considered appropriate. The application was referred to both Goulburn Broken Catchment Authority and Goulburn Murray Water who considered the nearby waterway and gave Conditional consent as the responsible authority.

Conditions will be included on any planning permit issued to ensure but not limited to:

- All sewage and sullage waters shall be treated in accordance with the requirements of the Environment Protection Act 1970 and be disposed of within the curtilage of the land. No wastewater shall drain directly or indirectly onto an adjoining property, street or any watercourse.
- 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.
- Crossovers and internal access will be constructed to the satisfaction of Council and provide emergency access.

- The proposed dwelling has an alternative potable water supply with adequate storage for domestic use as well as for firefighting purposes. The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.
- The amenity of the area is not 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.
- No native vegetation is to be removed.

These will address the concerns raised by the objectors.

Conclusion

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

Declaration:

In making this decision as a delegated Officer, I declare that I have had regard to the decision-making requirements of the Strathbogie Shire Council's Governance Rules 2020 outlined by Rule 6 and have:

Made a fair, balanced, ethical and impartial decision - Sub Rule 6(c)(i)	<input checked="" type="checkbox"/>
Made a decision based on merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations- Sub Rule 6 (c)(ii)	<input checked="" type="checkbox"/>
Applied the principles of natural justice to my decision, ensuring any person whose rights will be directly affected by the decision has been entitled to communicate their views and have their interests considered - Sub Rule 6(d)	N/A
Identified the person or persons whose rights will be directly affected Sub Rule 6(e)(i)	<input checked="" type="checkbox"/>
Given notice of the decision Council must make under Sub Rule G(e)(i)	N/A
Ensured that such person(s) have had an opportunity to communicate their views and have their interests considered before I made the decision - Sub Rule 6(e)(i)	N/A
Included information about how I've met these Sub Rules in my delegate report- Sub Rule 6(e)(iv)	<input checked="" type="checkbox"/>