Application for Planning Permit

If you need help to complete this application, read: www.indigoshire.vic.gov.au

A. Any material submitted with this application will be available for public viewing, and the purpose of enabling consideration and review as part of the planning process under the Planning and Environment Act 1987.

B. Questions marked with an asterisk are mandatory.

If the space provided on the form is insufficient, please provide additional information or insert 'O' if no development is proposed (e.g., change of use, subdivision, removal of covenant, liquor licence).

These documents are made available for the sole purpose of enabling consideration and review as part of the planning process under the Planning and Environment Act 1987. These copies must not be used for any other purpose.

The Land

1. Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

   Street Address *

   Unit No.: _______  St. No.: _______  St. Name: Humphreys Road

   Suburb/Locality: Rutherglen  Postcode: 3685

   Formal Land Description *

   Complete either A or B.

   A Lot No.: CA9  Lodged Plan  Title Plan  Plan of Subdivision No.: 5640617

   OR

   B Crown Allotment No.: 9  Section No.: 41

   Parish/Township Name: Rutherglen

The Proposal

2. You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application.

   For what use, development or other matter do you require a permit? *

   If you need help about the proposal, read: How to Complete the Application for Planning Permit Form

   Construction of single storey brick veneer/weatherboard dwelling with attached garage.

   Provide additional information on the proposal, including: plans and elevations; any information required by the planning scheme; requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

   Cost $363,703.46  You may be required to verify this estimate.

Existing Conditions

3. Describe how the land is used and developed now *

   e.g. vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

   Land is currently vacant for a residential house to be built.

   Provide a plan of the existing conditions. Photos are also helpful.
**Title Information**

5. Encumbrances on title *

If you need help about the title, read: How to complete the Application for Planning Permit form.

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

- [ ] Yes. (If 'yes' contact Council for advice on how to proceed before continuing with this application.)
- [x] No
- [ ] Not applicable (no such encumbrance applies).

Provide a full, current copy of the title for each individual parcel of land forming the subject site. (The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', eg. restrictive covenants.)

---

**Applicant and Owner Details**

6. Provide details of the applicant and the owner of the land.

**Applicant**

- The person who wants the permit.

<table>
<thead>
<tr>
<th>Name:</th>
<th>Title: Miss</th>
<th>First Name: Tiarne</th>
<th>Surname: McPherson</th>
</tr>
</thead>
<tbody>
<tr>
<td>Organisation (if applicable):</td>
<td>Bridgewood Homes Pty Ltd</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

| Contact person's details | Same as applicant (if so, go to 'contact information') | [ ]
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
<td>Title: Miss</td>
</tr>
<tr>
<td>Organisation (if applicable):</td>
<td>Bridgewood Homes Pty Ltd</td>
</tr>
</tbody>
</table>

Please provide at least one contact phone number *

**Owner**

- The person or organisation who owns the land.

Where the owner is different from the applicant, provide the details of that person or organisation.

| Name: | Same as applicant | [ ]
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Title: Mr</td>
<td>First Name: Nathan &amp; Karin</td>
</tr>
<tr>
<td>Organisation (if applicable):</td>
<td></td>
</tr>
</tbody>
</table>

Owner's Signature (Optional):

Date: 29 Apr 2020

day / month / year

---

**Declaration**

7. This form must be signed by the applicant *

- Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

I declare that I am the applicant; and that all the information in this application is true and correct; and the owner (if not myself) has been notified of the permit application.

Signature: 

Date: 29 Apr 2020

day / month / year
Need help with the Application?  

If you need help to complete this form, read How to complete the Application for Planning Permit form. General information about the planning process is available at www.dpcd.vic.gov.au/planning.

Contact Council’s planning department to discuss the specific requirements for this application and obtain a planning permit checklist. Insufficient or unclear information may delay your application.

Has there been a pre-application meeting with a Council planning officer?

☐ No  ☐ Yes

Checklist

☐ Have you:

☐ Filled in the form completely?

☐ Paid or included the application fee? ▶️ Most applications require a fee to be paid. Contact Council to determine the appropriate fee.

☐ Provided all necessary supporting information and documents?

☑ A full, current copy of title information for each individual parcel of land forming the subject site

☐ A plan of existing conditions.

☑ Plans showing the layout and details of the proposal

☐ Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.

☐ If required, a description of the likely effect of the proposal (eg traffic, noise, environmental impacts).

☑ Completed the relevant Council planning permit checklist?

☑ Signed the declaration (section 7)?

Lodgement

Lodge the completed and signed form, the fee payment and all documents with:

Mailing address:
Indigo Shire Council
PO Box 28 or 101 Ford Street
Beechworth
VIC 3747

Planning Office location:
34 High Street, Yackandandah

Contact Information:
Telephone: 1300 365 003
Fax: 03 5728 1676
Email: indigoshire@indigoshire.vic.gov.au

Deliver application in person, by fax, or by post:

Print Form Make sure you deliver any required supporting information and necessary payment when you deliver this form to the above mentioned address. This is usually your local council but can sometimes be the Minister for Planning or another body.

Save Form:

Save Form To Your Computer You can save this application form to your computer to complete or review later or email it to others to complete relevant sections.
LAND DESCRIPTION

Crown Allotment 9 Section 41 Parish of Carlyle.
PARENT TITLE Volume 02850 Folio 949
Created by instrument AR204588F 04/07/2018

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
NATHAN JAMES WAITE
KARLIN ROSE WAITE both of
AS014661X 18/03/2019

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AS014662V 18/03/2019
WAW CREDIT UNION CO-OPERATIVE LTD
For details of any other encumbrances see the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP564061T FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

END OF REGISTER SEARCH STATEMENT

Additional information: (not part of the Register Search Statement)
Street Address: 15 WALDRONS LANE RUTHERGLEN VIC 3685

Delivered from the LANDATA® System by SAI Global Property Division Pty Ltd
TOTAL AREA = 10A OR 0P
SITE INFORMATION

Land Title Reference 9~41/PP2349
Site Area 1.01ha
Wind Classification N2 to AS 4055-2006
Soil Classification T to AS 2870-2011
Climate Zone 7 (www.abcb.gov.au map)
BAL 12.5 Areas of bushfire prone vegetation <1ha within 100m of building
Other Hazards None

LOCATION

30 m NORTH
29.4 m to datum cut/fill
99.640 datum point

SITE WORKS

- Stormwater layout by drainage contractor
- Connection point to be confirmed prior to commencement on site.
- Site drainage to comply with AS 3500.3.2 or AS 3505.5 & NCC Vol 2, 3.1.2
- Platform immediately surrounding the residence to fall away from the residence at a slope of 1 in 20 minimum to an earth drain as indicated on the site plan
- Maintain minimum 150mm clearance from finished slab heights (150mm in well drained areas) or min 50mm from finished paved or concreted surfaces
- Provide min 60mm cover to all 1000kG drains, install with filter sock @ time of footing construction
- If necessary, provide surface drainage to foot of bulk excavation to drain levelled pad prior to commencing footing excavation
- Install inspection openings at major bends for stormwater & all low points of downspouts
- All plumbing & drainage to be in accordance with local Authority requirements
- The surface drainage to discharge evenly within the site & without nuisance to adjoining properties
- Cut & fill batters not to exceed a maximum slope of 1 vertical to 1... horizontal
- Driveway slope not to exceed 1 vert. to 4 horiz.
- Driveway cross over by builder

BAL-12.5

External Walls - Parts less than 400mm above ground or decks to be of non-combustible material, 6mm fibre cement clad or bushfire resistant / naturally fire resistant timber.

External Windows - 4mm Grade A Safety Glass or glass blocks within 400 mm off ground, deck etc with openable portion metal screened with frame of metal or metal reinforced PVC-U or bushfire resisting timber.

External Doors - Screened with steel, bronze or aluminium mesh or glazed with 5mm toughened glass, non-combustible or 35 mm solid timber for 400 mm above threshold, naturally fire resistant (high density) timber framed for 400 mm above ground, decking, etc, tight-fitting with weather strips at base.

Roofs - Non-combustible covering, roof/wall junction sealed, openings fitted with non-combustible ember guards, roof to be fully sarked.

Verandahs, Decks etc - Enclosed sub-floor space - no special requirement for materials except within 400mm off ground, no special requirement for supports or framing, decking to be non-combustible or bushfire resistant within 300mm horizontally & 400mm vertically from a glazed element.

GROUND FINISHES

Concrete paving slab, grade 1 in 100, or ramp to ground level as indicated

SITE PLAN

Contract V01

PROPOSED RESIDENCE FOR
Nathan & Karlin Waite
Lot CA9 Humphreys Road
Rutherglen, VIC, 3685
9~41/PP2349

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SLAB & SET-OUT PLAN

1 : 200

SITE WORKS
- Stormwater layout by drainage contractor
- Connection point to be confirmed prior to commencement on site. Connected to legal point of discharge.
- Site drainage to comply with AS 3500.3.2 or AS 3500.5 or NCC Vol 2, 3.1.2
- Platform immediately surrounding the residence to fall away from the residence at a slope of 1 in 20 minimum to an earth drain as indicated on the site plan
- Maintain minimum 150mm clearance from finished slab heights (100mm in well drained areas) or min 50mm from finished paved or concreted surfaces
- Provide min. 600mm cover to all 1000kG drains, install with filter sock @ time of footing construction
- If necessary, provide surface drainage to foot of bulk excavation to drain levelled pad prior to commencing footing excavation
- Install inspection openings at major bends for stormwater & all points of downpipes
- All plumbing & drainage to be in accordance with local Authority requirements
- The surface drainage to discharge evenly within the site & without nuisance to adjoining properties
- Cut & fill batters not to exceed a maximum slope of 1 vertical to ... 1 horizontal
- Driveway slope not to exceed 1 vert. to 4 horiz.
- Driveway cross over by builder

NOTE: Garage internal stud wall is to sit on top of garage step

NOTE: Each 900mm panel = one TYPE B bracing unit

NOTE: all flathead nails should be galvanized or equivalent

FRAMING PLAN
Windows denoted as **FALL PROTECTED** must be protected from the risk of a person falling through an openable window in accordance with the requirements of the current BCA Vol 2 Cl. 3.9.2.5 where -

- An opening does not allow a 125mm sphere to pass through OR
- Windows are fitted with a device restricting the opening so it does not allow a 125mm sphere to pass through, must resist a 250N force OR
- An internal or external screen is fitted so it does not allow a 125mm sphere to pass through & must resist a horizontal force of 250N OR
- The opening part of the window must be 1.7m above the floor with no additional protection required.

**FLOOR FINISHES**

- Selected WET AREA Ceramic Floor Tile on concrete slab, grade to floor waste
- Selected CARPET & underlay
- Selected Laminate flooring on concrete slab
- Concrete paving slab, grade 1 in 100, or ramp to ground level as indicated

**REFERENCE FLOOR PLAN**
CONSTRUCTION NOTES

Climate Zone 7
Building Class 1a
Wind Class N2
Soil Class "M-0"

- Generally: all materials & forms of construction to comply with NCC Vol 2 Part 1.2 - retain copies of compliance certification documents provided by suppliers
- Termites protection in accordance with AS3660. Part A under slab & Part B perimeter
- Vermin proofing to AS3660.1
- Brick veneer walls to AS 3710
- Linkits to brickwork (per skin)
- Galv m.s. angle or flat.
- Longest leg of lintel to be vertical up to 900 mm span 74 x 10 flat, and bearing 150
- 950 - 1200 span 76 x 76 x 10 angle, and bearing 200
- 1200 - 1650 span 102 x 76 x 10 angle, and bearing 230
- 1650 - 2400 span 127 x 76 x 10 angle, and bearing 230
- 2400 - 3000 span 152 x 89 x 10 angle, and bearing 230

- Refer engineer's detail for lintels greater than those noted
- Wall framing - in accordance with AS 1684 & AS 1720.1
- Wall bracing & tie down - refer 'framing plan'
- Generally: ALL TIMBER STANDARD PINE

INSULATION NOTES

- Use only insulation materials which comply with AS/ENZ 4859-1, 2009 & AS/ENZ 1530.3-1999
- Retain insulation material data sheets for proof of compliance @ certification stage
- Install bulk insulation in accordance with AS 3999-1992 & NCC Vol 2 part 3.12.1
- Install pliable building membranes in accordance with AS/NZS 4200:1994 & NCC Vol 2 part 3.12.1 & P.2.2.3 & weatherproofing
- Install all insulation in accordance with manufacturers instructions for its specific use
- Sarking under 22.5° colorbond custom orb roof sheets
- R4.1 insulation batts to be fitted to residence ceilings only
- R2.0 HD insulation batts to be fitted to all external walls & internal garage/residence walls
- Fire rated insulation to all residence external walls
- Roof colour to be colorbond - SA 0.71 Dark

TYPICAL ROOF CONSTRUCTION

Colorbond custom orb cladding on pitch @ 900 ctrs, R4.1 bulk insulation to c'bond quad roof residence & garage walls

fire rated insulation to garage walls

living

10mm plasterboard ceiling on metal turring channels @ 450 ctrs. refer specifications for coronce treatment and square set extents.

뢰드 & Archs typical. refer specifications

120x35 FAR F7 treated pine rafters @ 900 ctrs.

140x65 FAR F7 treated pine whaling plate and fascia beam.

Section 1

1:50

PROPOSED RESIDENCE FOR Nathan & Karlin Waite
Lot CA9 Humphreys Road
Rutherglen, VIC, 3685
9~41/PP2349

BAL 12.5
External Walls - Parts less than 400mm above ground or decks to be of non-combustible material, 6mm fibre cement clad or bushfire resistant / naturally fire resistant timber.

External Windows - 4mm Grade A Safety Glass or glass blocks within 400 mm off ground, deck etc with openable portion metal screened with frame of metal or metal reinforced PVC UJ or bushfire resistant timber.

External Doors - Screened with steel, bronze or aluminium mesh or glazed with 5mm toughened glass, non-combustible or 35 mm solid timber for 400 mm above threshold, naturally fire resistant (high density) timber framed for 400 mm above ground, decking, etc, tight-fitting with weather strips at base.

Roofs - Non-combustible covering, roof/wall junction sealed, openings fitted with non-combustible ember guards, roof to be fully sarked.

Varandahs, Decks etc - Enclosed sub-floor space
- no special requirement for materials except within 400mm off ground, no special requirement for supports or framing, decking to be non-combustible or bushfire resistant within 300mm horizontally & 400mm vertically from a glazed element.

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ELECTRICAL & PLUMBING LEGEND

symbol | description
--- | ---
light outlet - batten CFL | light outlet - down light LED
light outlet - pendant LED | light outlet - wall mounted LED
sweep fan | exhaust fan with damper
fan/light/heat lamp (4 LAMPS) | fan/light/heat lamp (2 lamps)
light outlet | light outlet - single LED
light outlet | light outlet - joinery mtd strip light LED
switch point to outlet | switch point to outlet
switch point 2 way | switch point with dimmer
single GPO | single GPO - refer table for height
single GPO | single GPO - weatherproof
double GPO | double GPO - refer table for height
double GPO | double GPO - weatherproof
television aerial point | smoke detector
NBN fibre internal connection point | NBN data internal connection point
direct wire appliance | light outlet LED flood light
light outlet | sensor
hot water service | meter box
water point | water bayonet
tube skylight | capped floor waste
floor waste | garden tap (inc. 1 hot water outlet)
sotric system isolator

height table above FFL

Maximum ILLUMINATION POWER DENSITY in compliance with current BCA CL. 3.12.5.5 Artificial Lighting:
- max 5W/m² for residential living areas
- max 4W/m² for residential verandahs & balconies
- max 3W/m² for residential garages

NOTE - DOWNLIGHTS & CEILING INSULATION all recessed downlights to be fitted with approved fireproof non-ventilated cover or shield.

- All exhaust fans fitted with a self closing damper
- All general power outlets installed 250mm to centreline above floor level - unless specified otherwise
- All light switches installed 950mm to centreline above floor level - unless specified otherwise

ELECTRICAL PLAN

1 : 100

PROPOSED RESIDENCE FOR
Nathan & Karlin Waite
Lot CA9 Humphreys Road
Rutherglen, VIC, 3685
9~41:PP2349

Contract V01

Amendments:
- Added laminate bench to p'try
- Amended facade, ceilings, alfresco and laundry cabinet
- Added double glazing to D01, W08 & W09
- Added double glazing to C01, W08 & W10
- Added double glazing to D08, W06 & W10

Notes:
- All works to be carried out in accordance with these documents, the current edition of the Building Code of Australia & good building practice.
- Unauthorised use of this document in any form whatsoever is prohibited.
Kitchen Plan

INTERNAL NOTES

- Heights may vary according to tiles chosen by client.
- All WC's 100mm tiled skirt unless otherwise noted.
- Coats 1x 450D melamine shelf & hanging rail, vertical support if required.
- Robes 1x 450D melamine shelf & hanging rail to either side, vertical support if required.
- Store 4x 450D fixed melamine shelves & vertical support.
- Linen (to beds/hall) 4x fixed melamine shelves & vertical support.
- Linen (laundry) one half, 4x fixed melamine shelves other half top shelf only for broom space.

PROPOSED RESIDENCE FOR
Nathan & Karlin Waite
Lot CA9 Humphreys Road
Rutherglen, VIC, 3685

9~41
INTERNAL NOTES

- Heights may vary according to tiles chosen by client
- All WC's 100mm tiled skirt unless otherwise noted
- Coats 1x 450D melamine shelf & hanging rail, vertical support if required
- Robes 1x 450D melamine shelf & hanging rail to either side, vertical support if required
- Store 4x 450D fixed melamine shelves & vertical support
- Linen (to beds/hall) 4x fixed melamine shelves & vertical support
- Linen (laundry) one half, 4x fixed melamine shelves other half top shelf only for broom space

Ensuite Plan

1 : 50
Bathroom Plan

 INTERNAL NOTES
- Heights may vary according to tiles chosen by client
- All WC's 100mm tiled skirt unless otherwise noted
- Robe: 1x 450D melamine shelf & hanging rail to either side, vertical support if required
- Store: 4x 450D fixed melamine shelves & vertical support
- Linen (laundry) one half, 4x fixed melamine shelves other half top shelf only for broom space
habitat planning

Planning Report

15 Waldrons Lane, Rutherglen
Single Dwelling

June 2020
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Attachments

A. Titles and Agreements
B. House Plans
1 Introduction

1.1 Overview

This report has been prepared by Habitat Planning on behalf of Bridgewood Homes in support of a planning permit application for a single dwelling at Crown Allotment 9, Section 41, Parish of Carlyle and addressed as 15 Waldrons Lane, Rutherglen (“the subject site”).

The subject land is zoned Rural Activity Zone – Schedule 1 (“RAZ1”) pursuant to the *Indigo Planning Scheme* (“the planning scheme”) and is also affected by the Environmental Significance Overlay – Schedule 3 (“ESO3”).

A permit is sought pursuant to the following clauses of the planning scheme:

- **Clause 35.08-1** to use land for a dwelling, being a Section 2 use in the RAZ;
- **Clause 35.08-4** to construct a building or works associated with a Section 2 use in the RAZ; and
- **Clause 42.01-2** to construct a building or construct or carry out works in the ESO.

This report and accompanying information are provided in accordance with the requirements of the *Planning and Environment Act 1987* and the planning scheme. It provides a detailed description of the existing site and its context, an assessment against the relevant planning policies and matters for consideration within the planning scheme and other relevant documentation. This report is also accompanied by specialist technical reports as required.

The purpose of this report is to detail the proposed development and consider the proposal against the relevant matters for consideration and demonstrate the proposal is worthy of approval by Council.

1.2 Supporting Plans and Documentation

This report should be read in conjunction with the following documents:

- Title details;
- Proposed house plans.
2 Site Analysis

2.1 Subject Site

The subject site is described as Crown Allotment 9, Section 41, Parish of Carlyle and addressed as 15 Waldrons Lane, Rutherglen. The subject site is located on the fringe of the Rutherglen township and is located approximately 1.5 kilometres north east of the main town centre. Figure 1 below indicates the subject land in context to the township of Rutherglen.

The site is square in shape and has road frontage via Deas Lane to the north. The property has a width of 100.5 metres and a depth of 100.5 metres with a total area of 1.01 hectares.

The topography of the site is gently undulating and slopes downwards towards the east. The site contains no trees or vegetation and contains no defined drainage lines or watercourses.

An aerial view of the subject site and surrounds is provided at Figure 2.

![Figure 1 Context Map](image)
2.2 Surrounding Development

The subject site is located on the fringe of the township of Rutherglen and is surrounded by a variety of land uses including a number of recently constructed dwellings located to the south and south-west.

More specifically, the subject site adjoins residential dwellings to the north and south, whilst land to the east and west is currently vacant but is expected to be developed for residential lifestyle purposes consistent with other dwellings in the immediate surrounds.
3 Description of Proposal

3.1 Overview

This application seeks approval to construct a new single storey dwelling and associated garage. A detailed description of the proposal is provided in the following sections.

3.2 Residential Dwelling

The application seeks approval to construct a new single storey dwelling and associated garage on the subject land.

The dwelling will have a total floor area of 305.92m² and will be setback 30 metres from the adjoining Deas Lane to the north and 12 metres to the western boundary.

Internally, the dwelling will comprise four bedrooms, including one with a master bedroom with an ensuite. The dwelling will also contain a separate laundry, bathroom, living room, as well as an open plan kitchen, dining and family room. An attached undercover alfresco is located on the southern side of the dwelling, which will be directly accessible from the main dining and family area. A double garage is also proposed on the western end of the building and will be directly accessible to the dwelling via an internal door.

The exterior of the building will primarily be comprised of face brick, but the front façade of the building will be clad in a combination of both facebrick and weatherboards. The dwelling will have a Colorbond roof and a covered verandah along the front façade to give the dwelling a rural appearance. The dwelling will also have a sectional panel lift door, which will address the street, but will be setback behind the forward most wall of the dwelling.

A copy of the proposed floor plan is included as Attachment B and reproduced in Figure 3 below.

3.3 Infrastructure and Services

The site is located on the fringe of the Rutherglen township and has access to relevant infrastructure and services including water, electricity, drainage and road access. These services can be provided to the dwelling.

The property does not have access to reticulated sewerage and therefore proposes to treat sewerage via on-site disposal through the use of a worm farm waste system. It is noted that Council have already approved the plumbing approval (including on-site disposal) for this dwelling.

Matters regarding road access have also been adequately addressed as the owner intends on upgrading and extending Deas Lane to provide access to the site. More specifically, this includes the construction of a swale/table drain along the road reserve, as well as the placement and compaction of additional road base (gravel and crushed concrete) along Deas Lane to create all weather access to the site consistent with surrounding property access.

Driveway access into the property will be via a new driveway crossover comprising a piped culvert and associated headwall consistent with other recently constructed driveways in the immediate surrounds.
Figure 3  Proposed Site Plan
4 Statutory Planning Framework

This section of the report addresses the matters Council will consider in assessing the proposed application.

4.1 Planning and Environment Act 1987

Section 60(1)(b) of the Planning and Environment Act 1987 (“the P&E Act) requires that before deciding on an application, the responsible authority must consider:

(a) the relevant planning scheme; and

(b) the objectives of planning in Victoria; and

(c) all objections and other submissions which it has received and which have not been withdrawn; and

(d) any decision and comments of a referral authority which it has received; and

(e) any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development.

An assessment of the proposal against these considerations leads to the following general conclusions:

• The application has been prepared in accordance with the relevant requirements of the Indigo Planning Scheme.

• The objectives of planning in Victoria are of a very general nature and are more or less satisfied by consideration of all the other assessment criteria in this report.

• The application will be publicly exhibited. It is expected that any issues raised in submissions received will be considered as part of the assessment process.

• The application will be referred to any relevant referral authorities for review and comment.

• The environmental impacts of the proposal have been considered in this report.

There are no other matters of the P&E Act relevant for consideration in this report.

4.2 Planning Policy Framework

This section responds to the relevant components of the Planning Policy Framework (“PPF”). The PPF seeks to develop the objectives for planning in Victoria and sets out the environmental, social and economic factors in the interests of community benefit and sustainable development.

The following clauses from the PPF are relevant to this application:

• **Clause 11 – Settlements** states that planning is to anticipate and respond to the needs of existing and future communities through the provision of zones and serviced land for housing and community facilities and to facilitate sustainable development that takes full advantage of existing settlement patterns. More specifically, the following clauses are relevant to the subject application:

The proposal responds to **Clause 11.01-1S (Settlement)** which seeks to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements. The creation of a new residential dwelling within the Rutherglen township supports growth within an existing settlement.

The proposal will support the ongoing growth and development of Rutherglen which is consistent with **Clause 11.01-1R (Settlement – Hume)**.
**Clause 12 – Environmental and Landscape Values** states that planning should protect the health of ecological systems and the biodiversity they support and conserve areas with identified environmental and landscape values. More specifically, the following clauses are relevant to the subject application:

The proposal responds to **Clause 12.05-2S (Landscapes)** which seeks to protect and enhance significant landscapes. The subject land is identified within Schedule 3 of the Environmental Significance Overlay, which relates to Black Dog Creek. Notwithstanding, the subject land is not located within proximity to any waterways or watercourses and effluent will be appropriately disposed of on-site.

**Clause 14 – Natural Resource Management** states that planning should ensure agricultural land is managed sustainably, while acknowledging the economic importance of agricultural production. More specifically, the following clauses are relevant to the subject application:

The proposal responds to **Clause 14.01-1S (Protection of Agricultural Land)** which seeks to protect the state’s agricultural base by preserving productive farmland. Whilst it is acknowledged that the proposal does seek to develop land in the RAZ for a dwelling, it is noted that the subject land is highly constrained in an agricultural context as it is located on the fringe of Rutherglen and is surrounded by a number of other recently constructed residential dwellings in the RAZ.

This is the result of the lands’ ‘low’ agricultural capability (see Figure 4), its fragmented land ownership status, the small size of landholdings (the subject land is only 1 hectare), as well as the established residential/residential lifestyle character of the area, which has limited agricultural activities.

Consequently, the land is not considered to be high value or productive agricultural land in the Shire or the wider regional context, and the provision of a residential dwelling on the subject land will add to the diversity of the Shire within what has become an area of rural transition without adversely affecting other productive agricultural activities located elsewhere.

The development will not create land use conflicts with adjoining lands and is not considered to be an incompatible use in the context of the surrounding area as the land does not adjoin any productive agricultural activities, but rather recently constructed residential dwellings to the immediate south and south-west.

![Subject land](image)

**Figure 4** Agricultural land capability map (Source: Rural Land Use Strategy)
The proposal also responds to Clause 14.02-1S (Catchment Planning and Management) which seeks to assist the protection and restoration of catchments, water bodies, groundwater and the marine environment. More specifically, the proposed dwelling will not adversely affect the continued availability of drinking water, will not create adverse downstream impacts in terms of water quality, particularly in relation to Black Dog Creek and will retain and capture stormwater run-off from roof catchment areas via collection in rainwater tanks.

Furthermore, appropriate sediment and erosion control measures will be established and maintained, prior to and during construction.

- Clause 15 – Built Environment and Heritage states that planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context. More specifically, the following clauses are relevant to the subject application:

  The proposal responds to Clause 15.01-2S (Building Design) which seeks to achieve building design outcomes that contribute positively to the local context and enhance the public realm as the proposed dwelling is consistent with the scale, form and appearance of surrounding dwellings as it is single storey and comprises face brick with a Colorbond roof and attached verandah at the front of the property. The building is also well setback from adjoining roads and property boundaries. Furthermore, the development will not obscure any views or vistas and will not create any environmental harm or result in the removal of any existing native vegetation.

4.3 Local Planning Policy Framework

This section of the application report responds to the relevant components of the Local Planning Policy Framework (LPPF).

4.3.1 Municipal Strategic Statement

The MSS sets out future direction for the municipality and provides a vision and framework for the municipality. The intention is to further the objectives of planning in Victoria to the extent that the Planning Policy Framework is applicable to the municipality and local issues, including a broad range of matters such as land use, social, economic and environmental sustainability and major infrastructure requirements.

The following sections of the MSS are relevant to the proposed development.

Clause 21.02 (Key Issues) sets out the key issues related to land use planning for the Indigo Shire. Rural land is addressed at this part, through identifying the need for “protection of agricultural land, and in particular identified high-quality agricultural land along the Kiewa Valley, the viticultural areas surrounding Rutherglen and the Stanley horticulture area.” The subject land itself is not high-quality agricultural land as outlined above in response to the PPF and therefore the proposed development is not inconsistent with the key issues identified in this section of the MSS.

Clause 21.03 (Vision)

The vision for Indigo Shire is “a great place to live, work and visit”. Indigo Shire's vision is based on the principles of ecologically sustainable development, accommodating diverse lifestyles and protecting and enhancing the natural resource base. The construction of a dwelling on the subject land is generally consistent with this vision.
Clause 21.04 (Objectives and Strategies – Townships and Rural Areas)

Clause 21.04-3 of the MSS relates to economic development and identifies one of the key issues and challenges being the protection of agricultural land for current and future agricultural production. One of the primary objectives of this clause is to retain agricultural land for agricultural purposes.

As outlined above, the land does not represent productive agricultural land and the development of the site for a residential dwelling will not adversely affect any adjoining agricultural activities.

Clause 21.05 (Objectives and Strategies – Townships and Rural Areas)

Rutherglen is specifically identified at clause 21.05-2 of the MSS, which identifies that its proximity to other urban areas also makes it attractive from a commuter aspect. A number of large vacant parcels of land zoned for residential purposes and existing infill opportunities result in a sufficient amount of appropriately zoned land to accommodate residential growth in the short to medium term. Areas adjacent to the town within the Rural Activity Zone provide for rural residential development and hobby farming.

The proposed dwelling is consistent with this overview as it seeks to construct a new rural residential dwelling in an area adjacent to the town within the Rural Activity Zone.

Furthermore, rural areas of the Shire generally are discussed at clause 21.05-9 of the MSS. It is noted that the Shire maintains a very diverse agricultural base, from grazing scattered through the Shire, wine production around Rutherglen and Beechworth, dairying activities within the Kiewa valley and intensive horticulture in the higher areas of land surrounding Stanley. Equally, the MSS notes that several key issues for the Shire is to ‘protect agriculture and avoid inappropriate rural residential development’ across the high quality agricultural and resource bases.

The proposed dwelling is generally consistent with this objective as the land is not high quality productive agricultural land, nor does it adjoin any high quality agricultural or productive land. Furthermore, the proposed dwelling will not detract from the natural qualities of the area or create any environmental harm and is consistent with a number of adjoining land uses and similar developments.

4.3.2 Local Policies

Local Planning Policies provide more detailed direction to inform the assessment of new land use and development. The relevant Local Policies that require consideration against this proposal and each of these is addressed as follows.

Clause 22.01-1 (Rural Residential)

This policy applies to the subdivision and development of land in the Rural Living Zone and the Rutherglen Rural Activity Zone area and is therefore relevant to the proposal.

The basis of this policy and the application of the Rural Living Zone and Rural Activity Zone seek to provide for continued rural residential use and development. The application of the Rural Living and Rural Activity zones will reduce pressure for inappropriate rural residential development in the Farming Zone.

The policy objectives are addressed at Table 1 below, with the proposal considered against the specific policy requirements at Table 2 below.
<table>
<thead>
<tr>
<th>Policy</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Land Use</strong></td>
<td></td>
</tr>
<tr>
<td>Retain the Rural Living areas primarily for low density single dwelling residential uses in a rural setting.</td>
<td>Not applicable, the subject land is not located in the Rural Living zone.</td>
</tr>
<tr>
<td>Minimise the intrusion of land uses that would be more appropriately located in a commercial or industrial area.</td>
<td>Not applicable, the development does not propose commercial or industrial, but rather a rural residential dwelling.</td>
</tr>
<tr>
<td>Provide for the continuation of farming activities in appropriate locations, as a means of promoting sustainable land management and protecting rural landscapes.</td>
<td>Not applicable, the subject land has been created for rural residential purposes and the site does not adjoin any productive agricultural activities.</td>
</tr>
<tr>
<td>Protect and enhance the rural residential amenity, landscape and environmental qualities of the Rural Living and Rural Activity Zone areas.</td>
<td>The development will maintain the rural residential amenity of the area as the dwelling will maintain similar building setbacks, heights, materials and finishes to other surrounding dwellings.</td>
</tr>
<tr>
<td>Provide for non-residential uses that are compatible with the rural residential amenity, agriculture, environmental features and landscape character of the area and which are primarily aimed at meeting the needs of the local community.</td>
<td>Not applicable.</td>
</tr>
<tr>
<td>Ensure that the development of Rural Living and Rural Activity Zone areas is compatible with: – the environmental characteristics of the area; and – any existing or surrounding agricultural land uses.</td>
<td>Complies, the subject land does not contain any significant environmental characteristics and is cleared. Furthermore, the land does not adjoin any existing agricultural land uses.</td>
</tr>
<tr>
<td>Ensure that appropriate infrastructure is provided.</td>
<td>The proposed dwelling will be connected to all relevant infrastructure and services, including electricity and water. Matters regarding the disposal of effluent have also been considered and will be disposed off on-site via an approved on-site effluent disposal system, whilst the adjoining Deas Lane will be upgraded and extended to provide vehicular access to the property.</td>
</tr>
<tr>
<td>Encourage the identification of site opportunities and constraints so as to maximise development opportunities.</td>
<td>As outlined above, there are no site constraints of note that would limit development.</td>
</tr>
<tr>
<td><strong>Dwellings</strong></td>
<td></td>
</tr>
<tr>
<td>Maintain the low density and character of the areas.</td>
<td>The development will retain the low density character of the area as it only seeks approval for a single dwelling.</td>
</tr>
<tr>
<td>Protect natural environmental features, landscapes and existing farming and agricultural practices</td>
<td>Not applicable, the subject land contains no environmental features and is not used for any productive agricultural purposes.</td>
</tr>
<tr>
<td>Ensure that adequate infrastructure is provided to a suitable standard.</td>
<td>The new dwelling will be connected to all relevant infrastructure and services as outlined within this report.</td>
</tr>
</tbody>
</table>
Table 2 Clause 22.02-1 Policy

<table>
<thead>
<tr>
<th>Policy</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Information Requirements</strong></td>
<td></td>
</tr>
<tr>
<td>Require, in the absence of reticulated sewerage, a land capability assessment report in accordance with the EPA Code of Practice for Septic Tanks to be submitted with any application for permit, demonstrating the capability of the land to accommodate on-site effluent disposal;</td>
<td>Whilst it is acknowledged that a land capability assessment has not been provided as part of this application, it is noted that Council have already issued a plumbing approval for the property. Furthermore, the subject land does not adjoin any waterways or watercourses with the closest being over 5 kilometres away and works are not expected to create any adverse impacts on soil quality.</td>
</tr>
<tr>
<td>An application to be accompanied by a site analysis and a design response explaining how the proposed subdivision and/or development has responded to the site analysis. The site analysis should include:</td>
<td>This report and attached documentation provide a detailed analysis of the site and its existing conditions.</td>
</tr>
<tr>
<td>▪ a description of the existing cadastre</td>
<td></td>
</tr>
<tr>
<td>▪ the existing physical characteristics of the land including slope, soil type, drainage pattern, existing vegetation, prevailing wind direction, hazard areas ie. areas subject to erosion, fire, flooding, etc. and any areas of environmental significance;</td>
<td></td>
</tr>
<tr>
<td>▪ a statement describing the standard of construction of adjacent and abutting roads;</td>
<td></td>
</tr>
<tr>
<td>▪ the existing or likely use and development of adjoining and nearby land;</td>
<td></td>
</tr>
<tr>
<td>▪ any existing buildings on site; and</td>
<td></td>
</tr>
<tr>
<td>▪ any roads, property fences and boundaries, water races, electricity and other service easements.</td>
<td></td>
</tr>
<tr>
<td>The design response should include:</td>
<td>The proposed building plans detail how the new dwelling will respond to the land and its surrounds, as well as the location of infrastructure and services. As outlined above, the owners propose to upgrade and extend the adjoining Deas Lane to provide vehicular access to the property. There are no identified building envelopes applicable to the site and effluent disposal areas have been shown on the attached building plans. The proposed dwelling is consistent with a number of recently constructed rural dwellings located to the immediate south in terms of building setbacks, heights, materials and finishes. As outlined within this report, the proposal complies with the relevant matters for consideration in the MPS and PPF.</td>
</tr>
<tr>
<td>▪ a description of the proposed subdivisional cadastre;</td>
<td></td>
</tr>
<tr>
<td>▪ a statement of road construction suitability and capability to accommodate the proposal that takes account of potential cumulative effects from incremental development of the broader area;</td>
<td></td>
</tr>
<tr>
<td>▪ proposed building envelopes, effluent disposal envelopes and vehicular access and egress;</td>
<td></td>
</tr>
<tr>
<td>▪ how the proposed subdivision and/or development relates to the existing or likely use and development of adjoining and nearby land;</td>
<td></td>
</tr>
<tr>
<td>▪ how the proposal addresses the purpose and decision guidelines of the relevant zone and schedule to the zone (as appropriate);</td>
<td></td>
</tr>
<tr>
<td>▪ in the case of a staged subdivision, how the balance of the land may be subdivided</td>
<td></td>
</tr>
<tr>
<td>All land be managed in a way that ensures its long term environmental sustainability</td>
<td>The land will be managed ongoing.</td>
</tr>
<tr>
<td>Provision be made for the long term protection and enhancement of remnant vegetation.</td>
<td>Not applicable, the subject land contains no remnant vegetation.</td>
</tr>
<tr>
<td>Policy</td>
<td>Response</td>
</tr>
<tr>
<td>--------</td>
<td>----------</td>
</tr>
<tr>
<td>Commercial or industrial uses be located within townships or other areas specifically zoned for such uses.</td>
<td>Not applicable.</td>
</tr>
<tr>
<td>Any proposal to establish a non-residential use or a non-agricultural use in a Rural Living or Rural Activity Zone area should:</td>
<td>The development is generally consistent with these policy objectives as follows:</td>
</tr>
<tr>
<td>▪ Demonstrate why the use needs to be located in such an area rather than within a commercial or industrial area;</td>
<td>▪ No commercial or industrial activities are proposed.</td>
</tr>
<tr>
<td>▪ Be compatible with surrounding land uses and avoid any adverse effects on the residential amenity and environmental and visual qualities of the surrounding area;</td>
<td>▪ The new dwelling is generally consistent with surrounding land uses in terms of building setbacks, heights, materials and finishes;</td>
</tr>
<tr>
<td>▪ Avoid locations that are mostly used for residential or rural activities;</td>
<td>▪ The surrounding uses are primarily rural residential;</td>
</tr>
<tr>
<td>▪ Not lead to the fragmentation of the current land holding pattern;</td>
<td>▪ The development will not further fragment the land;</td>
</tr>
<tr>
<td>▪ Be compatible with the character of the surrounding neighbourhood and protect the rural residential amenity of the area;</td>
<td>▪ The new dwelling is generally consistent with the character and landscape of the surrounding area;</td>
</tr>
<tr>
<td>▪ Be of a scale and design that respects the environmental and built elements of the area;</td>
<td>▪ The new dwelling will protect rural amenity as it will be setback a minimum of 12 metres from the closest (western) boundary and 30 metres from the adjoining Deas Lane;</td>
</tr>
<tr>
<td>▪ Be provided with setbacks from common boundaries with adjoining residential uses that ensure the protection of residential amenity and, where appropriate, provide for the establishment of effective landscaping and screening buffers and be consistent with any schedule to the zone.</td>
<td>▪ All relevant services will be provided to the dwelling.</td>
</tr>
<tr>
<td>▪ Where appropriate, services such as fully constructed roads and a reticulated water supply, electricity, gas and telephone services be available to all proposed lots and that the installation of these services not have an adverse impact on the environment or landscape of the area.</td>
<td></td>
</tr>
</tbody>
</table>

### Dwellings

<table>
<thead>
<tr>
<th>The maximum density of dwellings reflects the subdivision potential established by the Schedule to the Zone.</th>
<th>The subject land already exist and the purpose of the application is to construct a single dwelling on this lot consistent with surrounding land uses.</th>
</tr>
</thead>
<tbody>
<tr>
<td>In areas which are not connected to reticulated services, a dwelling may only be established if the lot is of a sufficient size to enable all domestic wastewater to be adequately treated and retained within the boundaries of the lot.</td>
<td>The subject land has access to reticulated water and electricity, whilst effluent will be appropriately disposed of on-site.</td>
</tr>
<tr>
<td>A dwelling may only be established on a lot which has legal frontage and access to a properly constructed road, and can be provided with a permanent water supply which satisfies the requirements of the Country Fire Authority for firefighting purposes.</td>
<td>The subject land has access to a legal road frontage and proposes to undertake upgrade and extension works to this roadway. Water supply will also be provided in accordance with relevant CFA requirements.</td>
</tr>
<tr>
<td>The siting of a proposed dwelling allow for the maximum retention of native vegetation</td>
<td>Not applicable, the land contains no native vegetation.</td>
</tr>
</tbody>
</table>
The proposed development achieves the information requirements and performance measures of this local policy as it is consistent with the context and setting of the area and the land is not constrained by any environmental features or hazards.

**Clause 22.01-2 (Rural Development Siting and Design Policy)**

This policy applies to the development of land within the rural zones of the planning scheme and is therefore relevant to the proposal.

The policy objectives are addressed at **Table 3** below, with the proposal considered against the specific policy requirements at **Table 4** below.

**Table 3 – Clause 22.01-2 Objectives**

<table>
<thead>
<tr>
<th>Policy</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Siting considers orientation, protection from winds, relationship to landscape, avoidance of visually prominent sites, privacy and noise.</td>
<td>The proposed dwelling has considered the relevant site conditions.</td>
</tr>
<tr>
<td>The proposed development achieves the information requirements and performance measures of this local policy as it is consistent with the context and setting of the area and the land is not constrained by any environmental features or hazards.</td>
<td></td>
</tr>
</tbody>
</table>

**Table 4**

<table>
<thead>
<tr>
<th>Policy</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>To ensure that dwellings in rural areas are compatible with:</td>
<td>The proposed dwelling is consistent with the context and setting of the area, which is primarily comprised of residential dwellings on smaller allotments.</td>
</tr>
<tr>
<td>the environmental characteristics of the area; and</td>
<td></td>
</tr>
<tr>
<td>existing and surrounding agricultural land uses</td>
<td></td>
</tr>
<tr>
<td>To ensure that appropriate infrastructure is provided.</td>
<td>The subject land has access to reticulated water and electricity, which can be extended to the property. Furthermore, the development will be serviced via a proposed on-site effluent disposal system and proposes to upgrade and extend Deas Lane.</td>
</tr>
<tr>
<td>To ensure the character and visual quality of rural landscapes is not prejudiced by development.</td>
<td>The subject land does not form a ‘rural landscape’ and is more consistent with a rural living and low-density residential area. Development of the land for residential purposes will therefore not detract from the visual quality of the area.</td>
</tr>
<tr>
<td>To encourage the identification of site constraints so as to ensure site responsive design and siting.</td>
<td>A site assessment has been undertaken and the dwelling is appropriately located.</td>
</tr>
<tr>
<td>To minimise the visual impact of development on or near prominent hilltops, steep slopes and ridgelines</td>
<td>Not applicable, the land does not form a prominent hilltop, steep slope or ridgeline.</td>
</tr>
<tr>
<td>To protect significant views from the public domain of hilltops, creek valleys and other important features of landscape interest.</td>
<td>Not applicable, the land does not represent a significant view.</td>
</tr>
<tr>
<td>To provide for a mix of rural development densities and land uses within appropriately zoned areas.</td>
<td>The proposed dwelling is consistent with the established density and character of the local area.</td>
</tr>
</tbody>
</table>
Table 4 Clause 22.01-2 Policy

<table>
<thead>
<tr>
<th>Policy</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Information Requirements</strong></td>
<td></td>
</tr>
<tr>
<td>An application is to be accompanied by a site analysis that should show:</td>
<td>This report and attached documentation provides a detailed analysis of the site and its existing conditions.</td>
</tr>
<tr>
<td>• the existing physical characteristics of the land including slope, soil type, drainage pattern, existing vegetation, prevailing wind direction, hazard areas ie. areas subject to erosion, fire, flooding, etc. and any areas of environmental significance;</td>
<td></td>
</tr>
<tr>
<td>• the existing or likely use and development of adjoining and nearby land;</td>
<td></td>
</tr>
<tr>
<td>• any existing buildings on site; and</td>
<td></td>
</tr>
<tr>
<td>• any roads, property fences and boundaries, water races, electricity and other service easements.</td>
<td></td>
</tr>
<tr>
<td>The design response should show how the proposed development has responded to the site analysis and should show:</td>
<td>The proposed building plans detail how the new dwelling will respond to the land and its surrounds, as well as the location of infrastructure and services.</td>
</tr>
<tr>
<td>• proposed building envelopes, effluent disposal envelopes and vehicular access and egress;</td>
<td>As demonstrated within the attached building plans, the proposed dwelling is considered to be consistent with adjoining dwellings in terms of building materials, height, setbacks and the like.</td>
</tr>
<tr>
<td>• how the proposal avoids the removal of native vegetation or employs measures for the protection of native vegetation;</td>
<td>More specifically, the development does not require the removal of any native vegetation and has access to an electricity supply.</td>
</tr>
<tr>
<td>• location of electricity supply;</td>
<td></td>
</tr>
<tr>
<td>• how the proposal relates to the existing or likely use and development of adjoining and nearby land;</td>
<td></td>
</tr>
<tr>
<td>• an assessment of the suitability and capability of any adjacent or abutting road to safely accommodate traffic increases generated by the proposal; and</td>
<td></td>
</tr>
<tr>
<td>• how the proposal addresses the decision guidelines of the zone.</td>
<td></td>
</tr>
</tbody>
</table>

**Performance Measures**

| Development should have frontage and access to an all weather public road. | The subject land will be connected to Deas Lane, which will be upgraded and extended by the landowner. |
| The design and construction of all weather access tracks and driveways should follow contours to avoid excessive cut and fill and potential erosion problems and to avoid sedimentation and runoff to streams; | The road construction and design will have regard to the environmental features of the land and will be submitted to council for approval. |
| Access to the development should be located and constructed, at full cost to the owner, to the satisfaction of the responsible authority; | See above for further details. |
| The development should have access to a reliable water supply for domestic and/or non domestic uses, firefighting and stock purposes. Gravity water systems are preferable so as to reduce reliance on a power supply | The subject land is connected to a reticulated water supply system. |
Council will generally require that water storage tanks:

- be provided in close proximity to the development holding a minimum of 90,000 litres of water, of which a minimum reserve of 10,000 litres is to be held at all times for firefighting purposes;
- be fitted with a gate valve and a 64 millimetres, 3 thread round male coupling to CFA specifications to enable quick connection and full utilisation of all water; and
- be environmentally unobtrusive or screened;

Noted, although the subject land is already connected to Council’s reticulated water supply network and is not located within a BMO.

The development should have access to reticulated electricity or an approved alternative power supply. The augmentation and/or extension of services should be discussed at an early stage with the relevant service provider;

The subject land has access to a reticulated electricity supply.

Policy 22.03-2 Fire Hazard should be complied with;

The subject land is not bushfire prone, nor is it expected to increase the bushfire risk in the area.

Policy 22.03-4 Effluent Disposal & Water Quality should be complied with;

The development proposes on-site effluent disposal and the development will be constructed in accordance with the conditions of the plumbing approval issued by Council.

Policy 22.03-8 Floodplain and Rural Drainage Management should be complied with;

The subject land is not flood prone and stormwater will captured on-site via water tanks.

Buildings are constructed of materials and painted in colours that blend with the surrounding landscape;

The proposed dwelling will be constructed of materials and finishes consistent with the surrounding area.

Development should not be located within 15 metres of any property boundary or within 30 metres of any road, or closer than 100 metres to any waterway as determined by Goulburn-Murray Water;

Complies, the new dwelling will be setback 15 metres from the closest property boundary to the west and will be setback 30 metres to the adjoining Deas Lane to the north.

The subject land is not located within proximity to any waterways.

Development should not be located within 100 metres of Crown Land including a national park.

Complies, the subject land is not located within 100 metres of Crown Land.

The proposed development generally achieves the information requirements and performance measures of this local policy as it is consistent with the context and setting of the area and the land is not constrained by any environmental features or hazards.

Clause 22.03-1 (Landcare and catchment management)

This policy applies to use and/or development within the whole shire and is therefore relevant to the proposal. The basis of this policy is to recognise the findings and implementation works set out in the relevant North East Catchment Management Strategy that need to be taken into account in considering applications for use and development.

The policy objectives are addressed at Table 5 below, with the proposal considered against the specific policy requirements at Table 6 below.
### Table 5 Clause 22.03-1 Objectives

<table>
<thead>
<tr>
<th>Objectives</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>To have regard to the North East Catchment Management Strategy and related strategies.</td>
<td>The proposed dwelling is consistent with the general aims and objectives of the North East Catchment Management Strategy as it will not adversely affect environmentally sensitive land.</td>
</tr>
<tr>
<td>To utilise the principles of Landcare when considering applications to use and develop land.</td>
<td>Noted.</td>
</tr>
<tr>
<td>To protect areas prone to soil erosion.</td>
<td>The subject land is not prone to soil erosion.</td>
</tr>
<tr>
<td>To facilitate the rectification of land degradation and the improvement of agricultural land.</td>
<td>The subject land does not require the rectification of degraded land.</td>
</tr>
<tr>
<td>To support and encourage total catchment management philosophies.</td>
<td>Noted.</td>
</tr>
<tr>
<td>To encourage the preparation of farm management plans.</td>
<td>Not required as the land is not used or proposed to be used for productive agricultural purposes.</td>
</tr>
</tbody>
</table>

### Table 6 Clause 22.02 Policy

<table>
<thead>
<tr>
<th>Policy</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development of land in agricultural areas should take into account the North East Catchment Management Strategy and related strategies.</td>
<td>See above for further details.</td>
</tr>
<tr>
<td>Applications should demonstrate proof of consideration of catchment policies.</td>
<td>See above for further details.</td>
</tr>
<tr>
<td>Where land degradation issues have been identified, management plans should be developed to rectify these issues.</td>
<td>The land is not subject to degradation.</td>
</tr>
<tr>
<td>Whether conditions on permits are required to help prevent soil degradation or to rectify current land degradation problems</td>
<td>Not applicable.</td>
</tr>
<tr>
<td>Any relevant farm management plans</td>
<td>There is no applicable farm management plan.</td>
</tr>
<tr>
<td>Before deciding on an application to use, subdivide or develop land or carry out works, Council may also consider:</td>
<td>Noted, this is not a control.</td>
</tr>
<tr>
<td>– the views of the Department of Natural Resources and Environment and the North East Catchment Management Authority.</td>
<td></td>
</tr>
<tr>
<td>– the views from an appropriately qualified land management specialist.</td>
<td></td>
</tr>
<tr>
<td>– relevant farm management plans.</td>
<td></td>
</tr>
<tr>
<td>– North East Regional and Indigo Shire Roadside Management Strategies.</td>
<td></td>
</tr>
</tbody>
</table>
Clause 22.03-2 – Fire Hazard

This policy applies to the whole of Indigo Shire including uses and development that may increase the level of fire risk within the Shire, including development on rural lands and is therefore applicable to this proposal. The basis of the policy is to ensure that the siting and design of dwellings and other development takes into account the prevailing fire hazard conditions.

The policy objectives are addressed at Table 7 below, with the proposal considered against the specific policy requirements at Table 8 below.

Table 7 – Clause 22.03-2 Objectives

<table>
<thead>
<tr>
<th>Objective</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>To ensure that new land uses and development do not increase the level of fire risk.</td>
<td>The subject land represents cleared land zoned for rural residential purposes and is not expected to increase the bushfire risk of the area.</td>
</tr>
<tr>
<td>To ensure that new land use and development includes adequate fire protection measures.</td>
<td>No specific bushfire measures are proposed or required as part of the development</td>
</tr>
</tbody>
</table>

Table 8 – Clause 22.03-2 Policy

<table>
<thead>
<tr>
<th>Policy</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire Protection Measures</td>
<td></td>
</tr>
<tr>
<td>Buildings and access roads are to be sited and subdivisions designed to minimise the impact of fire and the emergency conditions, associated with fire.</td>
<td>The proposed works have been designed to minimise the impacts of bushfire and the property will be maintained ongoing.</td>
</tr>
<tr>
<td>Development associated with residential or public use are to be permitted only where fire prevention measures are undertaken in accordance with the current CFA fire prevention guidelines.</td>
<td>Noted.</td>
</tr>
<tr>
<td>Water tanks and/or dams are to be located so as to maximise access to fire fighting services.</td>
<td>Not applicable, the development is not located within a BMO and does not require access to water supply under Clause 53.02.</td>
</tr>
<tr>
<td>If dams are to be relied upon they should have an adequate hard-standing area adjacent which is capable of accommodating fire tankers.</td>
<td>Not applicable.</td>
</tr>
</tbody>
</table>

Requirements for buildings and works

- Relevant wildfire mapping prepared by the CFA. The subject land is located on the wildfire map prepared by the CFA and the development has regard to the hazard and will be constructed to a BAL 12.5.
- That siting and development of buildings, works take into account the following:
  - the level of fire risk and fire prevention measures to reduce such risk;
  - slope, access, aspect, orientation and nearby vegetation; and
  - layout of the site in relation to ancillary buildings, driveways, garden areas, windbreak and storage areas for inflammable materials or fuels should reduce the risk of fire.
  - The proposed dwelling has been located and designed having regard to any nearby bushfire hazards and the land will be managed ongoing.
  - The bushfire risk in the immediate area is low.
<table>
<thead>
<tr>
<th>Policy</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Where relevant building design should incorporate fire protection</td>
<td>Not applicable, the land is not subject to the BMO.</td>
</tr>
<tr>
<td>construction features.</td>
<td></td>
</tr>
<tr>
<td>Landscaping around any dwelling should include open areas with</td>
<td>Landscaping will be maintained in perpetuity.</td>
</tr>
<tr>
<td>non flammable ground cover and the use of deciduous or low flammable</td>
<td></td>
</tr>
<tr>
<td>species in planted areas.</td>
<td></td>
</tr>
<tr>
<td>A water storage of at least 90,000 litres (depending on vegetation</td>
<td>Noted, although as outlined above the property has access to reticulated</td>
</tr>
<tr>
<td>cover of the site) of which 20,000 litres should be permanently</td>
<td>water and is not located within the BMO.</td>
</tr>
<tr>
<td>set aside for fire fighting purposes.</td>
<td></td>
</tr>
<tr>
<td>Fire vehicle access should be available to all water storage(s) or</td>
<td>Not applicable, see above for further details.</td>
</tr>
<tr>
<td>supplies.</td>
<td></td>
</tr>
<tr>
<td>Tanks should be fitted with a gate valve and a 64mm, 3 thread round</td>
<td>Not applicable, see above for further details.</td>
</tr>
<tr>
<td>male coupling to CFA specifications.</td>
<td></td>
</tr>
<tr>
<td>Consideration will be given to the CFA Design and Siting Guidelines:</td>
<td>Not applicable, see above for further details.</td>
</tr>
<tr>
<td>Before deciding on an application to use or develop land or to carry</td>
<td>Noted.</td>
</tr>
<tr>
<td>out works Council may also consider the comments of the CFA and the</td>
<td></td>
</tr>
<tr>
<td>Municipal Fire Prevention Committee.</td>
<td></td>
</tr>
</tbody>
</table>

** Clause 22.03-4 – Effluent disposal and water quality **

This policy applies to development that cannot be serviced by reticulated sewerage. The basis of the policy is to implement the water supply, sewerage and drainage objective in Clause 18.09 of the PPF and builds on the MSS objectives and strategies in Clause 21.04-3-1 relating to the sustainable management of the Shire’s natural resource base, in particular water quality.

The policy objectives are addressed at **Table 9** below, with the proposal considered against the specific policy requirements at **Table 10** below.

**Table 9 – Clause 22.03-4 Objectives**

<table>
<thead>
<tr>
<th>Objective</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>To ensure water quality is not adversely affected by new development.</td>
<td>The development is not expected to adversely affect water quality due to</td>
</tr>
<tr>
<td></td>
<td>the small-scale nature of the works.</td>
</tr>
<tr>
<td>To prevent the discharge of effluent off site.</td>
<td>No effluent will be discharged off-site and will be wholly confined</td>
</tr>
<tr>
<td></td>
<td>within the boundaries of the property.</td>
</tr>
<tr>
<td>To ensure that the density of effluent disposal systems is suitable</td>
<td>A plumbing approval has been issued for the relevant on-site effluent</td>
</tr>
<tr>
<td>to the soil type and topography of the locality.</td>
<td>disposal system.</td>
</tr>
<tr>
<td>To provide for alternative effluent disposal systems where environmental</td>
<td>The effluent will be disposed of via a worm farm, which has been approved</td>
</tr>
<tr>
<td>conditions prevent the treatment of waste by septic tank.</td>
<td>by Council.</td>
</tr>
</tbody>
</table>
### Table 10 – Clause 22.03-4 Policy

<table>
<thead>
<tr>
<th>Policy</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Exercise of Discretion</strong></td>
<td></td>
</tr>
<tr>
<td>Encourage the use of Package Treatment Plants and other alternative</td>
<td>The development will involve the use of a worm farm.</td>
</tr>
<tr>
<td>methods of waste water treatment that recycle waste water for use in</td>
<td></td>
</tr>
<tr>
<td>domestic gardens and irrigated areas, where environmental conditions</td>
<td></td>
</tr>
<tr>
<td>prevent the treatment of waste by septic tank;</td>
<td></td>
</tr>
<tr>
<td>Require soil tests to be provided for each allotment and effluent</td>
<td>Noted.</td>
</tr>
<tr>
<td>envelopes indicated on a site plan.</td>
<td></td>
</tr>
<tr>
<td><strong>Performance Measures</strong></td>
<td></td>
</tr>
<tr>
<td>All effluent disposal systems and irrigation fields should be located</td>
<td>Complies, the proposed on-site effluent disposal system and disposal areas will be located more</td>
</tr>
<tr>
<td>at least 100 metres from any waterway including ephemeral streams and</td>
<td>than 100 metres away from the nearest waterway/wetland.</td>
</tr>
<tr>
<td>permanent water bodies (Discretion to reduce this setback is available</td>
<td></td>
</tr>
<tr>
<td>where topographic constraints would reduce the risk of discharge of</td>
<td></td>
</tr>
<tr>
<td>wastewater to a watercourse);</td>
<td></td>
</tr>
<tr>
<td>Development proposals should clearly demonstrate that such use and</td>
<td>See above for further details.</td>
</tr>
<tr>
<td>development will not adversely affect the water quality in any stream</td>
<td></td>
</tr>
<tr>
<td>or watercourse;</td>
<td></td>
</tr>
<tr>
<td>Topographic plans, detailing areas which can be irrigated without</td>
<td>See above for further details.</td>
</tr>
<tr>
<td>discharging waste water from the site should be provided, along with</td>
<td></td>
</tr>
<tr>
<td>certification that the proposed systems are licensed to operate in</td>
<td></td>
</tr>
<tr>
<td>Victoria;</td>
<td></td>
</tr>
<tr>
<td>Septic tanks and other forms of waste water treatment should clearly</td>
<td>See above for further details.</td>
</tr>
<tr>
<td>demonstrate that the system will not increase the peak discharge,</td>
<td></td>
</tr>
<tr>
<td>volume of discharge or reduce the quality of discharge to a</td>
<td></td>
</tr>
<tr>
<td>watercourse;</td>
<td></td>
</tr>
<tr>
<td>A land capability assessment report should be provided indicating that</td>
<td>Whilst it is acknowledged that a land capability assessment has not been provided as part of this</td>
</tr>
<tr>
<td>the design and location of the effluent disposal system is appropriate</td>
<td>application, it is noted that Council have already issued a plumbing approval for the property.</td>
</tr>
<tr>
<td>to the site and environmental characteristics of the land. A</td>
<td>Furthermore, the subject land does not adjoin any waterways or watercourses with the closest being</td>
</tr>
<tr>
<td>management program, which ensures ongoing environmental sustainability</td>
<td>over 5 kilometres away and works are not expected to create any adverse impacts on soil quality.</td>
</tr>
<tr>
<td>and protection of human health, should also be outlined. The report</td>
<td></td>
</tr>
<tr>
<td>should also certify that the proposed density of effluent disposal</td>
<td></td>
</tr>
<tr>
<td>systems within the area will not overload the natural environment with</td>
<td></td>
</tr>
<tr>
<td>effluent and lead to pollution of watercourses or other properties.</td>
<td></td>
</tr>
<tr>
<td><strong>Decision Guidelines</strong></td>
<td></td>
</tr>
<tr>
<td>The responsible authority will consider, as appropriate: The views of</td>
<td>Not applicable, the proposed works are not located within 100 metres of a waterway.</td>
</tr>
<tr>
<td>the North East Catchment Management Authority and Goulburn-Murray</td>
<td></td>
</tr>
<tr>
<td>Water, where effluent disposal systems are within 100 metres of a</td>
<td></td>
</tr>
<tr>
<td>waterway as determined by Goulburn-Murray Water.</td>
<td></td>
</tr>
</tbody>
</table>
Clause 22.03-11 – Stormwater management policy

This policy applies to all land within the municipality. The basis of the policy is to ensure that development is consistent with zone objectives and with Council's policy in the MSS (21.04.3-4 Stormwater Management).

The policy objectives are addressed at Table 11 below, with the proposal considered against the specific policy requirements at Table 12 below.

Table 11 – Clause 22.03-11 Objectives

<table>
<thead>
<tr>
<th>Objective</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>To improve the rate of on-site retention and treatment of stormwater in new and existing uses and development.</td>
<td>The proposed development will capture and collect roof water via several water tanks for reuse on-site.</td>
</tr>
<tr>
<td>To improve the quality of stormwater by reducing pollutants entering the stormwater system, particularly from construction sites.</td>
<td>Appropriate sediment and erosion control measures will be implemented and maintained during the construction process.</td>
</tr>
<tr>
<td>To increase the use of water sensitive urban design in new development.</td>
<td>Where possible, the development will incorporate relevant water sensitive urban design principles such as water efficient fittings and taps and the use of water tanks.</td>
</tr>
<tr>
<td>To have regard to Council’s Stormwater Management Guidelines.</td>
<td>The development is generally consistent with Council’s Stormwater Management Guidelines.</td>
</tr>
</tbody>
</table>

Table 12 – Policy requirements of clause 22.03-11

<table>
<thead>
<tr>
<th>Area of Disturbance (m²)</th>
<th>Nominal type of activity</th>
<th>Suggested type of plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>250-2,500</td>
<td>Most houses, long driveways, commercial developments, small subdivisions, small medium/high density housing, small civil works</td>
<td>Erosion and Sediment Control Plan (ESCP).</td>
</tr>
</tbody>
</table>

The proposal complies with this policy requirement as an erosion and sediment control plan will be prepared for the site to address matters of stormwater drainage and run-off. Such measures will include the installation of sediment fencing and hay bales around areas of disturbance, which will prevent the tracking or transporting of soil off site into downstream or nearby waterways.
4.4 Rural Activity Zone

The subject site is located within the Rural Activity Zone – Schedule 1 (RAZ1) which is located on the fringe of the township of Rutherglen (see Figure 5).

Figure 5 Extract of Zone Map

The purpose of the RAZ is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for the use of land for agriculture. To provide for other uses and development, in appropriate locations, which are compatible with agriculture and the environmental and landscape characteristics of the area.
- To ensure that use and development does not adversely affect surrounding land uses.
- To provide for the use and development of land for the specific purposes identified in a schedule to this zone.
- To protect and enhance natural resources and the biodiversity of the area.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision

The proposed development is generally consistent with the relevant matters of the Municipal Planning Strategy and Planning Policy Framework as discussed above.

Whilst it is acknowledged that the subject proposal does not seek to use the land for agriculture, but rather rural residential purposes, this is consistent with the requirements of Clauses 21.05 and 22.01-1 of the Planning Scheme, which seek to encourage the use of RAZ on the northern side of Rutherglen for rural residential purposes.
As outlined within this report, the land is not classified as high quality agricultural or environmentally sensitive land and does not adjoin any productive agricultural or environmentally sensitive land. Consequently, the development of the subject land for rural residential purposes will be consistent with surrounding land uses.

4.4.1 Table of Uses (cl. 35.08-1)

Clause 35.07-1 specifies when a development requires a permit. A dwelling is classified as a Section 2 use in the RAZ and requires the lodgement of a planning permit application. The submission of this planning permit application satisfies this requirement.

4.4.2 Use of land for a dwelling (cl. 35.08-2)

Clause 35.08-2 sets out the requirements for the use of land for a dwelling in the RAZ and states the following:

- **Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.**
- **The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.**
- **The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.**
- **The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.**

The proposed dwelling complies with these requirements as the dwelling will be directly accessible from Deas Lane (to be upgraded and extended) and will be connected to an approved on-site disposal system, which will be installed and maintained in accordance with relevant health regulations and requirements. Lastly, the dwelling will be connected to a reticulated water and electrical supply.

4.4.3 Buildings and works (cl. 35.08-4)

Clause 35.08-4 requires a planning permit for buildings and works associated with a use in Section 2 of Clause 35.08-1. As outlined above, the proposed development is a Section 2 use and therefore a permit is required for buildings and works under this clause. The submission of this planning permit application satisfies this requirement.

4.4.4 Decision guidelines (cl. 35.08-5)

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate the decision guidelines of the RAZ at Clause 35.08-5. The application has been considered against the decision guidelines of this clause in Table 13 below.

**Table 13 Decision guidelines for RAZ**

<table>
<thead>
<tr>
<th>Decision Guidelines</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>General</td>
<td></td>
</tr>
<tr>
<td>The Municipal Planning Strategy and the Planning Policy Framework.</td>
<td>See Sections 4.2 and 4.3 of this report.</td>
</tr>
</tbody>
</table>
### Decision Guidelines

<table>
<thead>
<tr>
<th>Decision Guidelines</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any Regional Catchment Strategy and associated plan applying to the land</td>
<td>The North East Regional Catchment Strategy is the relevant catchment strategy that applies to the land. Notwithstanding, given the location of the works, the zoning of the land and surrounding development (rural residential dwellings), the proposed works will be generally consistent with the broad objectives of the Catchment Strategy as it will not adversely affect productive agricultural lands or nearby waterways or environmental areas.</td>
</tr>
<tr>
<td>The capability of the land to accommodate the proposed use or development, including the disposal of effluent.</td>
<td>A plumbing approval has been issued for the proposed works, including on-site effluent disposal.</td>
</tr>
<tr>
<td>How the use or development relates to sustainable land management.</td>
<td>The subject land will be sustainably managed ongoing and used for the purposes of a dwelling consistent with surrounding land uses.</td>
</tr>
<tr>
<td>Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.</td>
<td>Development of the subject land for rural residential purposes is considered appropriate in this instance as it is consistent with the context and setting of the area, which is characterised by rural residential dwellings.</td>
</tr>
</tbody>
</table>

### Dwelling Issues

| Whether the dwelling will result in the loss or fragmentation of productive agricultural land. | The subject land is not classified as productive agricultural land, nor does the development seek to further fragment this land.                                                                 |
| 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. | The subject land does not adjoin any productive agricultural activities, which would adversely affect the occupants living within the proposed dwelling. |
| Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses. | As outlined above, the subject land does not adjoin any productive agricultural activities.                                                                                                             |

### Environmental Issues

| The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality. | The subject land is vacant and contains no remnant native vegetation or waterways. Furthermore, the land does not adjoin any environmentally sensitive land and the use of the land for a rural residential dwelling will not adversely affect soil and water quality. |
| The impact of the use or development on the flora and fauna on the site and its surrounds. | As outlined above, the land contains no remnant native flora and fauna.                                                                                                                                 |
| 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. | See above for further details.                                                                                                                                   |
**Decision Guidelines**

| The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation | The development proposes to install an on-site effluent disposal system at the rear of the property. Furthermore, the subject land is not located within proximity to any nearby waterways. |

**Design and Siting Issues**

| The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts | The proposed dwelling will be single storey in height and will be comprised of similar materials and finishes to adjoining dwellings. The building will be well setback from adjoining boundaries and is not expected to create any adverse impacts. |

| 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 | The proposed dwelling will not adversely affect the character and appearance of the area. |

| The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities | The property will also be connected to all available infrastructure and services (including both on-site and reticulated). The owner also proposes to upgrade and extend the adjoining Deas Lane. |

| Whether the use and development will require traffic management measures | The development does not require any specific traffic management measures. |

### 4.5 Environmental Significance Overlay – Schedule 3

The Environmental Significance Overlay – Schedule 3 (ESO3) applies to the subject site (see *Figure 6*).
4.5.1 Purpose

The purpose of the ESO is set out as:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas where the development of land may be affected by environmental constraints.
- To ensure that development is compatible with identified environmental values.

The proposal is consistent with the above as this planning report has responded to the relevant requirements of the MPS and PPF.

The proposed development has regard to the environmental attributes of the area and as outlined above the subject land contains no environmental features.

4.5.2 Environmental Significance and Objectives

Clause 42.01-1 defers to the schedule/s to the overlay for the statement of environmental significance and relevant objectives. These matters are addressed in the following sections.

4.5.3 Permit Requirement

Clause 42.01-2 specifies that a permit is required to construct a building or construct or carry out works. The submission of this planning permit application satisfies this requirement.

4.5.4 Application Requirements

Clause 42.01-4 defers to the schedule/s to the overlay for the relevant information requirements. It is noted that following a review of the schedule to this overlay, there are no applicable application requirements.

4.5.5 Decision guidelines

Before deciding on an application, in addition to the decision guidelines contained in Clause 65, the responsible authority must consider the decision guidelines contained in Clause 42.01-5 as outlined below:

- The statement of environmental significance and the environmental objective contained in a schedule to this overlay.
- The need to remove, destroy or lop vegetation to create a defendable space to reduce the risk of bushfire to life and property.
- Any other matters specified in a schedule to this overlay

The proposed dwelling is consistent with these decision guidelines as matters regarding the MPS and PPF have been addressed in this report and the development has considered the environmental objective and decision guidelines of the schedule to this overlay as outlined below.

Schedule 3 to Clause 42.01 Environmental Significance Overlay – Black Dog Creek

The following additional application requirements apply to land in Schedule 3 of the ESO.
Section 1.0 Statement of Environmental Significance

The North Eastern section of the Ovens River Basin includes a number of smaller water courses which drain directly to the Murray upstream of Lake Mulwala including the Black Dog Creek. The Black Dog Creek Waterway Management District displays a number of significant drainage problems.

The subject land is not located within proximity to any waterways or drainage lines with the closest waterbody being located over 5 kilometres away. Therefore, the development is not expected to create any drainage problems as it will collect roof water on-site and will include appropriate sediment and erosion control measures during construction (where required).

Section 2.0 Environmental Objectives

The following environmental objectives apply to ESO3:

- To maintain the quality of water within the catchment.
- To prevent buildings and works from impeding the flows of water within the Black Dog Creek catchment and maintain its ability to carry natural flows including floods.
- To provide a framework to assist in decisions regarding drainage works within the catchment.

As outlined above, the subject land does not adjoin any waterways and is therefore not expected to create any drainage or contamination issues for nearby waterways.

Section 3.0 Decision Guidelines

Before deciding on an application, in addition to the decision guidelines contained in Clause 42.01 and Clause 65, the responsible authority must consider the decision guidelines contained in Schedule 3 to the ESO as outlined below:

- All applications must comply with the North East Catchment Management Authority Guidelines for Drainage Approval Within the Black Dog Creek Improvement District.
- Before deciding on an application to develop land, the Responsible Authority must consider:
  - Comments of the North East Catchment Management Authority.
  - Specified flood level pursuant to the Australian Model Code for Building.
  - The need to design and construct buildings in accordance with the “Permissible works and structures” section of the report “Flood plain Management in Victoria” prepared by the Australian water Resources Council.
  - The existing drainage pattern of the land and its effectiveness and suitability to cope with any development.
  - The need to retain natural vegetation in the vicinity of streams and watercourses.
  - The need to minimise the effects of increased run-off, erosion or siltation.
  - Comments from the Department of Natural Resources and Environment where any proposed development abuts Crown Land.

The proposed dwelling will be constructed in accordance with any relevant NECMA guidelines for rural drainage. In addition, the proposed dwelling and associated effluent disposal area are located within proximity to any waterways, the development does not involve the removal of any vegetation and appropriate sediment and erosion control measures will be implemented and maintained during construction.
4.6 Particular Provisions

There are no particular provisions applicable to the development.

4.7 General Provisions

4.7.1 Decision guidelines (Clause 65)

Before deciding on an application or approval of a plan, the responsible authority must consider a number of decision guidelines. Table 14 provides an assessment of the proposal against the relevant decision guidelines.

Table 14 - Response to decision guidelines at clause 65.01

<table>
<thead>
<tr>
<th>Decision Guideline</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>The matters set out in Section 60 of the Act.</td>
<td>See Section 4.1 of this report.</td>
</tr>
<tr>
<td>The Municipal Planning Strategy and the Planning Policy Framework.</td>
<td>See Sections 4.2 and 4.3 of this report.</td>
</tr>
<tr>
<td>The purpose of the zone, overlay or other provision.</td>
<td>See Sections 4.4, 4.5 and 4.6 of this report.</td>
</tr>
<tr>
<td>Any matter required to be considered in the zone, overlay or other provision.</td>
<td>See Sections 4.4, 4.5 and 4.6 of this report.</td>
</tr>
<tr>
<td>The orderly planning of the area.</td>
<td>The subject land is located approximately 1.5 kilometres north east of the main township of Rutherglen in an area comprised of rural residential and low-density residential development. The proposed rural residential dwelling is therefore consistent with the context and setting of the area.</td>
</tr>
<tr>
<td>The effect on the amenity of the area.</td>
<td>It is considered that the proposal will have no detrimental impact on the amenity of the area by providing a well-designed and located dwelling that is responsive to the surrounding land uses and character of the area, as well as the constraints of the site.</td>
</tr>
<tr>
<td>The proximity of the land to any public land.</td>
<td>The land is not located within close proximity to any public land with the nearest reserve being the Carlyle BR, which is located over 600m away from the subject land to the north west. The development of the subject land for a rural residential dwelling will not adversely affect this public land.</td>
</tr>
<tr>
<td>Factors likely to cause or contribute to land degradation, salinity or reduce water quality.</td>
<td>The construction of a single dwelling is not expected to create or contribute to issues of land degradation. The allotment is appropriately sized and is not located near any waterways.</td>
</tr>
<tr>
<td>Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.</td>
<td>The design of stormwater drainage provisions is such that any run-off will be conveyed, treated by natural and constructed features to remove any contaminants and at least maintain the existing quality of stormwater from the property.</td>
</tr>
<tr>
<td>The extent and character of native vegetation and the likelihood of its destruction.</td>
<td>The subject land contains no remnant native vegetation.</td>
</tr>
<tr>
<td>Whether native vegetation is to be or can be protected, planted or allowed to regenerate.</td>
<td>As outlined above, the land contains no native vegetation.</td>
</tr>
<tr>
<td>Decision Guideline</td>
<td>Response</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td>The degree of flood, erosion or fire hazard associated with the location of the</td>
<td>The subject land is not classified as flood prone or bushfire prone, nor is it prone to erosion.</td>
</tr>
<tr>
<td>land and the use, development or management of the land so as to minimise any</td>
<td></td>
</tr>
<tr>
<td>such hazard.</td>
<td></td>
</tr>
<tr>
<td>The adequacy of loading and unloading facilities and any associated amenity,</td>
<td>The subject proposal is not a commercial development and contains no</td>
</tr>
<tr>
<td>traffic flow and road safety impacts.</td>
<td>loading or unloading facilities.</td>
</tr>
</tbody>
</table>
In conclusion, the proposal for the construction of a new single dwelling at Crown Allotment 9, Section 41, Parish of Carlyle and addressed as 15 Waldrons Lane, Rutherglen deserves the support of Council because:

- it generally complies with the requirements of the Indigo Planning Scheme;
- it is consistent with a number of other rural residential dwellings that have been established in the immediate vicinity in terms of setbacks, building heights and materials;
- it is considered to be appropriate for the locality given the nature of surrounding activities;
- it will not further reduce or fragment the rural lands in the Shire and has been identified for rural residential development;
- it will not adversely affect any existing productive agricultural activities on the subject land, as well as any adjoining lands;
- it will not result in significant landscape modifications, and will retain the visual prominence of the landscape generally;
- it will not require the removal of any trees or require significant earthworks;
- it will not create adverse issues in terms of drainage;
- the land can accommodate the disposal of effluent on-site in accordance with the conditions of a recently approved plumbing approval; and
- the site can be provided with necessary infrastructure and services.

In light of the above considerations, it is our opinion that the proposal is appropriate and orderly planning and is in the public interest. The proposed development warrants support by Council.
Attachment A

Titles and Agreements