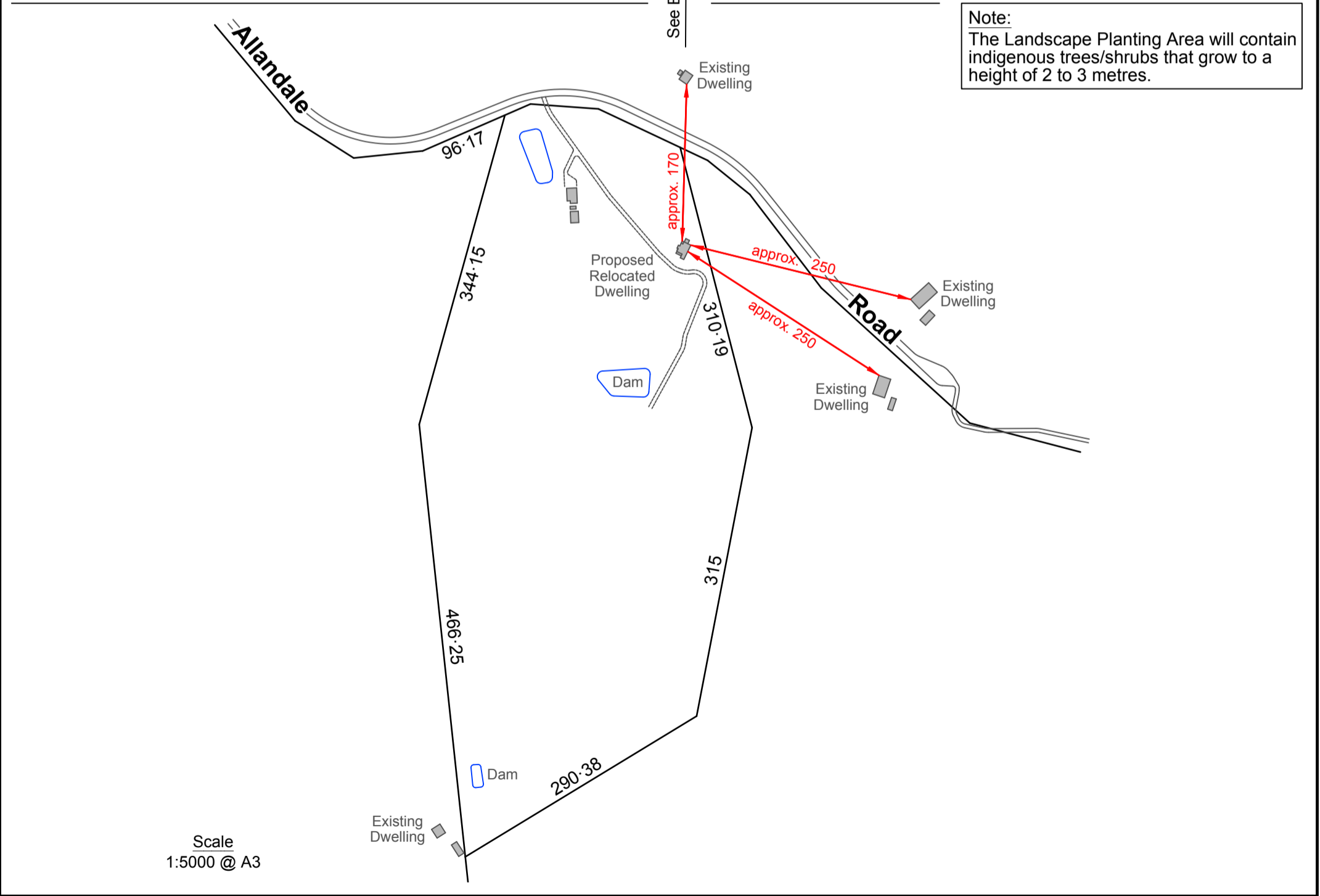
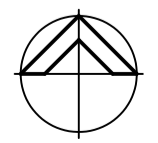




Note:
The Landscape Planting Area will contain indigenous trees/shrubs that grow to a height of 2 to 3 metres.



REVISION	DATE	ZONE
1 Landscaping, etc.	10/1/18	-



Scale As Shown

Chris Smith & ASSOCIATES
PTY LTD

CIVIL ENGINEERS · URBAN & REGIONAL PLANNERS · LEVEL 1 / 135 FRYERS STREET, SHEPPARTON, VIC. 3630
PH: (03) 5820 7700 FAX: (03) 5822 4878 www.csmith.com.au

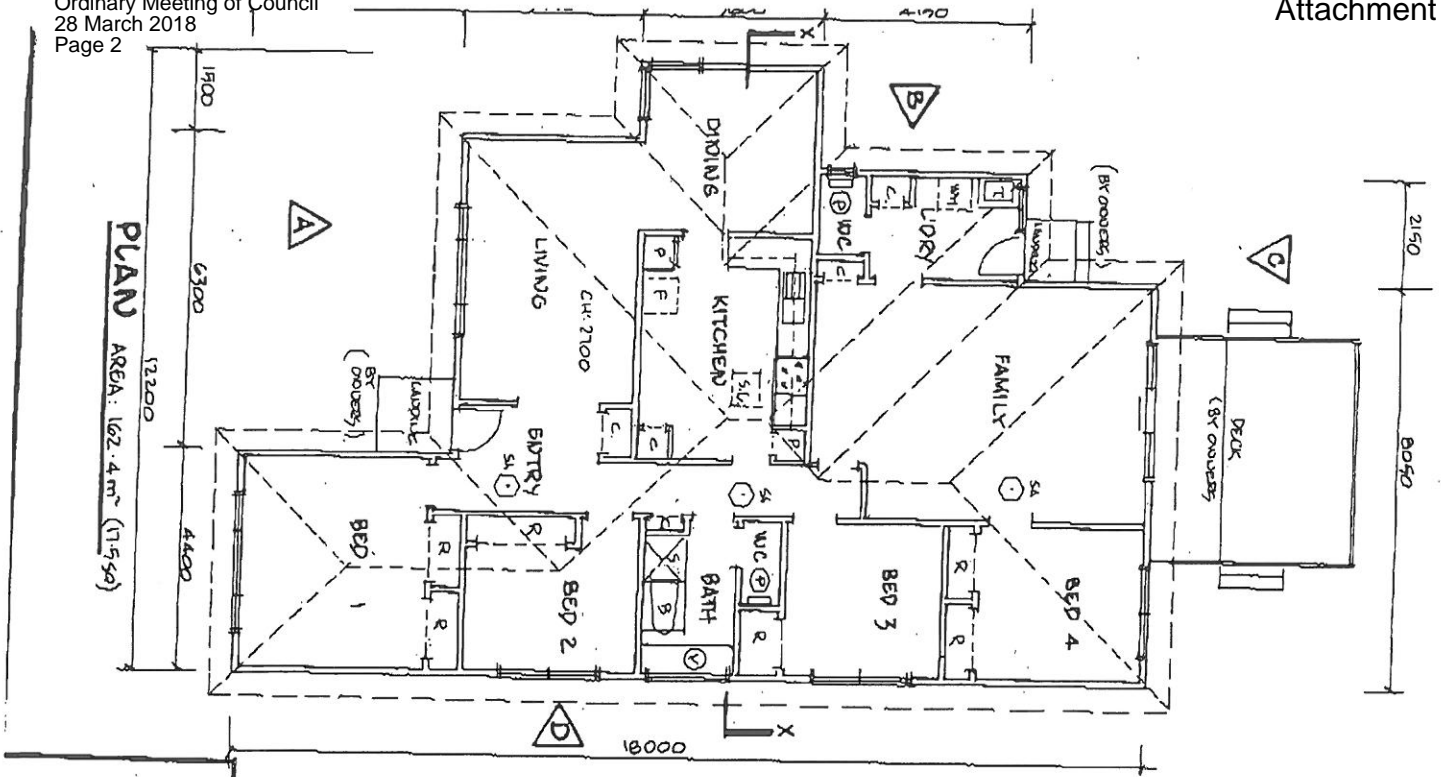
DESIGNED: Col Rogers
DRAWN: Col Rogers
CHECKED: Duncan Lewis
APPROVED: Duncan Lewis

26th October, 2017

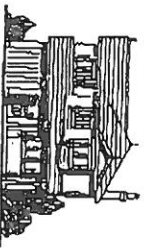
174 Allandale Road P/L.
Proposed Dwelling
174 Allandale Road
Strath Creek
Site Plan

Drawing No. 17144/01
Sheet No. 1 of 1
Rev. 1
1714401v1.dwg

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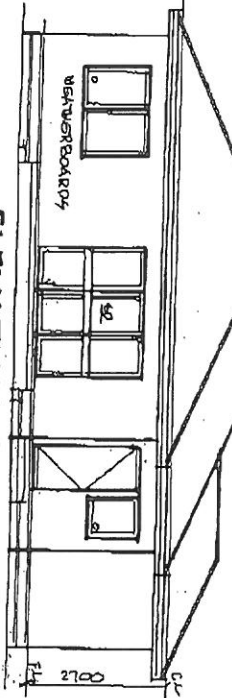
JOHN CASHMAN
 BUILDING DESIGN
 24 MORINDA STREET
 EAST RINGWOOD
 PH (03) 98708840
 F: (03) 98708840



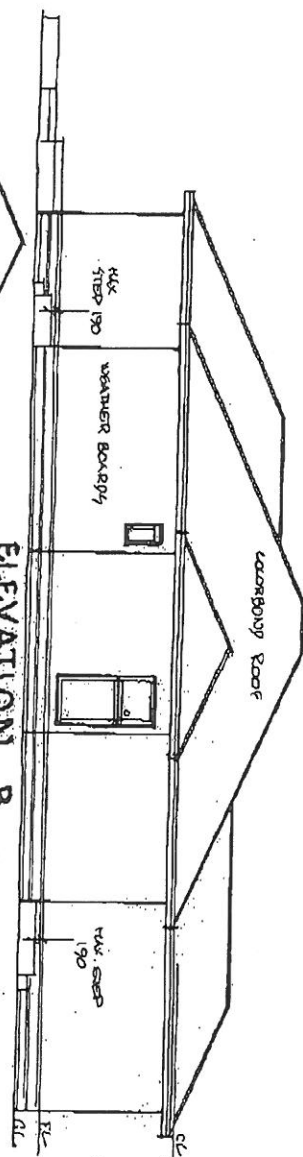
NEW LANDING & STAIRS

BEARERS: 90x90 T17P
 JOISTS: 30x40 L20/S4 CTS
 DECK: 40x60 L20/S4 CTS
 STRUCBERS: 2x100x50 T17P/CYPRESS
 TREADS: 2x100x100 T17P/CYPRESS
 MAX C/W 125

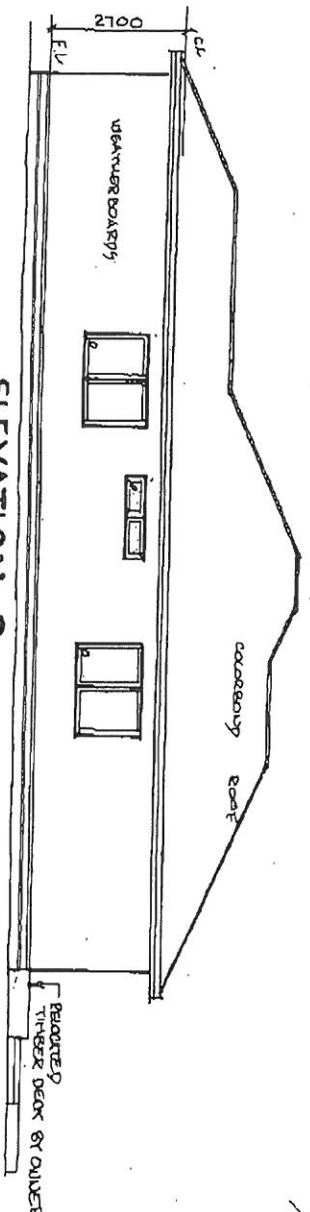
ELEVATION C



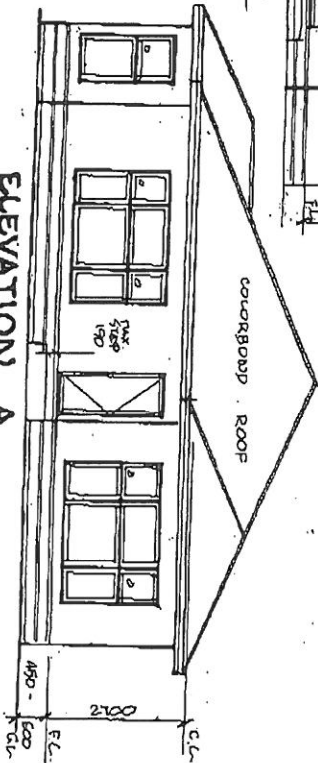
ELEVATION B



ELEVATION D



ELEVATION A



A landing must be provided where a doorway opens directly onto a stair that provides a change in floor level, or floor to ground level, greater than 3 meters or 5700mm.

RELOCATED
 TIMBER RESIDENCE
 AT 174 ALLANDALE ROAD
 STRATH CREEK

Date:	5/2/2018
Scale:	1:100
Drawn:	J.C.
Checked:	
Org. No.:	
Issue:	01
Sheet:	01

Chris Smith

& ASSOCIATES

PTY LTD

SPECIALISING IN SUBDIVISION PROJECT MANAGEMENT AND DESIGN

Planning Report

**Use & Development of a Dwelling, at
174 Allandale Road, Strath Creek**



Ref: 17144

November 2017

Ismail & Sonia Gulec

Level 1 135 Fryers Street, Shepparton, Vic, 3630
Telephone (03) 5820 7700 Facsimile (03) 5822 4878

Document Ref: 17144_R_Gulec, Dwelling in FZ, Strath Creek_191017

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Proposed Dwelling

Allandale Road, Strath Creek

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1 Introduction

This report is provided in support of an application for the use and development of land for a dwelling on a 20.5 ha parcel of land at 174 Allandale Road, Strath Creek. The land is located approximately 500m to the east of the Village Green & Pavilion, formerly the Hume and Hovell Cricket Ground.

The applicants – Ismail and Sonia Gulec – are in the process of purchasing the land and wish to begin relocating an existing weatherboard dwelling to the property, to enable them to reside on the property. By relocating to the property, it is the applicants' intention to begin managing the property for a mix of agricultural uses that will be undertaken in association with their residing on the land.

The applicants are involved with the Strath Creek Landcare Group and intend to undertake revegetation planting for landscaping and improved biodiversity on the property. The primary agricultural activity on the property will be centred around a horse rescue enterprise. The property will be fenced to a high standard to ensure the property is capable of accommodating between six (6) to fifteen (15) mature horses that have been rescued from other properties. The horse rescue program is managed by the RSPCA, whom the applicants have approached to integrate with their program. In order for the applicants to successfully manage the property and vulnerable horses, the construction of a dwelling will enable supervision of animals and regular maintenance of the property. The applicant has already commenced planting an orchard and vineyard on the site, to provide a diversity of agricultural use on the site.

As the applicants work during business hours away from the property, it is necessary for them to live on the property to manage the property after hours. The horse rescue program involves vulnerable animals whose recovery is monitored until such time they are ready to be relocated to a permanent property.

This report describes the subject land and its surrounds and also demonstrates how the proposal fulfils the relevant provisions of the Scheme. For the sake of brevity, matters relating to the relevant provisions are not necessarily repeated within every relevant section of this report, therefore this report should be read in its entirety and in conjunction with any supporting documentation provided when considering individual planning considerations.



Figure 1: Proposed Dwelling

Photograph of existing weatherboard dwelling to be relocated to subject site

2 Subject Land & Context

Property Summary:

Address: 174 Allandale Road, Strath Creek

Land Area: 20.50 ha

Land Description: Lot 8 on LP118985

Certificate of Title: Volume 09182 Folio 938

Municipality: Murrindindi

Council Property No. 4489

Planning Provisions:

Zone: Farming Zone

Overlays: Bushfire Management Overlay (Partial)

The subject site is situated to the south of Allandale Road, approximately 4.7 km south of Strath Creek and 6.8 km north west of Flowerdale, being the closest rural settlements to the property. Broadford & Yea are the closest regional townships with considerable infrastructure; 17.5km west and 18.5km east of the land, respectively.

The site is a roughly diamond-shaped parcel. The northern boundary of the property, fronting Allandale Road has a length of approximately 170m, while the eastern boundary (approx. 625m) and western boundary (approx. 800m) each contain two distinct north-east and north-west bearings.

With the exception of two (2) existing sheds on the site, the subject land is mostly vacant. The land has been previously cleared for grazing with some remnant vegetation. There are three (3) existing dams on the site, indicated on the proposed site plan (ref: 17044/01, Rev. 0). The adjacent properties are generally used for rural residential purposes, containing single dwellings on lots with very light agriculture. The site and the surrounding land is typically quite undulating.

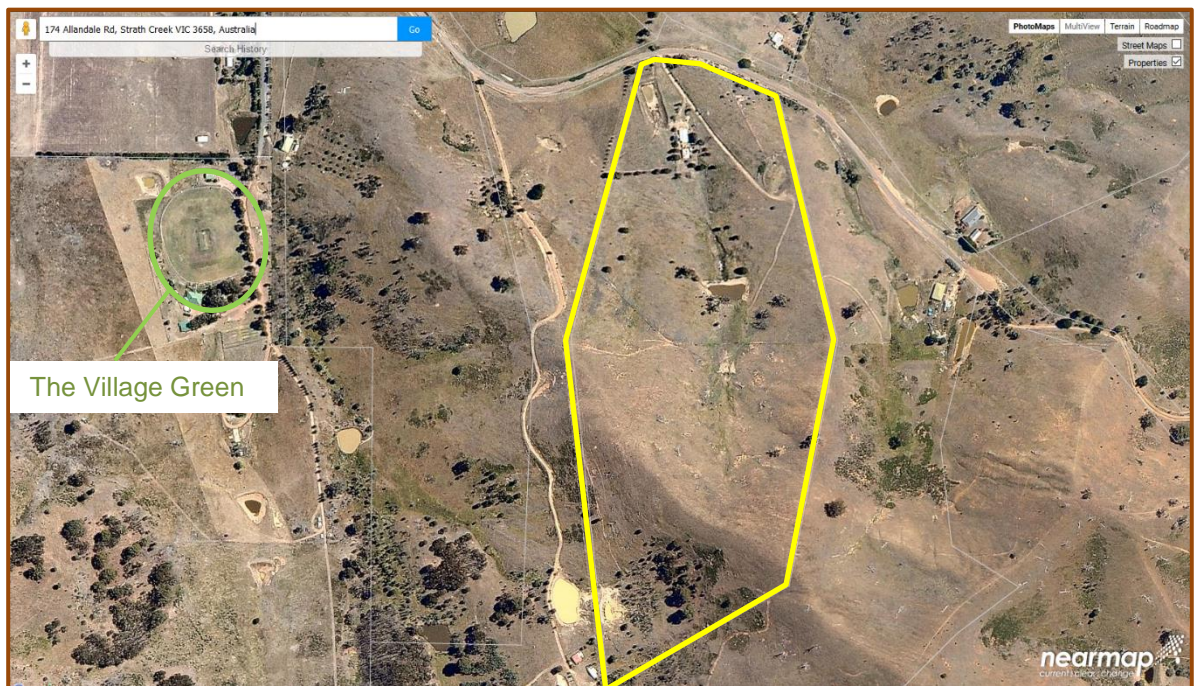


Figure 2: Locality Plan
Subject Site and Surrounding Area (Source: Nearmap)

3 Proposal & Planning Permit Triggers

Permit requirements:

Under the Farming Zone a planning permit is required:

- To use land for Dwelling, as the land is less than 40ha
- To construct or carry out a building or works associated with a use in Section 2 of Clause 35.07-1 which includes a Dwelling.

It is proposed to construct a dwelling on an undersized lot in the Farming Zone. The dwelling has been sited to the north of the property to utilise the flatter topography and an area of previous ground disturbance; ensuring the balance of the land is used for agriculture.

By undertaking development to the north of the property, the proposed dwelling will significantly limit the visual impact on the surrounding land.

The dwelling is an existing weatherboard dwelling that is in excellent condition and located in an established residential area in Melbourne. The dwelling contains four (4) bedrooms, a kitchen, lounge, dining, alfresco and laundry, as shown below in **Figure 3**. The dwelling will be set back approximately 104m from the northern (road) frontage, and approximately 15m from the eastern side boundary, being the nearest boundary to land in different ownership, as indicated on the proposed site plan (Ref: 17144/01, Rev. 0).



Figure 3: Floor Plan of Proposed Dwelling
Provided by applicant

Agriculture

Once established on the site, the owner will agist horses that have been rescued off-site at an appropriate stocking rate across the entirety of the property, while managing and improving the land.

4 Murrindindi Planning Scheme

4.1 State Planning Policy Framework

The proposal relates to Clauses 11, 13, 14 and 16 of the State Planning Policy Framework.

CLAUSE 11 – SETTLEMENT

Clause 11.12 (Hume regional growth)

Relevant Strategy under Clause 11.12-1 (A diversified economy) includes:

Avoid encroachment from rural residential settlement and other land uses that are non-complementary to agriculture in areas identified as strategic agricultural land and direct proposals for settlement to existing centres and townships.



Figure 4: Hume Regional Growth Plan

Outlining key strategic interests across the region
(subject land denoted with red star)

The proposal would provide for appropriate rural residential development in close proximity to regional towns, in Broadford to the west and Yea to east.

Clause 11.12-2 (Environmental assets)

To protect environmental and heritage assets, and maximise the regional benefit from them, while managing exposure to natural hazards and planning for the potential impacts of climate change

The proposal seeks to use and develop the property for a dwelling to manage the property for a context-sensitive agricultural use. The proposed dwelling site is well away from any environmentally sensitive areas. The dwelling will be set back from any vegetation and located on a relatively flat part of the property, to limit the necessity for excessive earthworks, as well as limiting any potential impacts on the visual amenity of the surrounding area.

CLAUSE 12 - ENVIRONMENTAL AND LANDSCAPE VALUES

Clause 12.04-2 (Landscapes)

Under this provision, the State Framework provides the following objective:

- *To protect landscapes and significant open spaces that contribute to character, identity and sustainable environments.*

The applicant seeks to develop the site for a dwelling that will respect the landscape features of the property. The applicant will require a dwelling on the site to be able to maintain their horse rescue operation. Further, by locating the dwelling to the north of the property, the development will respect the scenic landscape on the site, particularly focused around the vistas both to and from the site. The surrounding area is typically rural lifestyle lots, which the proposed dwelling would be unlikely to impact.

CLAUSE 14 - NATURAL RESOURCE MANAGEMENT

Clause 14.01 (Agriculture)

The Objective of Clause 14.01-1 (Protection of Agricultural Land) is to “*protect productive farmland which is of strategic significance in the local or regional context*”. A number of strategies are set out towards achieving this. Those of key relevance include:

In considering a proposal to subdivide or develop agricultural land, the following factors must be considered:

- *The desirability and impacts of removing the land from primary production, given its agricultural productivity.*
- *The impacts of the proposed subdivision or development on the continuation of primary production on adjacent land, with particular regard to land values and to the viability of infrastructure for such production.*
- *The compatibility between the proposed or likely development and the existing uses of the surrounding land.*
- *Assessment of the land capability*

These matters have been addressed in the statement on Dwelling Issues required by Clause 35.07-5 set out further below.

Also stated under Clause 14.01: *Planning for rural land use should consider:*

- *land capability; and*
- *the potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.*

The applicants will use the land for a dwelling in association with horse rescue. As the land is currently underutilised for agriculture, the proposed use will represent a net gain in the agricultural use of the property. In considering the topography and area of the land, the site is considered capable of containing and treating wastewater on site.

Therefore, a Land Capability Assessment is not considered necessary to support the proposed dwelling on the site.

Clause 14.01-2 (Sustainable agricultural land use)

The Objective of this Clause is: *To encourage sustainable agricultural land use.*
Relevant Strategies for achieving this are:

- *Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.*

The proposal will provide for the enhanced management of the land and provide for the maintenance and enhancement of its grazing capacity via eradication of weeds and vermin (rabbits and foxes), as a benefit of the land being occupied full time and used for agriculture.

Clause 14.02 (Water)

Clause 14.02 sets out State planning policy objectives related to the protection of catchments and water quality. In particular:

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

The onsite wastewater system would be managed on site, without compromising the quality of nearby watercourses and watertable. The context and topography of the site are such that a Land Capability Assessment is not required for this proposal.

CLAUSE 16 - HOUSING

This Clause notes that: *“Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure”*. In this instance, relevant State Planning Policy on Housing includes:

Clause 16.02-1 (Rural residential development)

The Objective of this Clause seeks to *“identify land suitable for rural living and rural residential development.”*

The proposal is in accordance with relevant Strategies to achieve the Clause 16.02-1 Objective. In particular:

- *Manage development in rural areas to protect agriculture and avoid inappropriate rural residential development.*

Response: The land will be used for residential purposes, as demonstrated throughout this report, the dwelling will have a direct relationship with an agricultural use.

4.2 Local Planning Policy Framework

The proposal relates to Clauses 21.02, 21.03 and 21.05 of the Local Planning Policy Framework.

Clause 21.02 The Planning Vision

The Murrindindi Planning Scheme outlines the following, fundamental features as being integral to the future planning of the Shire. With provisions to facilitate use and development that provides:

- *Growth in the rate base, population and economic activities to create long term economic sustainability for the municipality.*
- *Facilitation of new and expanded economic development and employment opportunities.*
- *Continued growth in the agricultural sector, including existing industries, emerging niche areas and the value adding of agricultural products.*

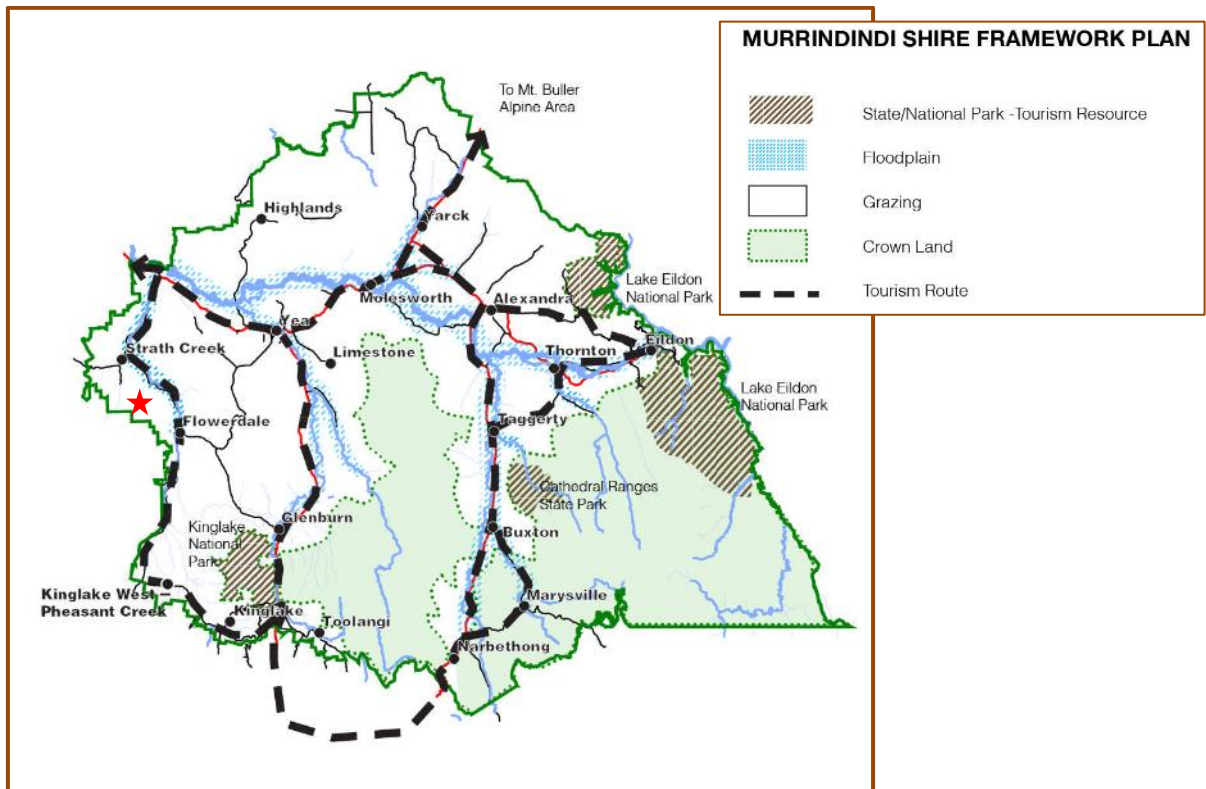


Figure 5: Murrindindi Municipal Area
Approximate location of Site highlighted with red star ★

Clause 21.03-2 Agriculture

Pursuant to the provisions of Clause 21.03-2, the following strategies relevant to the proposed use and development of land for a dwelling associated with a niche agricultural enterprise:

- *Need for diversification of the agricultural economy, including agroforestry, farm gate agricultural sales, boutique, niche agriculture, agricultural processing and value adding industries.*
- *Facilitate diversification of agricultural industries that are compatible with existing agricultural practices, including horticulture, intensive animal husbandry, agroforestry, farm gate agricultural sales, boutique, niche agriculture, agricultural processing and value adding industries.*

The subject site is heavily undulating and has previously been cleared. The land is currently grazed periodically. The applicant seeks to make use of this property for a horse rescue operation that will agist horses that have been neglected and often malnourished, or where the previous owners have been unable to maintain them. These animals will be agisted until they are able to be relocated to an alternative property.

4.3 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.*
- *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.*



Figure 6: Farming Zone
Subject site highlighted in red

Clause 35.07-2 (Use of land for a dwelling)

Under this Clause a lot used for a dwelling must meet the following requirements:

- Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- The dwelling must be connected 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 proposal is able to meet all of these requirements, being: functional road access via an existing all-weather road from Allandale Road, capacity for an onsite wastewater system, water supply storage, and electricity supply, as demonstrated in below sections.

Clause 35.07-5 Application requirements for dwellings

An application to use a lot for a dwelling must be accompanied by a written statement which explains how the proposed dwelling responds to the decision guidelines for dwellings in the zone. The statement is set out below.

Clause 35.07-6 Decision guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate... a specified range of:

- General Issues
- Agricultural issues and the impacts from non-agricultural uses
- Dwelling Issues
- Environmental Issues
- Design and Siting Issues

It is submitted that the proposal is in accordance with relevant Clause 35.07-6 Decision Guidelines, as set out in various sections of this report and below:

General Issues

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies. **Response:** as noted above.*
- *Any Regional Catchment Strategy and associated plan applying to the land. **Response:** N/A*
- *The capability of the land to accommodate the proposed use or development, including the disposal of effluent. **Response:** The land has been selected for its capacity to sustain both the proposed dwelling and the proposed agistment of rescued horses. The dwelling can be serviced by the onsite effluent system, and therefore a Land Capability Assessment is not considered necessary in this instance. Should Council deem this necessary, suitable conditions should be imposed upon any potential permit.*
- *How the use or development relates to sustainable land management. **Response:** The agricultural use of the land will include pasture improvement, native vegetation regeneration (as part of landscaping), in addition to weed and pest control.*
- *Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses. **Response:** The construction of a rural dwelling compatible with the area and the proposed operation of animal grazing on the property.*
- *How the use and development makes use of existing infrastructure and services. **Response:** The proposed dwelling will make use of existing infrastructure with access from an all-weather road and access to electricity. The site contains three existing dams which can provide for both domestic and agricultural water requirements.*

Agricultural issues and the impacts from non-agricultural uses

- *Whether the use or development will support and enhance agricultural production. **Response:** The proposed development will be undertaken in conjunction with the proposed horse rescue operation on the property.*
- *Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production. **Response:** There will*

be no adverse impacts on soil quality or loss of agriculturally productive land as the proposed dwelling is intended to facilitate the use of the land for agriculture. The land is not identified as being prone to soil degradation under the Scheme. The proposed dwelling site is flat and has been previously cleared of vegetation. This site is unlikely to be used for agriculture and would therefore not remove any additional land from agricultural use.

- *The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.* **Response:** The adjoining properties are typically rural lifestyle properties with some small agricultural properties. Further, The Village Green & Pavilion, located approximately 500m to the west of the site is an active sporting facility that hosts community and sporting events in a rural area.
- *The capacity of the site to sustain the agricultural use.* **Response:** The topography of the site and surrounding area is heavily undulating, which severely impacts the scale and form of conventional agriculture. The proposal is considered to be an appropriate response that will optimise the agricultural use of the land where conventional agriculture is limited.
- *The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.* **Response:** The stock would have access to the water in existing dams and high-quality pastures, while rural infrastructure and services are available in nearby towns.
- *Any integrated land management plan prepared for the site.* **Response:** The owner is not aware of any land management plan applying to the land; nor is there a land management plan registered on title.

Dwelling Issues

- *Whether the dwelling will result in the loss or fragmentation of productive agricultural land.* **Response:** The dwelling will provide for optimal use of an under-sized agricultural lot, in turn providing a net agricultural benefit to the property.
- *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.* **Response:** The dwelling is to be used in association with a small-scale horse rescue operation, centred around grazing and located in a non-intensive farming area. Therefore, no amenity impacts are likely to impinge on the health, safety or enjoyment of future occupants of the proposed dwelling.
- *Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.* **Response:** The proposed dwelling will not have any adverse effect on the operation or expansion of adjoining or nearby agricultural uses. The dwelling is located below the ridgeline of the hill to the east, additionally, the agricultural land to the east is not considered likely to be land that will be affected by a solitary dwelling.
- *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.* **Response:** The land is in an area where hobby farming on small grazing properties has been supported by Council. It is therefore not a suitable

candidate for intensive agriculture and therefore a boutique agricultural enterprise is considered to be an ideal outcome, providing an agricultural use sensitive to the surrounding context of the area.

Environmental Issues

- *The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality. **Response:*** The Dwelling will not result in any onsite or offsite impacts on environmental values such as water quality or soil quality and stability. The area to be set aside for residential use and development is not considered contributory to the natural qualities of the property.
- *The impact of the use or development on the flora and fauna on the site and its surrounds. **Response:*** The proposed dwelling site is well-removed from remnant stands of native vegetation and utilises a cleared part of the property where no environmental values will be compromised by the proposed development.
- *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. **Response:*** The proposal will not compromise any environmental values; the applicants intend to undertake extensive landscaping on the land, including revegetation of native species, providing a net gain to biodiversity and enhancing the natural assets of the land.
- *The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation. **Response:*** In considering the area and topography of the site, the land is fully capable of containing effluent within the property without adversely impacting nearby waterways or native vegetation. The effluent field will be located to the west of the proposed dwelling; internal to the subject site, further containing effluent disposal.

Design and Siting Issues

- *The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land. **Response:*** The dwelling is to be located on a relatively flat part of the site, with the majority of the property set aside for productive grazing.
- *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. **Response:*** The dwelling will be sited below a prominent ridgeline along the eastern property boundary. Thereby limiting the dwelling's visual impact on the surrounding area. Additionally, the dwelling will be a single-storey, weatherboard dwelling sensitive to the existing landscape of a design that will limited any adverse impact upon the surrounding area.
- *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. **Response:*** The proposed dwelling has been located to integrate

with the rural landscape; further, there are no identified items of significance on the site, or in the surrounding area.

- *The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.* **Response:** N/A
- *Whether the use and development will require traffic management measures.* **Response:** N/A

4.4 Bushfire Management Overlay

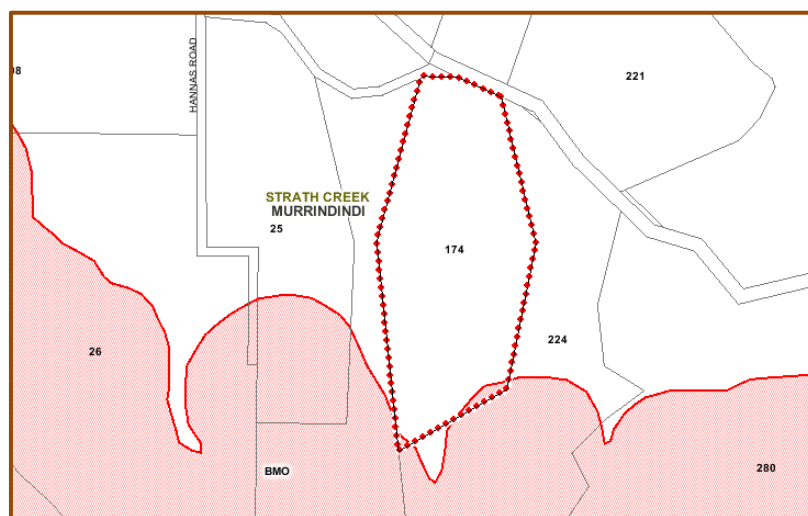


Figure 7: Bushfire Management Overlay

Indicating marginal portion of site subject to Bushfire

While the subject parcel is subject to the Bushfire Management Overlay, the proposed dwelling has been located to the north of the property, clear of the bushfire-prone area and approximately 400m downhill of the land subject to the BMO.

Consequently, assessment of the proposal against the standards of Clause 52.47 is not required for this proposal.

5 Planning Considerations and Decision Guidelines

Planning considerations have already been addressed above at Section 4 of this report.

Having regard to the application and various planning submissions it is considered that the proposal is in accordance with relevant decision guidelines under the applicable provisions and those of relevance at Clause 65 of the Scheme.

6 Conclusion

The proposal is in accordance with all relevant policy objectives, strategies and zone and particular provisions of the Murrindindi Planning Scheme. The proposal is of merit as it:

- has appropriate regard to State and Local Planning Policy regarding rural land and the environment responds appropriately to the Decision Guidelines of the Farming Zone
- will provide for a rural dwelling to enable the use of the land for agriculture responsive to the site context
- will sympathise with the scenery and landscape of the surrounding area.

It is therefore respectfully requested that a planning permit, as applied for, be issued.

7 Appendix 1 - Floor Plan



Dimensions are approximate measurements; we cannot guarantee its accuracy. No liability will be accepted for any misinformation

8 Appendix 2 - Relocatable Dwelling Images

