



# Delegate Report

File Number: DA3040  
 Planning Application No. P152/22  
 Responsible Officer: **Claire Wilkinson – Senior Planner**  
 Attachments: N/A

## Conflict of Interest

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

Yes

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

No

<i>Application Details</i>	
<b>APPLICANT</b>	Anthony Ellis & Janique Snyder
<b>PROPOSAL</b>	Buildings and works for the alteration of an existing dwelling and change of use of existing outbuilding to group accommodation
<b>APPLICATION LODGED</b>	8 August 2022 Application amended 19 August 2024 (to include alterations and extension to existing dwelling)
<b>NOTICE AND SUBMISSIONS</b>	Advertised in accordance with Section 52 of the <i>Planning and Environment Act 1987</i> . Notices sent to four (4) Owners/Occupiers of surrounding properties. Notice on site - Yes No objections received. (4 April 2023 – 26 April 2023)
<i>Property Details</i>	
<b>PROPERTY ADDRESS</b>	295 Tabletop Road, Bridge Creek
<b>LAND DESCRIPTION</b>	Crown Allotment 49A Parish of Dueran
<b>ENCUMBRANCES</b>	Nil
<b>EASEMENTS</b>	Nil
<b>LAND AREA</b>	3.5 hectares (approx.)
<b>EXISTING USE</b>	Small farming allotment- no agricultural use
<b>EXISTING DEVELOPMENT</b>	Dwelling and outbuilding
<i>Planning Provisions</i>	
<b>ZONE</b>	Clause 35.07 – Farming Zone (FZ)
<b>OVERLAYS</b>	Clause 42.01 – Environmental Significance Overlay – Schedule 2 (ESO2)

<b>MUNICIPAL PLANNING STRATEGY</b>	<p>Clause 02.03-1 – Settlement</p> <p>Clause 02.03-2 – Environmental and Landscape Values</p> <p>Clause 02.03-3 – Environmental Risks and Amenity (Bushfire)</p> <p>Clause 02.03-4 – Natural Resource Management (Agriculture)</p> <p>Clause 02.03-4 – Natural Resource Management (Water and Declared Special Water Supply Catchments)</p>
<b>PLANNING POLICY FRAMEWORK</b>	<p>Clause 11.01-1S – Settlement</p> <p>Clause 12.03-1S – River and Riparian Corridors, Waterways, Lakes, Wetlands</p> <p>Clause 14.01-1S – Protection of Agricultural Land</p> <p>Clause 14.01-1L – Dwellings and Subdivisions in Rural Areas</p> <p>Clause 14.02-1S – Catchment Planning and Management</p> <p>Clause 14.02-1L – Catchment Planning and Management</p> <p>Clause 14.02-2S – Water Quality</p> <p>Clause 15.01-2S – Building Design</p> <p>Clause 15.01-6S – Design for Rural Areas</p> <p>Clause 19.03.3S – Integrated Water Management</p>
<b>PARTICULAR PROVISIONS</b>	Clause 52.06 Car Parking
<b>GENERAL PROVISIONS</b>	Clause 65.01 – Approval of an application or plan
<i>Permit Triggers</i>	
<b>FARMING ZONE</b>	<i>Clause 35.07-1 A permit is required for the use of land for group accommodation</i>
	<i>Clause 35.07-4 A permit is required for buildings and works associated with a Section 2 Use (dwelling on an allotment less than 40 hectares and Group Accommodation)</i>
<b>ENVIRONMENTAL SIGNIFICANCE OVERLAY</b>	<i>Clause 42.01-2 A permit is required to construct a building or construct or carry out works where new wastewater is generated on a lot less than 40hectares</i>
<i>Other</i>	
<b>CULTURAL SENSITIVITY</b>	None.
<b>SITE INSPECTION</b>	Yes

## Background

### Proposal

The permit applicant, Anthony Ellis & Janique Snyder, seek planning permission to develop the land at 295 Tabletop Road Boorolite (subject land) for the purposes of alterations to a single storey detached dwelling and an ancillary outbuilding (two bedroom group accommodation). The key features of the proposal are:

#### Dwelling alteration –

- The existing dwelling comprises two (2) bedrooms; a single main bathroom; a laundry, open plan living (with fireplace), dining and kitchen.
- The dwelling has been constructed of Colorbond galvanised iron roofing; eucalyptus color play sheeting for exterior cladding.
- Maximum building height will remain similar to existing. The proposed elevation plans show that new roof gables will be added as part of the exterior changes proposed
- The existing dwelling has a floor area of 87.1 square metres.
- The proposed alteration would add an additional 61.4 square metres. New total floor area is 148.5sqm.
- The dwelling is setback approximately 35 metres from the boundary with tabletop road, 100 metres from the western boundary, 90 metres from the northern boundary.
- The applicant is not proposing to increase the existing capacity of the dwelling and number of bedrooms remains the same.

#### Outbuilding (group accommodation) –

- Conversion of an existing 10.58 m by 20.058 m (200 m<sup>2</sup>) outbuilding.
- The outbuilding will comprise 120 sqm at ground level for shed/garage area.
- On the ground floor of the outbuilding there will be an 8m by 10 metre living/ dining and kitchen area with bathroom and shower.
- A spiral staircase will lead up to a second level living area that comprises a open mezzanine bedroom with an attached study.
- The study has been considered as a second bedroom as it can be closed to serve as an additional bedroom.
- Maximum building height would be 6.345 m.
- Setbacks:
  - 37 m north east of the existing dwelling
  - 40 metres from the northern boundary
  - 22 metres from the eastern (front) boundary adjoining Tabletop Road.

### Access

- Access to the site would be provided by the existing vehicle crossover and accessway in the northeast area of the site where the domestic zone has been established. The scope of proposed renovation works and the change of use to group accommodation will not necessitate changes to the existing site access off Tabletop Road.

### Car Parking –

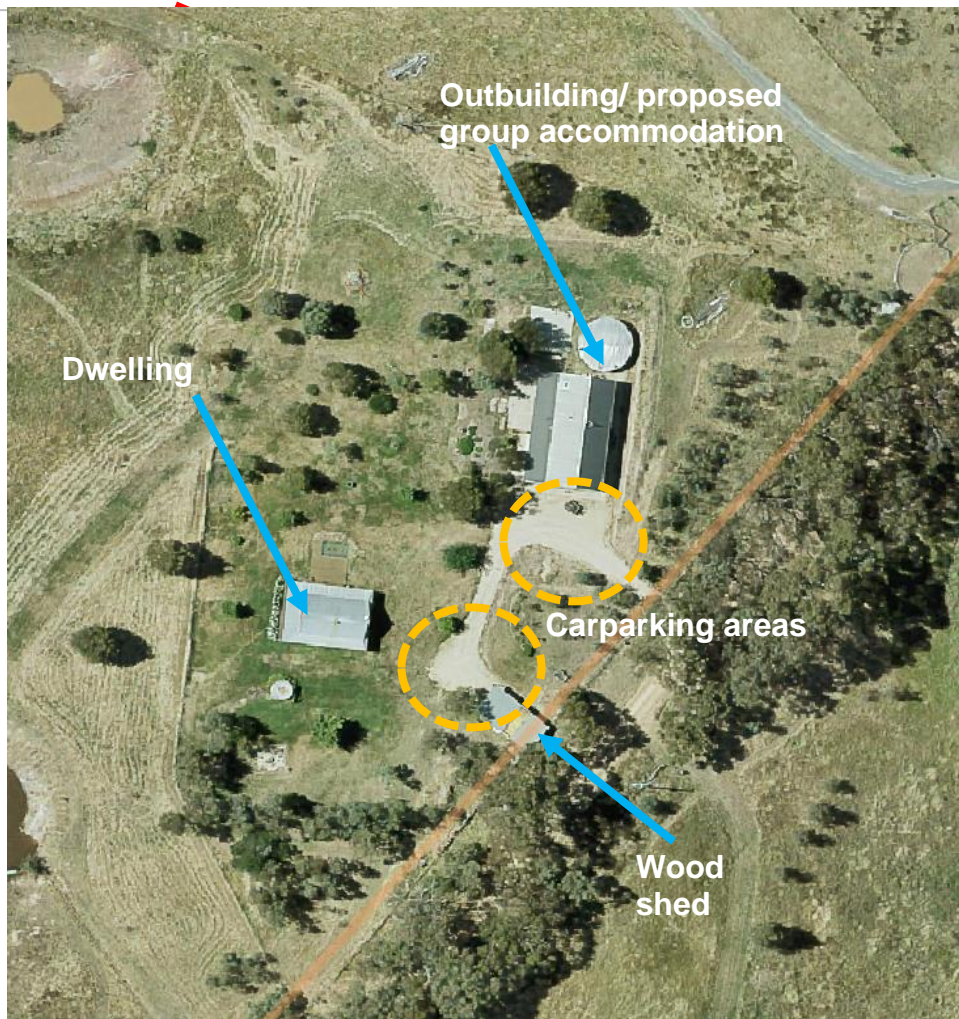
- Provision of at least 2 covered car parking spaces to the dwelling has been established within the existing outbuilding. There are two additional places on the subject site within the domestic zone where additional unenclosed parking areas exist. These are to the east of the dwelling and along the eastern elevation of the existing outbuilding. The unenclosed car parking areas on site are shown in Figure 1.

### Bushfire Mitigation –

- The Country Fire Authority has reviewed the Bushfire Emergency Management Plan (BEMP) dated 21 February 2023, Version 2023-A. CFA recommends strengthening the BEMP by including a diagram plan for quick and easy referencing for guests of where to assemble if sheltering in place, any important features, such as water points, accessways and first aid kept on the premise and a site plan to include a layout of the building/s carpark and escape routes.

### Other –

- The subject site has established connection to mains electricity.
- Provision has been made for onsite wastewater management as per the LCA (Ver4).
- Onsite water tanks have been installed for domestic water supply and firefighting purposes.
- No native vegetation removal is proposed.



*Figure 1: Proposed Site Plan.*





**Figure 2:** Proposed Exterior elevations of dwelling alteration (enlarged).



**Figure 3:** Existing dwelling elevations

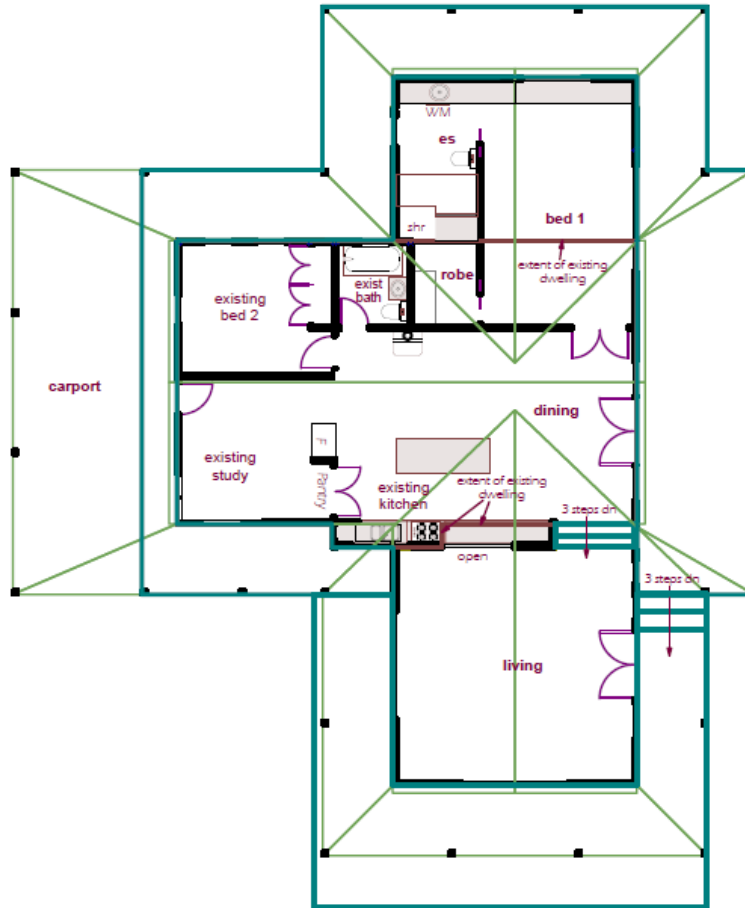


Figure 4: Proposed Floor Plan.

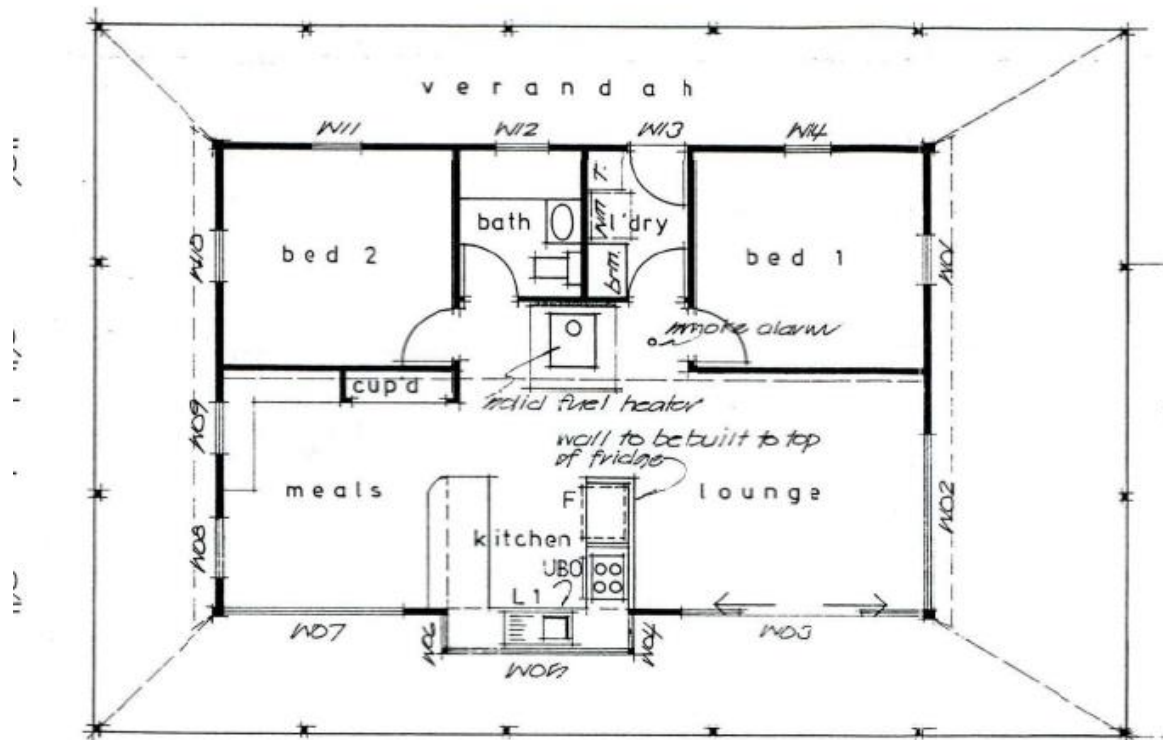


Figure 5: Proposed Western Elevation Plan

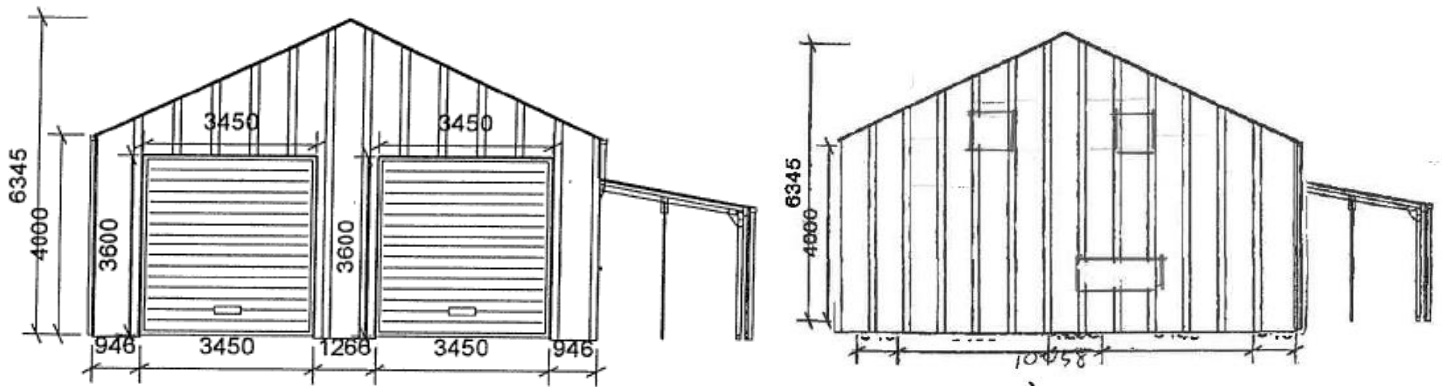


Figure 6: Outbuilding- North and South Elevation Plan.

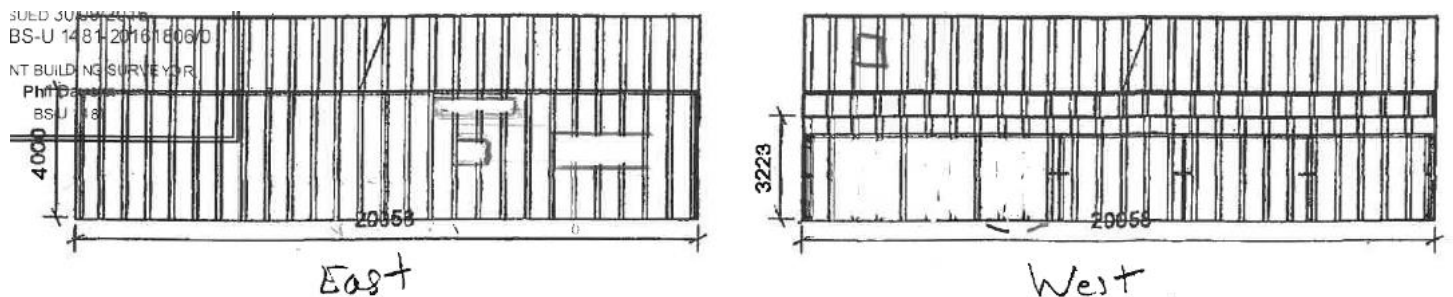


Figure 7: Proposed East and West Outbuilding Elevation

### Subject site, neighbourhood and environs

The subject land adjoins multiple farming zoned allotments that are located between the Mansfield Whitfield Road and Tabletop Road in Bridge Creek. The allotment is formally identified as Crown Allotment 49A Parish of Dueran, and more commonly referred to 295 Tabletop Road, Bridge Creek. The property is a triangular shaped lot with a land area of approximately 3.5 hectares.

The subject land is currently used for domestic land use and is improved by an existing outbuilding (associated with the dwelling), two dams, a wood shed and water tanks. There is an existing established access track, generating from Tabletop Road. The property does not have access to reticulated water/ wastewater, drainage services. Electricity is connected to the site.

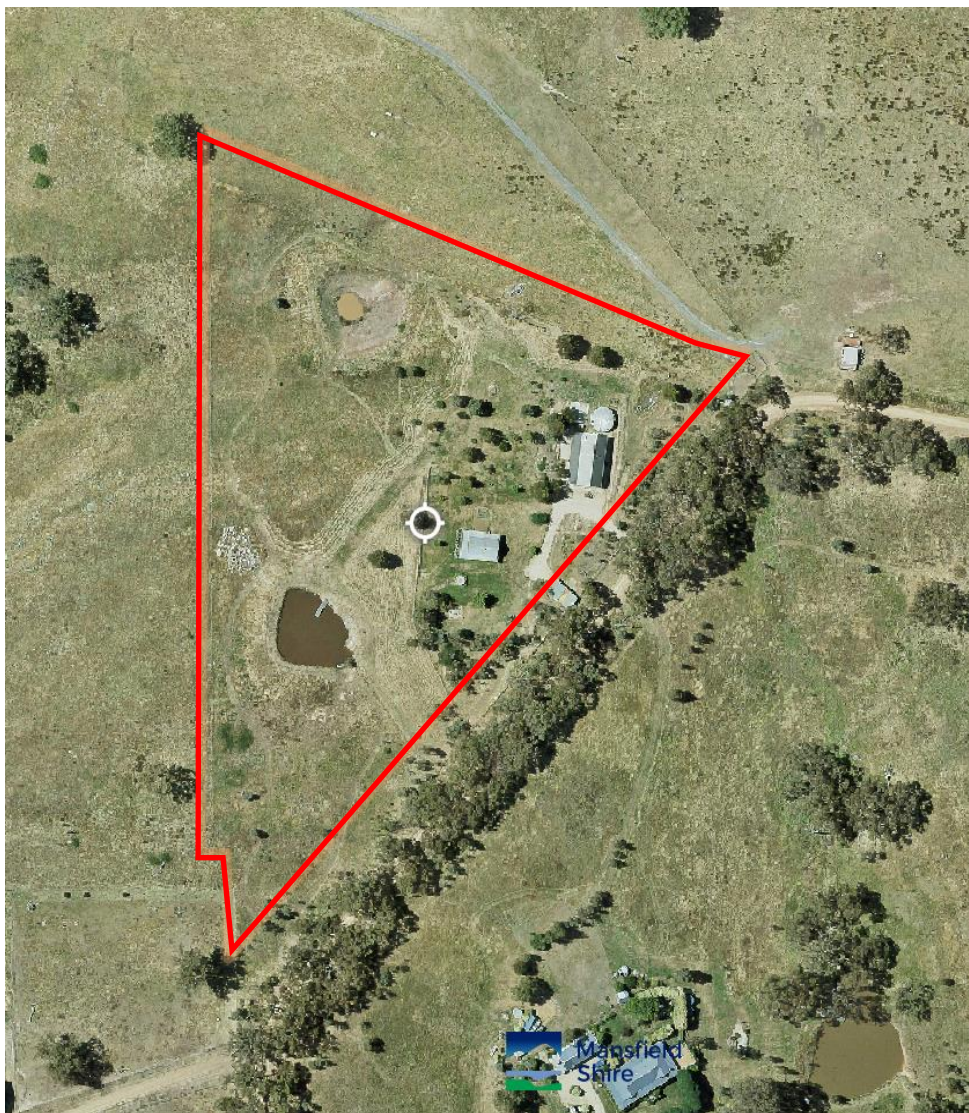
The subject land is zoned in the Farming Zone (FZ) and affected by the Environmental Significance Overlay – Schedule 2 (ESO2). The site is located within the Upper Goulburn designated special water supply catchment area, and has a seasonal drainage line in the north western section of the allotment. There are no areas of identified aboriginal cultural heritage sensitivity.



The site is characterised by undulating topography, which features grassed agricultural land amongst a more hilly backdrop. Currently, there is no remnant vegetation present on the property, save for some roadside vegetation, along Tabletop Road along the eastern boundary of the site.

Land surrounding the site to the north, west and south is generally zoned in the FZ. To the east, the site abuts land zoned in the Rural Living Zone (RLZ1) which forms a ten allotment rural living residential estate.

Surrounding the site to the north, west and southwest, FZ lots are generally 40 or more hectares in land area typically developed with as of right dwellings. Further to the west FZ lots are somewhat fragmented and developed with dwellings. The site is approximately 8.5 kilometers west from the Tolmie township.



**Figure 10:** Aerial image of the subject land. Source: Council GIS Aerial Image 2023.

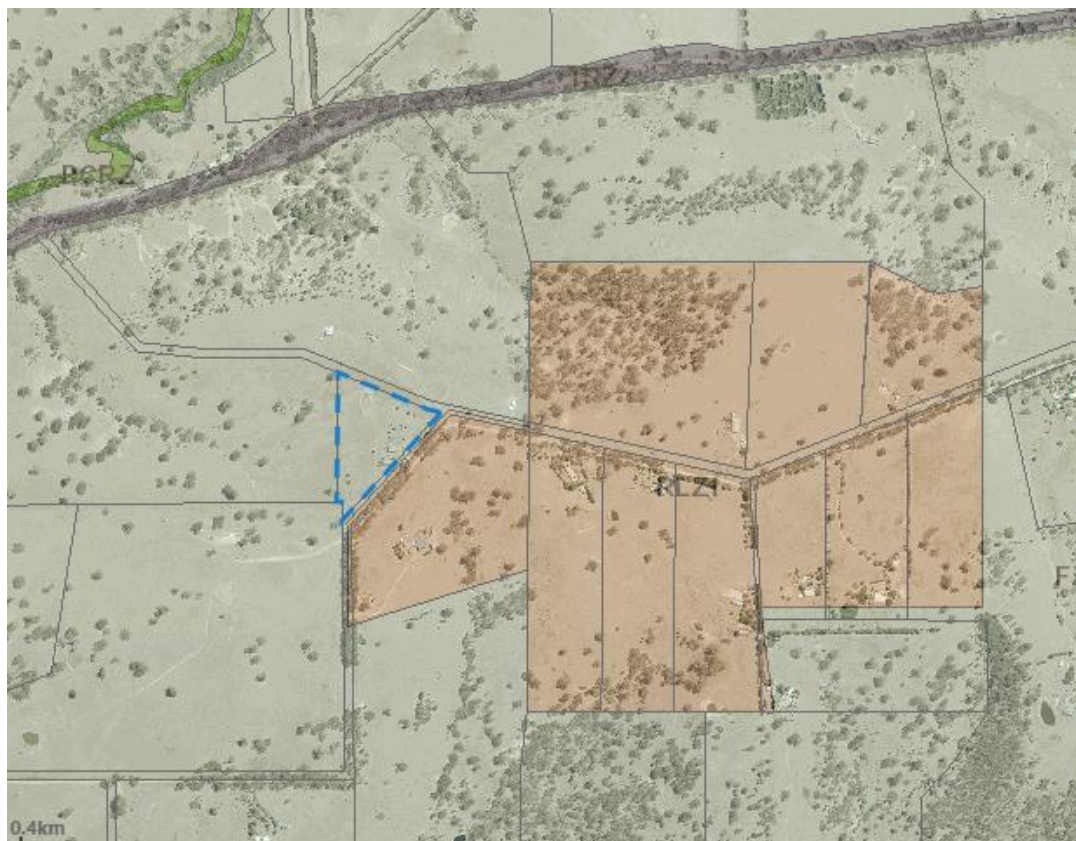


Figure 11: Aerial image of the subject land. Source: Vicplan.

## Site History

Planning permits approved for the subject land include the following:-

- P053/16- Planning Permit for the Development of an Outbuilding. Issued 15 June 2016
- PH/01/00280- Planning Permit for the Construction of a Dwelling. Issued 19 December 2002

## Consultation

### Referral Responses

Referral Agency	Referral trigger	Response
<b>COUNTRY FIRE AUTHORITY (CFA)</b>	Section 52	Conditional consent
<b>GOULBURN-MURRAY WATER (GMW)</b>	Section 55	Conditional consent
<b>MSC ENGINEERING</b>	N/A	Conditional consent
<b>MSC ENVIRONMENTAL HEALTH</b>	N/A	Conditional consent



## Advertising

The application has been advertised to four surrounding property owners/occupiers (4 April to 26 April 2023) pursuant to Section 52(1)(a) of the Planning and Environment Act. No objections were received.

A site inspection indicates that the location of the proposed alterations/ extensions to the existing dwelling and altered use of an existing approved outbuilding for use as group accommodation is unlikely to cause material detriment to surrounding properties. The location of the domestic zone away from neighbouring agricultural farms coupled with the undulating site topography will draw limited attention to the visibility of the proposed works to nearby properties surrounding the subject site.

## Mansfield Planning Scheme and Context Assessment

The Mansfield Planning Scheme seeks to ensure that the objectives of planning in Victoria (as set out in Section 4 of the Act) are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

### Municipal Planning Strategy (MPS)

The following MPS is relevant to the consideration of this application:

#### **Clause 02.03-1 – Settlement**

*The settlement pattern in the Shire is characterised by Mansfield Township as the major urban centre, with a number of surrounding smaller settlements, significant areas for rural living and a number of isolated 'legacy' settlements principally located around the shores of Lake Eildon. The 4 major valleys: Upper Delatite, Upper Goulburn, Howqua and Jamieson provide a distinctive and valued landscape setting for all settlements.*

*The future growth of all towns will depend upon the provision of infrastructure, particularly reticulated sewerage. Mansfield Township, Bonnie Doon, Merrijig, Sawmill Settlement and Alpine Ridge are the only towns with reticulated sewerage. Development in other towns will be restricted to infill development provided wastewater can be managed on site.*

#### **Clause 02.03-2 – Environmental and Landscape Values**

##### ***Landscapes***

*Council's strategic directions for environmental and landscapes values are to:*

- *Protect areas of remnant vegetation for their environmental, habitat and scenic values, including roadside vegetation, riparian environments, scattered trees and native grasslands.*
- *Protect the landscape character of the Shire and significant landscape features including large old trees, visually significant ridges and view corridors.*
- *Protect the environmental, landscape and visual significance of rural areas, mountain and environmental features and alpine approach areas.*

### **Clause 02.03-3 – Environmental Risks and Amenity**

#### ***Bushfire***

*Bushfires are a risk to life, property and community infrastructure. Risk is most significant in and around forested areas in mountainous topography. Other hazardous areas include extensive grassland areas, particularly along the urban and rural interface of existing settlements.*

*Development pressure near forested land, often in locations where there is only one access road is a major risk. The bushfire risk is increasing in areas that are popular for residential and rural residential development, areas where there is a high number of non-resident landowners and where property maintenance can be variable, and in areas that may introduce vulnerable people to a location close to bushfire hazards.*

### **Clause 02.03-4 – Natural Resource Management**

#### ***Agriculture***

*Rural land is under increasing pressure for residential use and development not associated with the rural use of the land. Productive agricultural land must be maintained to remain agriculturally viable and ensure the ongoing ability to farm is protected. To do so, it is important that only marginal rural land in areas with a minimal visual impact be developed for small scale rural or rural living style development.*

*Maintaining large rural allotments in the rural zones plays a vital role in maintaining agriculture and rural amenity. A legacy from past decisions is the large number of ‘undersized’ lots created in rural areas for the purpose of rural residential living without the appropriate zoning changes to reflect that purpose. As a result, landowners have an expectation that those lots can be developed for dwellings. A balance needs to be struck between this and the need to protect agricultural land for agricultural use.*

*Council’s strategic directions for the management of agricultural land are to:*

- *Protect productive agricultural land from land fragmentation and incompatible use and development.*
- *Protecting the on-going viability of agricultural land for agricultural purposes particularly from amenity conflicts arising from dwellings.*
- *Support diversifying the agricultural base to include the development of viticulture, horticulture, and more intensified agricultural pursuits.*

## **Water and Declared Special Water Supply Catchments**

Over 95 per cent of the Shire lies within a Declared Special Water Supply Catchment. The catchments include parts of the Goulburn Broken Catchment (Upper Goulburn and Upper Goulburn (Upper Delatite), Lake Eildon Environs and Lake Nillahcootie.

Lake Eildon and Lake Nillahcootie are artificial water storage lakes and significant economic, environmental and tourism resources. However, their primary function is to regulate water supply to downstream irrigation areas. Onsite wastewater management for surrounding use and development is a key issue, with their cumulative impact risking to affect catchment health, water quality and public health. Unsewered towns such as Goughs Bay, Macs Cove and Howqua are located on the shores of Lake Eildon, and Jamieson is located on two of the Lake's key tributaries.

Other key water sources include the Broken, Goulburn, Delatite, Jamieson, Howqua and Big Rivers, and the Brankeet, Merton and Fords Creeks.

Council's strategic directions for catchment planning and management are to:

- *Protect the environmental significance and visual amenity of local water sources and Special Water Supply Catchments.*
- *Avoid development in catchments that is detrimental to water quality.*
- *Minimise the cumulative impact of onsite wastewater treatment systems on the water quality of Declared Special Water Supply Catchments.*

### Officer response:

Discussion relating to the above listed MPS is contained under the relevant PPF below.

### **Planning Policy Framework (PPF)**

The following PPF is relevant to the consideration of this application:

#### **Clause 11.01-1S – Settlement**

##### **Objective**

- *To facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.*

Relevant Strategies are:

- *Deliver networks of high-quality integrated settlements that have a strong identity and sense of place, are prosperous and are sustainable by:*
  - *Building on strengths and capabilities of each region across Victoria to respond sustainably to population growth and changing environments.*
  - *Developing settlements that will support resilient communities and their ability to adapt and change.*



- *Balancing strategic objectives to achieve improved land use and development outcomes at a regional, catchment and local level.*
- *Preserving and protecting features of rural land and natural resources and features to enhance their contribution to settlements and landscapes.*
- *Encouraging an integrated planning response between settlements in regions and in adjoining regions and states in accordance with the relevant regional growth plan.*
- *Providing for appropriately located supplies of residential, commercial, and industrial land across a region, sufficient to meet community needs in accordance with the relevant regional growth plan.*
- *Minimising exposure to natural hazards, including increased risks due to climate change.*

**Officer response:**

It is policy to seek to locate development in appropriate areas taking into account environmental constraints, natural hazards, servicing/utility availability and productive agricultural land resources. The subject site does not have any particular environmental constraints (save for bushfire risk). There are no other sensitivities. Bushfire risk has been appropriately addressed, the service limitations that apply to the land can be addressed by on-site stormwater and wastewater management systems and the like. The development would not hamper the efficacy of the catchment area nor the agricultural production of the Farming estates that surround this property.

**Clause 12.03-1S – River and Riparian Corridors, Waterways, Lakes, Wetlands**

***Objective***

- *To protect and enhance waterway systems including river and riparian corridors, waterways, lakes, wetlands and billabongs.*

***Relevant strategies are:***

- *Protect the environmental, cultural, landscape values of all waterway systems as significant economic, environmental and cultural assets.*
- *Conserve waterway systems and the landscapes and environmental values surrounding them by protecting ecological values, indigenous vegetation, terrestrial and aquatic habitats and encouraging biodiversity.*
- *Sensitively design and site development to maintain and enhance the waterway system and the surrounding landscape setting, environmental assets, and ecological and hydrological systems.*
- *Address the impacts of use and development on drought and flooding events at a catchment and site scale to protect the health and natural function of waterway systems and their surrounding landscape and environment.*
- *Protect geomorphology, bank stability and flood management capacity to strengthen the environmental value and health of waterway systems by:*
  - *Retaining, enhancing and re-establishing indigenous riparian vegetation along*

- waterway systems, ensuring it responds to the bushfire risk of a location.*
  - Enhancing and re-establishing both terrestrial and aquatic habitats and their linkages along and surrounding waterway systems.*
  - Limiting earthworks in proximity to waterway systems to minimise alterations to geomorphology, natural drainage, natural flows and water quality.*
  - Facilitating the restoration of waterway systems through the removal of weeds, invasive species and pests.*
- *Enhance a sense of place and landscape identity by:*
  - Conserving areas of identified Victorian Aboriginal cultural heritage significance relating to waterway systems*
  - Retaining and re-establishing vegetation, including grasslands and canopy trees, surrounding waterway systems to enhance and connect to the landscape setting, ensuring it responds to the bushfire risk of a location.*
  - Protecting existing topographic features and maintaining a sense of naturalness through sensitive design and siting.*
- *Design and site development to maintain and enhance the natural environment of waterway systems by:*
  - Minimising the visual intrusion of development on the natural landscape views from major roads, bridge crossings, public open space, recreation trails and within waterway systems themselves.*
  - Ensuring development is visually subordinate to the local landscape setting, including through the use of vegetation to filter views of development.*
  - Ensuring development adjacent to waterways adopts high quality materials and respectful design and siting.*
  - Avoiding impeding the natural flow of waterways and future flood events.*

#### Officer response:

Planning policy centred on the protection of biodiversity and riparian corridors generally seeks to avoid impacts of land use and development on important areas of biodiversity, support land use and development that contributes to protecting and enhancing habitat for indigenous plants and animals in urban areas, and avoid, minimise and offset native vegetation removal. The proposal does not impose any burden or detriment on abutting land or environmental features.

The development extent comparative to the site's land area is such that the size is large enough to dispel any stormwater runoff. Similarly, the submitted LCA demonstrates that wastewater can be effectively managed onsite in accordance with EPA, GMW and Council Environmental Health Officer requirements.

The proposed siting would not impede on view lines on the natural scenery of the area. That said, no vegetation is proposed for removal and there are no significant biodiversity values attributed to the site that would be affected by the proposal in its current form. Overall, the proposal provides an acceptable response for the purposes of the relevant policy.

**Clause 13.02-1S – Bushfire Planning*****Policy application***

*This policy must be applied to all planning and decision making under the Planning and Environment Act 1987 relating to land that is:*

- *Within a designated bushfire prone area;*
- *Subject to a Bushfire Management Overlay; or*
- *Proposed to be used or developed in a way that may create a bushfire hazard.*

***Objective***

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

Relevant strategies are:

- *Give priority to the protection of human life by:*
  - *Prioritising the protection of human life over all other policy considerations.*
  - *Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.*
  - *Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision-making at all stages of the planning process.*
- *In a bushfire prone area designated in accordance with regulations made under the Building Act 1993, bushfire risk should be considered when assessing planning applications for the following uses and development:*
  - *Accommodation.*

**Clause 13.02-1L – Bushfire Management**

Relevant strategy is:

- *Incorporate passive risk mitigation measures, including the siting, landscaping and layout of new development to enhance resilience to potentially vulnerable development in Bushfire Prone Areas.*

**Officer response:**

The emphasis of relevant bushfire policy at the State and local level is on the preservation of preservation of human life in bushfire affected areas. The subject land is not within a Bushfire Management Overlay however a new accommodation use in a Bushfire Prone Area under the *Building Act 1993* and, as such, means that bushfire risk must be considered. The proposed development would introduce an intensity of accommodation use to the site, however not beyond the extent reasonably anticipated for the site. There is an increase in risk by placing accommodation in a rural location, however, the risk is commensurate with mitigation measures

taken. A satisfactory Bushfire Emergency Management Plan (EBMP) has been submitted as part of this application. The proposal would therefore adequately ensure human life is protected in a fire event in accordance with the policy direction at Clause 13.02-1S and 13.02-1L.

### **Clause 14.01-1S – Protection of Agricultural Land**

#### **Objective**

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

Relevant strategies are:

- *Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.*
- *Protect productive farmland that is of strategic significance in the local or regional context.*
- *Protect productive agricultural land from unplanned loss due to permanent changes in land use.*
- *Prevent inappropriately dispersed urban activities in rural areas.*
- *Protect strategically important agricultural and primary production land from incompatible uses.*
- *Limit new housing development in rural areas by:*
  - *Directing housing growth into existing settlements.*
- *Identify areas of productive agricultural land by consulting with the Department of Energy, Environment and Climate Action and using available information.*
- *In considering a proposal to use, subdivide or develop agricultural land, consider the:*
  - *Desirability and impacts of removing the land from primary production, given its agricultural productivity.*
  - *Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.*
  - *Compatibility between the proposed or likely development and the existing use of the surrounding land.*
  - *The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.*
  - *Land capability.*
- *Balance the potential off-site effects of a use or development proposal (such as degradation of soil or water quality and land salinisation) against the benefits of the proposal.*

### **Clause 14.01-1L – Dwellings and Subdivisions in Rural Areas**

#### **Objective**

- *To protect productive agricultural land from competing and inappropriate land uses, including residential use not associated with agriculture.*

- *To prevent dwelling excisions and the development of existing small rural allotments from prejudicing any existing surrounding agricultural activities.*

Relevant strategies are:

- *Discourage dwellings and subdivision (including house lot excisions) unless:*
  - *It is required to support the agricultural use of the land.*
  - *Off-site impacts and land use conflicts can be minimised and it will not result in reduced agricultural capability of the land or long-term viability of rural production in the area.*
  - *It will result in no net loss of vegetation.*
  - *Any development is sited, designed and constructed to mitigate bushfire risks.*
  - *The provision of necessary infrastructure for the dwelling or lot created (such as access to potable water supply, effluent disposal and stormwater drainage systems) is consistent with the capability of the land.*
- *Site and design development to not adversely impact existing rural activities conducted on site and on adjoining land.*
- *Avoid development (including subdivision) that is likely to lead to a concentration of small lots or dwellings and change the use and development of an area or result in a loss of its rural character, unless the clustering of dwellings will not limit the productive use and development of adjacent agricultural land.*

### **Policy Guidelines**

Consider as relevant:

- *Using an agreement under Section 173 of the Act to:*
  - *Minimise land use conflict by affirming the understanding that the amenity of the dwelling may be subject to off-site impacts of adjoining or nearby agricultural activities, such as noise, dust and odour.*
  - *Prevent future subdivision and dwelling excision.*

### **Officer response:**

The proposal introduces new non-agricultural use(s) to the subject land.

Key state and local policy relating to agriculture (Clauses 02.03-4, 14.01-1S and 14.01-1L) seeks to avoid impacts on and the removal of productive agricultural land.

It is noted that, as the subject land well under 40 hectares in size. The size of the allotment and existing domestic use on a hobby farm sized lot is more in keeping with the ten allotment Rural Living Zone/ estate directly to the east of the property. Based on the contextual assessment of the site, the agricultural considerations shift solely to how the development impacts agricultural production around the subject site.



On balance, the proposal is considered to be consistent with the policy enunciated above relating agriculture given that it seeks to use and develop land that is not generally suited to agricultural production, owing to size and site constraints (size of land). Consequentially, the proposed adaption of the site to allow for Group Accommodation is in a manner that it consistent with existing use and development in the surrounds which capitalises on rural tourism opportunities.

### **Clause 14.02-1S – Catchment Planning and Management**

#### **Objective:**

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

Strategies to address this objective include to:

- *Ensure the continued availability of clean, high-quality drinking water by protecting water catchments and water supply facilities.*
- *Retain natural drainage corridors with vegetated buffer zones at least 30 metres wide along each side of a waterway to:
 
  - *Maintain the natural drainage function, stream habitat and wildlife corridors and landscape values,*
  - *Minimise erosion of stream banks and verges, and*
  - *Reduce polluted surface runoff from adjacent land uses.**
- *Undertake measures to minimise the quantity and retard the flow of stormwater from developed areas.*
- *Ensure planning is coordinated with the activities of catchment management authorities.*
- *Ensure that water quality infrastructure is designed to minimise risk of harm to surface waters and groundwater.*
- *Ensure that development at or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their instream uses.*
- *Ensure land use and development minimises nutrient contributions to water bodies and the potential for the development of algal blooms.*
- *Require appropriate measures to restrict sediment discharges from construction sites.*
- *Ensure planning is coordinated with the activities of catchment management authorities.*
- *Ensure that water quality infrastructure is designed to minimise risk of harm to surface waters and groundwater.*

#### **Policy guidelines**

Consider as relevant:

- *Any regional catchment strategy and related plans approved under the Catchment and Land Protection Act 1994.*
- *Any applicable implementation strategy approved by a catchment management authority or waterway management authority.*

- *Any special area or management plan under the Heritage Rivers Act 1992.*
- *Any action statement or management plan prepared under the Flora and Fauna Guarantee Act 1988.*

### **Clause 14.02-1L – Catchment Planning and Management**

Relevant strategies are:

- *Minimise adverse impacts from wastewater management systems (both individually and cumulatively) on catchment health and water quality.*
- *Discourage land uses that would contribute to the degradation of downstream water quality.*
- *Discourage further development, particularly new rural residential estates on the lakes' shores.*
- *Support new development only where connection to reticulated sewerage infrastructure can be provided or it will not have a cumulative impact on nutrient and pathogen loads.*
- *Ensure any drainage scheme is consistent with the capability of the land.*

### **Policy guidelines**

Consider as relevant:

- *Any findings and recommendations of land capability assessments as required through ESO1 and 2, particularly individual site risk analysis.*

### **Clause 14.02-2S – Water Quality**

#### **Objective**

- *To protect water quality.*

Relevant strategies are:

- *Ensure that land use activities potentially discharging contaminated runoff or wastes to waterways are sited and managed to minimise such discharges and to protect the quality of surface water and groundwater resources, rivers, streams, wetlands, estuaries and marine environments.*
- *Discourage incompatible land use activities in areas subject to flooding, severe soil degradation, groundwater salinity or geotechnical hazards where the land cannot be sustainably managed to ensure minimum impact on downstream water quality or flow volumes.*

Officer response:

The subject land is within the Upper Goulburn designated special water supply catchment area and is affected by the ESO2. There are number of watercourses which are tributaries gully linked to Dungeon Gully Creek and the Howqua River.

The application was referred to GMW in accordance with section 55 of the Act owing to the site being located within a special water supply catchment area (refer to Clause 66.02-5 of the Mansfield Planning Scheme). GMW provided the following commentary:

*Goulburn-Murray Water's (GMW's) areas of interest are surface water and groundwater quality, use and disposal. GMW requires that development proposals do not impact detrimentally on GMW's infrastructure and the flow and quality of surface water and groundwater. Applicants must ensure that any required water supplies are available from an approved source.*

Having considered the application documents and plans provided to them, GMW did not object to the issuing of a planning permit, subject to conditions, relating to: sediment control measures/requirements; required setbacks for buildings from waterways; and general wastewater requirements.

The development proposed (including effluent areas) is sited and setback sufficiently from watercourses running through the site so as to avoid any serious impact on waterway and catchment health. Stormwater and wastewater produced on the site can be appropriately managed onsite subject to conditions on the permit and notations relating to post-permit permissions required for matters such as septic. This is considered to be consistent with planning policy centred on water quality and catchment planning and management (Clauses 02.03-4, 14.02-1S, 14.02-1L, and 14.02-2S), which seeks to minimise adverse impacts on water quality and protects waterways.

## **Clause 15.01-6S – Design for Rural Areas**

### ***Objective***

- *To ensure development respects valued areas of rural character.*

### ***Strategies***

- *Ensure that the siting, scale and appearance of development protects and enhances rural character.*
- *Protect the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes by ensuring new development is sympathetically located.*
- *Site and design development to minimise visual impacts on surrounding natural scenery and landscape features including ridgelines, hill tops, waterways, lakes and wetlands.*

Officer response:

Planning policy centred on rural built form, design and character outcomes (Clauses 02.03-5, 15.01-2S and 15.01-6S) seeks to ensure the implementation of good design practices that is responsive to valued rural character. The proposed development would provide an acceptable urban design response, that is consistent with the intent of the zoning of the land, generally congruent with rural development typology of the area and taking into account the subject land's landscape features. The design response would be akin to traditional modest rural architecture - reminiscent of rural homesteads – whilst maintaining a small scale, generous setbacks from the road (but remain accessible) and other land, and presenting no jarring or distinguishing characteristics in terms of height, materials or visual bulk. Visually, it would be representative of the surrounding rural locale and rural dwellings on large allotment. No colours and finishes have been identified on the renovation plans. This will require the imposition of a condition on any permit issued requiring colours, materials and finishes to be generally non-reflective in nature and comprised of muted colour tones. The design, siting and articulation of the proposed dwelling renovation and outbuilding conversion would provide good internal amenity for the occupants. The proposed access treatments are sufficient to cater for the use and development proposed. On balance, the general built form outcome is highly positive having regard to the relevant built form policy contained at Clause 15.01-2S and 15.01-6S, and the specifics of the site and surrounds.

### **Clause 19.03-3S – Integrated Water Management**

#### **Objective**

- *To sustainably manage water supply and demand, water resources, wastewater, drainage and stormwater through an integrated water management approach.*

Relevant strategies are:

- *Plan and coordinate integrated water management, bringing together stormwater, wastewater, drainage, water supply, water treatment and re-use, to:*
  - *Take into account the catchment context.*
  - *Protect downstream environments, waterways and bays.*
  - *Manage and use potable water efficiently.*
  - *Reduce pressure on Victoria's drinking water supplies.*
  - *Minimise drainage, water or wastewater infrastructure and operational costs.*
  - *Minimise flood risks.*
  - *Provide urban environments that are more resilient to the effects of climate change.*
- *Integrate water into the landscape to facilitate cooling, local habitat improvements and provision of attractive and enjoyable spaces for community use.*
- *Facilitate use of alternative water sources such as rainwater, stormwater, recycled water and run-off from irrigated farmland.*
- *Ensure that development protects and improves the health of water bodies including creeks, rivers, wetlands, estuaries and bays by:*
- *Minimising stormwater quality and quantity related impacts.*
  - *Filtering sediment and waste from stormwater prior to discharge from a site.*

- *Managing industrial and commercial toxicants in an appropriate way.*
- *Requiring appropriate measures to mitigate litter, sediment and other discharges from construction sites.*
- *Manage stormwater quality and quantity through a mix of on-site measures and developer contributions at a scale that will provide greatest net community benefit.*
- *Provide for sewerage at the time of subdivision or ensure lots created by the subdivision are capable of adequately treating and retaining all domestic wastewater within the boundaries of each lot.*
- *Ensure land is set aside for water management infrastructure at the subdivision design stage.*
- *Minimise the potential impacts of water, sewerage and drainage assets on the environment.*

Officer response:

The land is of sufficient size that onsite stormwater and wastewater/effluent management is practical. As standard, conditions will be required on any permit issued to direct the management of onsite stormwater and wastewater in accordance with the requirements of Council's engineers, environment health officers and GMW.

**Zoning**

**Clause 35.07 – Farming Zone (FZ)**

***Purpose***

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

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

*A lot used for a dwelling must meet the following requirements:*

- *Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.*
- *Each dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available all wastewater from each dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection*



*Regulations under the Environment Protection Act 2017 for an on-site wastewater management system.*

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

### **Decision Guidelines**

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

#### *General issues*

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *Any Regional Catchment Strategy and associated plan applying to the land.*
- *The capability of the land to accommodate the proposed use or development, including the disposal of effluent.*
- *How the use or development relates to sustainable land management.*
- *Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.*
- *How the use and development makes use of existing infrastructure and services.*

#### *Agricultural issues and the impacts from non-agricultural uses*

- *Whether the use or development will support and enhance agricultural production.*
- *Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.*
- *The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.*
- *The capacity of the site to sustain the agricultural use.*
- *The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.*

#### *Accommodation issues*

- *Whether the dwelling will result in the loss or fragmentation of productive agricultural 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.*
- *Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.*
- *The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.*

*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 impact of the use or development on the flora and fauna on the site and its surrounds.*
- *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.*
- *The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.*

*Design and siting issues*

- *The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.*
- *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 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 location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.*
- *Whether the use and development will require traffic management measures.*

Officer response:

The use and development of the existing dwelling on site has been separately considered and approved as part of earlier Planning Permit approvals. The proposed buildings and works to the dwelling to increase floor area are not considered to be disproportionately large. The overall bedroom numbers will not increase- the alterations provide for an addition to the floor area and also allow for a wrap around verandah area.

Overall, it is considered that that the proposal can meet the Farming Zone purpose to ensure that non-agricultural uses, including dwellings do not adversely affect the use of land for agriculture. The proposed use and development is generally in accordance with the decision guidelines of the Farming Zone. Conditions included on any issued permits will aim to address any potential environmental risk posed by the proposal. The application has been advertised to adjoining properties with no objections received. The proposal will not produce noise, dust odours or increase the use of machinery.

Any amenity impacts from increased vehicular traffic to the area can be managed through provision of adequate on-site parking. The proposed group accommodation will have its own water supply, its own septic treatment system and will only be connected to mains electricity supply that services Tabletop Road. The impact to existing services will be minimal. The area of land on which the proposed group accommodation will be located currently contains the existing outbuilding, and a dwelling. The siting of the proposed group accommodation will create minimal

change from the existing site conditions and not significantly alter the domestic zone on the property. The proposed group accommodation will be setback from surrounding agricultural activities.

## Overlays

### **Clause 42.01 Environmental Significance Overlay – Schedule 2 (ESO2)**

Purpose:

- *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.*
- ▶ Decision Guidelines:
- ▶ General
- *Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:*
  - *The Municipal Planning Strategy and Planning Policy Framework.*
  - *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 defensible space to reduce the risk of bushfire to life and property.*
  - *Any other matters specified in a schedule to this overlay.*

### Officer response:

The MPS and PPF have been addressed under separate headings in the body of the report. The proposal is considered to generally be accordant with the relevant policy.

A updated wastewater treatment system and effluent dispersal field will be installed for the proposed new use and development on site. All waste water will be pumped from the existing residence and group accommodation will need to address minimum EPA requirements and setbacks. The subject land is within the Upper Goulburn designated special water supply catchment area.

A referral to GMW was undertaken and it was determined by the authority that the application generally satisfies the relevant considerations subject to appropriate conditions on permit should one be issued.

There is no removal, destruction or lopping of vegetation proposed as the development site for the dwelling is generally devoid of vegetation (other than managed grasslands).

The extent of development proposed is generally modest comparative to the land size. Subsequently, there is a low likelihood of reduced water yields within the catchment area. That said, additional stormwater and overland flows produced by the proposed development will be managed through permit conditions as standard. Likewise, the submitted LCA demonstrates that wastewater can be appropriately managed onsite in a manner that can avoid any serious impact on waterway and catchment health, and this will also be conditioned.

Overall, the proposal general satisfies the considerations and purpose of this overlay.

**Particular Provisions**

**Clause 52.06 – Car Parking**

***Purpose***

- *To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

**Scope**

Clause 52.06 applies to:

- *a new use; or*
- *an increase in the floor area or site area of an existing use; or*
- *an increase to an existing use by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.*

**Number of car parking spaces required – Dwelling use**

Table 1 to Clause 52.06-5 prescribes the following car parking rates for a dwelling:

<i>Use</i>	<i>Rate Column A</i>	<i>Rate Column B</i>	<i>Car Parking Measure Column C</i>
<b><i>Dwelling</i></b>	2	2	<i>To each three or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedroom).</i>

Clause 52.06 also requires that any other new use also provide appropriate car parking. The use of land for group accommodation is not specified in Table 1 of Clause 52.06-5 (Number of car parking spaces required). Clause 52.06-6 addresses number of car parking spaces required for other uses. This is relevant for a use not listed in Table 1. The planning scheme stipulates that car parking spaces must be provided to the satisfaction of the Responsible Authority.

### **Decision Guidelines**

*Before deciding that a plan prepared under Clause 52.06-8 is satisfactory the responsible authority must consider, as appropriate:*

- *The role and function of nearby roads and the ease and safety with which vehicles gain access to the site.*
- *The ease and safety with which vehicles access and circulate within the parking area.*
- *The provision for pedestrian movement within and around the parking area.*
- *The provision of parking facilities for cyclists and disabled people.*
- *The protection and enhancement of the streetscape.*
- *The provisions of landscaping for screening and shade.*
- *The measures proposed to enhance the security of people using the parking area particularly at night.*
- *The amenity of the locality and any increased noise or disturbance to dwellings and the amenity of pedestrians.*
- *The workability and allocation of spaces of any mechanical parking arrangement.*
- *The design and construction standards proposed for paving, drainage, line marking, signage, lighting and other relevant matters.*
- *The type and size of vehicle likely to use the parking area.*
- *Whether the layout of car parking spaces and access lanes is consistent with the specific standards or an appropriate variation.*
- *The need for the required car parking spaces to adjoin the premises used by the occupier/s if the land is used by more than one occupier.*
- *Whether the layout of car spaces and accessways are consistent with Australian Standards AS2890.1-2004 (off street) and AS2890.6-2009 (disabled).*
- *The relevant standards of Clauses 56.06-2, 56.06-4, 56.06-5, 56.06-7 and 56.06-8 for residential developments with accessways longer than 60 metres or serving 16 or more dwellings.*
- *Any other matter specified in a schedule to the Parking Overlay.*

### **Officer response:**

The proposal comprises a two (2) bedroom dwelling. This generates a statutory requirement of two (2) car parking spaces, including at least one of the spaces being covered. The proposal provides for at least two (2) car parking spaces within the existing outbuilding (garage). This is deemed to be a satisfactory response.



The proposal also comprises the use and conversion of the existing outbuilding to 'group accommodation'. The applicant has indicated that the existing outbuilding will provide for a two bedroom self contained residence for tourist accommodation purposes. The existing onsite carparking is associated with the existing dwelling. No car parking provision is made in relation to the group accommodation within the outbuilding. A car parking site plan and supporting information has not been provided. The aerial imagery for the site indicates that there is an established unenclosed gravel car parking area that has been established in proximity to the proposed group accommodation. The parking areas and internal access is setback from property boundaries. It is considered that the proposed site area will be sufficient to accommodate any overflow if required without adversely impacting on neighbouring properties.

It is considered that the proposal is unlikely to produce traffic issues owing to the use of the land (dwelling & group accommodation) having low hourly vehicle spawn rates. The application demonstrates that car parking for the proposal can be sufficiently accommodated on the site based on the proposal put forward in this application.

Overall, the proposal is considered to be an acceptable response having regard to Clause 52.06.

## **General Provisions**

### **Clause 65.01 – Approval of An Application or Plan**

*Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:*

- *The matters set out in section 60 of the Act.*
- *Any significant effects the environment, including the contamination of land, may have on the use or development.*
- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the environment, human health and amenity of the area.*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*
- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*
- *The impact the use or development will have on the current and future development and operation of the transport system.*

### Officer response:

The matters at section 60 of the Act have been considered.

The MPS and PPF have been addressed under separate headings in the body of the report. The proposal is considered to generally be accordant with the relevant policy.

The proposed development is generally consistent with the Farming Zone.

The proposed development is considered to be generally consistent with the catchment management considerations of the Environmental Significance Overlay – Schedule 2. That is, it is not anticipated to impact adversely on the efficacy of the Upper Goulburn special water supply catchment area.

The proposal provides an appropriate response to the bushfire planning requirements and employs effective management for the site under the prepared BEMP.

Turning to car parking and access, the proposal is considered to result in an appropriate outcome for car parking and access.

Having regard to stormwater and wastewater, both stormwater and wastewater produced by the use can be appropriately managed onsite.

No vegetation removal, lopping or destruction is proposed.

The proposal is not considered to adversely impact the current and future development and operation of the transport system, noting that the scale of development proposed is commensurate with the capacities of local road network.

The proposal is considered to result in an and appropriate and orderly outcome for the site and surrounds, which realises the limitations of the site and maximises on the locational and agricultural attributes of the site.

Based on the matters discussed above and throughout this report, the proposed use and development is acceptable and is generally considered to be consistent with the Mansfield Planning Scheme. In this instance, the matters assessed tend in favour of approving the application for a planning permit.

## **Conclusions**

There are no other matters for consideration in relation to this application.

The proposal is generally consistent with the relevant provisions of the Mansfield Planning Scheme, as discussed in this report. The application is therefore recommended for approval.

## Officer Recommendation

### PLANNING PERMIT

That Council issue a **PERMIT** for Planning Application **P152/22** to allow for the ***Buildings and works for the alteration of an existing dwelling and change of use of existing outbuilding to group accommodation*** on **Crown Allotment 49A Parish of Dueran**, commonly addressed as **295 Tabletop Road, Bridge Creek** in accordance with the endorsed plans and subject to the following conditions:-

#### Endorsed Plans

1. The use and development must be in accordance with the endorsed plans forming part of this permit and must not be altered without the prior written consent of the Responsible Authority.

#### External Cladding

2. The external materials of the buildings, including the roof, must be constructed of materials of muted colours to protect the aesthetic amenity of the area. No materials having a highly reflective surface must be used. For the purpose of this clause "highly reflective" includes unpainted or untreated aluminium, zinc or similar materials.

#### Infrastructure

3. Access to the dwelling and group accommodation must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
4. The dwelling and group accommodation building must be connected to reticulated sewerage, if available. If reticulated sewerage is not available all wastewater from the dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017 for an on-site wastewater management system.
5. The dwelling and group accommodation building approved by this permit must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for firefighting purposes.
6. The dwelling and group accommodation building approved by this permit must be connected to a reticulated electricity supply or have an alternative energy source.

#### Engineering

7. Access to the property must be via the existing driveway and crossing except with the written consent of the Responsible Authority.
8. The internal access track shall be of an all-weather construction with dimensions adequate to accommodate emergency vehicles and be sufficient to meet CFA access requirements.
9. Prior to any works proceeding within the road reserve, an application for Works Within Roads Reserve Permit shall be made.

10. Prior to commencement of any building and civil works, application must be made to Council to obtain a Legal Point of Stormwater Discharge.
11. All stormwater is to be contained to the pre-development runoff equivalent using detention water tanks or similar and then shall be discharged to the legal point of stormwater discharge.
12. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991) to the satisfaction of the Responsible Authority.

### **Environmental Health**

13. Prior to commencement of the development, a 'Permit To Alter an Onsite Wastewater Management System' must be approved by the Environmental Health Department of Council.
14. The Onsite Wastewater Management System must be developed in accordance with the Land Capability Assessment (Report No. 1091264.0000.R1.V4) as prepared by Chadwicks Geotechnics, dated the June 2024, to the satisfaction of the Responsible Authority.

### **Goulburn Murray Water**

15. All construction and ongoing activities must be in accordance with EPA Publication 1834.1 Civil Construction, Building and Demolition Guide (September 2023).
16. All wastewater from the dwelling and group accommodation must be treated and disposed of using an approved system. The system must have a certificate of conformity issued by the relevant body (or equivalent approval) and be installed, operated and maintained in accordance with the relevant Australian Standard(s) and EPA Guideline for Onsite Wastewater Management, May 2024, as updated or replaced.
17. The wastewater disposal area must be located in accordance with the setback distances set out in Table 4-10 of the EPA Guideline for Onsite Wastewater Management, May 2024, as updated or replaced.
18. The wastewater management system must be appropriately designed to manage the potential volume of wastewater generated under full occupancy, including an appropriately sized disposal area based on a full water balance specific to the proposal and subject land in accordance with the requirements of the relevant Australian Standard(s) and EPA Guideline for Onsite Wastewater Management, May 2024, as updated or replaced, to the satisfaction of Council's Environmental Health Department.
19. The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.
20. The existing onsite wastewater management system must be decommissioned once the new system is installed and operational. All wastewater from the dwelling and group

accommodation must be disposed of via connection to the new wastewater management system to the satisfaction of Council's Environmental Health Department.

21. Stormwater must be discharged to a legal point as nominated by the Responsible Authority. All infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority.

## Permit Expiry

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

- a) The development has not started within two (2) years of the date of this permit;
- b) The development is not completed and the use commenced within four (4) years of the date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

## NOTATIONS

- 1) This permit does not authorise the commencement of any building works. Building approval must be obtained prior to the commencement of any approved works.
- 2) Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- 3) Before any earthworks are undertaken, it is recommended that you contact 'Dial Before You Dig' on 1100.
- 4) The permit holder acknowledges and accepts that the possibility of nuisance from adjoining or nearby agricultural operations may occur. The possible off-site impacts include but are not limited to dust, odour, waste, vibration, soot smoke, or the presence of vermin, from animal husbandry, animal waste, spray drift, agricultural machinery, pumps, trucks and associated hours of operation. In acknowledging the existence of the agricultural operations being conducted from adjoining or nearby land, the permit holder and guests of the accommodation shall not make complaint against lawful agricultural activities on the adjoining or nearby land.
- 5) Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.



**– End conditions –**

Planner  
Responsible:

Claire Wilkinson

Delegate:

Nicole Embling

Senior Coordinator Planning

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Signature:



Signature:



Date:

10 October 2024

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Date:

1 November 2024

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