Planning Application Report

Dwelling House

1887 Thowgla Road
Land in PC370661
THOWGLA VALLEY 3707
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1. **INTRODUCTION**

EDM Group has been engaged to prepare this planning application to seek approval for a 2 bedroom dwelling on land situated at 1887 Thowgla Road, Thowgla Valley (Appendix 1).

The proposal is seen as being relatively straight forward being consistent with the purposes of the Rural Living Zone as well as the Planning Policy Framework of the Towong Planning Scheme. (Appendix 1)

2. **SUBJECT LAND**

The subject land is a vacant irregular shaped holding identified as land in PC370661 (Vol.11150 Fol.444). There are no covenants or restrictions registered on the land title. Title particulars are attached at Appendix 2.

The property is 8.03ha in area held in two parts either side of Thowgla Road. The property is situated approximately 14.5km to the south of Corryong and approximately 2.5km to the south east of the intersection of Thowgla Road and Nariel Gap Road. At Site Context Plan is provided at Appendix 3.

![Figure 1 - Site Plan](image)

Prior to the recent “Black Summer” fire event the dominant feature of the subject land was that the majority of the property comprised forested hill-side which ran along the eastern side of the narrow Thowgla Valley. The property slopes steeply upwards from the valley floor to the east towards a ridgeline running north-south.

To the west across Thowgla Road the property has frontage to the Thowgla Creek Creekside reserve. As noted at Photo 1 the proposed building site is situated within the cleared south western section of the property in proximity of the Thowgla Road frontage.
Photo 1: Looking south westerly down to proposed development site in foreground.

Photo 2: Looking southerly towards building site to the right of vehicle.

Photo 3: Looking northerly across lower section of subject land.
3. PLANNING PROVISIONS

3.1 Towong Planning Scheme

Rural Living Zone

The subject land is located within the Rural Living Zone (RLZ) under the provisions of the Towong Planning Scheme (Appendix 4). Relevant purposes of the RLZ include:

- To provide for residential use in a rural environment.
- To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.
- To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

Clause 35.03-1 of this zone provides that a permit is required for a Dwelling on a lot less than 40ha in area.

There are also a number of specific decision guidelines set out in clause 35.03-5 relating to the use and development of land in the RLZ that are required to be taken into account when considering an application for dwelling on the land.

COMMENT: Relevant matters within the decision guidelines will be addressed later within this report.

Bushfire Management Overlay (BMO)

As noted in the attached Property Report at Appendix 4, that the whole of the subject site is located within the Bushfire Management Overlay (BMO) under the provisions of the Towong Planning Scheme.

COMMENT: The overlay seeks to ensure that the development of land prioritises protection of life and property. In accordance with Clause 44.06-2 a Bushfire Management Statement, satisfying the requirements of Clause 53.02 (Planning for Bushfire) is attached separately to this report.

Restructure Overlay

The subject land is also affected by the provisions of the Restructure Overlay (RO). Clause 45.05-2 provides that a permit is required for a dwelling and that a permit if granted must be in accordance with a restructure plan for the land listed in a schedule to the overlay. In this instance the relevant schedule is RO11 – Thowgla Valley.

COMMENT: The proposal is consistent with the relevant Overlay requirements in that the property has already been consolidated into a single parcel namely PC370661. In addition, the application is supported by a Land Capability Assessment consistent with the EPA Septic Tank Code of Practice 891.4 and AS/NZS1547:2012 – On-site domestic wastewater management.

Design & Development Plan Overlay

The subject land is affected by the Design and Development Overlay (DDO1). The schedule to the Overlay relates to Rural Based living development and set a number of requirements in terms of built form and siting that need to be taken into consideration to the satisfaction of the Responsible Authority.
COMMENT: The proposed development is consistent with the Overlay requirements. In summary the plans provided at Appendix 1 indicate a single storey building to be situated on a level part of the property. In addition:

- Existing local road access off Thowgla Road can be relied upon to provide two wheel drive all weather access.
- Land Capability Assessment demonstrates that the land is capable of retaining and treating all waste water on site.
- Potable water supply will be provided by rainwater tanks.
- Water supply for fire-fighting purposes will also rely upon static water supply.
- No native vegetation will be impacted upon.

Decision Guidelines

In addition to the matters set out above the purposes of the RLZ and the relevant decision guidelines also require that consideration be given to matters such as the planning scheme’s Planning Policy Framework (PPF), the purposes of the zone and orderly planning.

3.2 Planning Policy Framework

The PPF seeks to ensure that the objectives of planning in Victoria are met and encouraged through land use and development. The following policies are deemed to be relevant to this proposal and have been taken into account when initially assessing the application.

Native Vegetation Management – Cl. 12.01-2S

COMMENT: No native vegetation is required to be removed as a result of this proposed development.

Design for rural areas – Cl.15.01-6S

COMMENT: The proposal will not diminish any aspect of the existing rural character of the Thowgla Valley locality.

Heritage Conservation – Cl.15.03-1S

COMMENT: The development will not diminish any heritage values as the land is not within an identified heritage precinct nor does it contain any heritage places listed with the Heritage Overlay.

Aboriginal Cultural Heritage – Cl.15.03-2S

COMMENT: While the subject land is located within an area affected by aboriginal cultural heritage sensitivity, Council is advised that in accordance with the Aboriginal Heritage Act that no CHMP is required in this instance.

3.3 Municipal Strategic Statement

The MSS at Clause 21.02-4 provides discussion in terms of the settlement vision for the Shire which include the following:

The vision for Towong seeks to encourage different settlement outcomes in a variety of locations across the Shire that can contribute to the environmental, social and economic wellbeing of the Shire. It seeks to offer land use planning recommendations that build on the specific character and desired future profile of each town, with a view of establishing a
network of settlements that support each other in their service base and offer a variety and choice of lifestyle opportunities.

The strategy of the MSS seeks to facilitate housing and diversity of living opportunities including rural living in various identified localities including Thowgla Valley.

In response the Planning Scheme implements the Rural Living Zone to acknowledge existing fragmentation of rural lands as well as existing hobby-farm areas of the Shire.

COMMENT: The current proposal is not seen as being inconsistent with the policy intent of the Towong Planning Scheme. The development proposed is consistent with those aspects of the MSS that relate to rural living development generally and in particular the Thowgla Valley locality which has been zoned for this purpose.

3.4 Local Planning Policy

The Towong Planning Scheme provides the following relevant local policy for consideration.

Effluent disposal and water quality – Cl.22.08

This policy applies to development that cannot be serviced by reticulated sewerage. Objectives of this Clause include to:

- Ensure that effluent disposal systems are suitable to the soil type and topography of the site and are appropriately located away from environmentally sensitive features.
- To ensure effluent is not discharged off site.

COMMENT: A Land Capability Assessment has been prepared for the subject land which demonstrates the land is capable of treating and retaining on-site effluent disposal in accordance with the EPA Code of Practice as well as AS:NZ 1547:2012. (Appendix 5).

4. RLZ – DECISION GUIDELINES

Clause 35.03-5 provides a range of decision guidelines that are required to be considered by the Responsible Authority. With respect to these heads of consideration the following statements are offered:

General issues
- The proposal is not inconsistent with the Municipal Planning Strategy and the Planning Policy Framework.
- The proposal is not inconsistent with the North East Catchment Management Authority Regional Catchment Strategy.
- The land’s site quality attributes including soil type, soil fertility, soil structure, soil permeability, aspect, contour and drainage patterns do not preclude development of a dwelling on the land as proposed.
- The proposal will not adversely impact upon rural land uses within the locality.
- The proposal will also not alienate high quality agricultural land.

Agricultural issues
- The development will have no impact upon any ability of the subject land to sustain agricultural use. The majority of the land essentially comprises a “bush block” that has little or no value from an agricultural perspective. In any event the
use of the land for living purposes is an outcome that is actually envisaged by the zoning for the subject land.

- No integrated land management plan is required for this proposal.
- The possibility of future expansion of the use or development and the impact of this on adjoining and nearby agricultural and other land uses is not relevant in this instance.

Environmental issues
- There will be no adverse environmental impacts as a result of the proposed development. The need for detailed assessment of impact caused by the proposal by the emission of noise, dust and odours is not relevant in this instance. There will no be impacts on soil and water quality.
- There will be no adverse impact of the subdivision on the flora, fauna and landscape features of the locality.
- No native vegetation will be removed as a result of this development.
- The land is capable of retaining and treating all waste water on site as indicated by the attached LCA undertaken for the subject land.

Design and siting issues
- There will be no adverse impact as a consequence of siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features.
- The development will sit comfortably within the existing character and appearance. There will be no impact upon any features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The development can be serviced appropriately relative to the location.
- The use of the existing point of access track from Thowgla Road can continue to be relied upon without any modification or upgrade.

5. GENERAL PROVISIONS - CLAUSE 65 (DECISION GUIDELINES)

Clause 65 provides for discretion in decision making and clearly notes that consideration needs to be given to whether the outcome is one which is acceptable having regard to such matters as the Scheme's policies and orderly planning. It is also noted that the same point is made at Clauses 31.01-2 and 41. In response the following comments are provided, as appropriate, in respect of the decision guidelines provided for at clause 65.01 and 65.02.

5.1 Approval of an application or plan (Cl. 65.01)

- The orderly planning of the area.

COMMENT: As noted above it is contended that the proposal represents orderly planning for the subject land. From an analysis of relevant sections of the Towong Planning Scheme it is clear that the proposed development of the subject land for rural living purposes is consistent with the Towong Planning Scheme and Local Policy.

- The effect on the amenity of the area.

COMMENT: The proposal will not have an adverse impact on the amenity of the area nor will it adversely impact upon existing rural character.
• **The proximity of the land to any public land.**
  COMMENT: There are no issues with respect to the public / private interface that would preclude approval of this subdivision.

• **Factors likely to cause or contribute to land degradation, salinity or reduce water quality.**
  COMMENT: No issues have been identified as a result of this development proceeding which would lead 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.**
  COMMENT: No issues identified as relevant

• **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.**
  COMMENT: No removal of native vegetation is proposed.

• **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.**
  COMMENT: A Bushfire Assessment Report has been prepared in support of this application. The land is not the subject of flood or, erosion overlay controls.

### 6. **CONCLUDING COMMENTS**

The submitted proposal seeks approval for a two bedroom dwelling on the land within an identified Rural Living locality. This submission demonstrates that the proposal is consistent with the provisions of Towong Planning Scheme and that it is both appropriate and reasonable in the circumstances.

Having regard to the above it is respectfully requested that Council approve this application.

EDM Group
Peter O’Dwyer RPIA (Fellow)
Manager Planning & Environment

5 May 2020
Ref: 09006703
APPENDIX 1

BUILDING PLANS
PROPOSED DWELLING

For: WARREN & MONICA GORDON

At: 1887 THOWGLA ROAD, THOWGLA VALLEY VIC 3707
WEST ELEVATION
1:100

SOUTH ELEVATION
1:100

NORTH ELEVATION
1:100

MATERIAL / COLOURS:
- WALL SHEETING: COLORBOND MANOR RED
- TIMBER CLADDING: IRONBARK
- STONE CLADDING: T.B.C.
- ROOF SHEETING: COLORBOND DEEP OCEAN
- FASCIA: COLORBOND DEEP OCEAN
- GUTTER: COLORBOND DEEP OCEAN
- DOWNPIPES: COLORBOND DEEP OCEAN
- VERANDAH POSTS: DEEP OCEAN / IRONBARK

PROPOSED DWELLING
For: WARREN & MONICA GORDON
At: 1887 THOWGLA ROAD, THOWGLA VALLEY VIC 3707

Sheet Size "A3"
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SECTION A
1:100

SECTION B
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APPENDIX 2

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 11150 FOLIO 444

LAND DESCRIPTION

Land in Plan of Consolidation 370661A.

PARENT TITLE Volume 06965 Folio 903

Created by instrument FC370661A 03/08/2009

REGISTERED PROPRIETOR

Estate Fee Simple

Joint Proprietors

MONICA GORDON

CHRISTOPHER WARREN DECOVERLY GORDON both of 2344 HENRY LAWSON WAY BULLA CREEK NSW 2594

AK653192L 14/10/2013

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AK653193J 14/10/2013

SOUTH WEST SLOPES CREDIT UNION LTD

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE PC370661A 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: 1887 THOWGLA ROAD THOWGLA VALLEY VIC 3707

DOCUMENT END

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APPENDIX 3
SITE CONTEXT PLAN
APPENDIX 4

PLANNING PROPERTY REPORT
PLANNING PROPERTY REPORT

PROPERTY DETAILS
Address: 1887 THOWGLA ROAD THOWGLA VALLEY 3707
Lot and Plan Number: Plan PC370661
Standard Parcel Identifier (SPI): PC370661
Local Government Area (Council): TOWONG
Council Property Number: 159700
Planning Scheme: Towong
Directory Reference: VicRoads 37 07

UTILITIES
Rural Water Corporation: Goulburn-Murray Water
Urban Water Corporation: North East Water
Melbourne Water: outside drainage boundary
Power Distributor: AUSNET

STATE ELECTORATES
Legislative Council: NORTHERN VICTORIA
Legislative Assembly: BENAMBIRA

Planning Zones

RURAL LIVING ZONE (RLZ)

RURAL LIVING ZONE - SCHEDULE 1 (RLZ1)
BUSHFIRE MANAGEMENT OVERLAY (BMO)

Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend.

DESIGN AND DEVELOPMENT OVERLAY (DDO)

DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 1 (DDO1)

Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend.

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Notwithstanding this disclaimer, a vendor may rely on the information in this report for the purpose of a statement that land is in a bushfire prone area as required by section 33C (6b) of the Sale of Land 1962 (Vic).
Restructure Overlay (RO)
Restructure Overlay - Schedule 11 (RO11)

Other Overlays
Other overlays in the vicinity not directly affecting this land

Road Closure Overlay (RXO)
Areas of Aboriginal Cultural Heritage Sensitivity

All or part of this property is an 'area of cultural heritage sensitivity'.

'Areas of cultural heritage sensitivity' are defined under the Aboriginal Heritage Regulations 2018, and include registered Aboriginal cultural heritage places and land form types that are generally regarded as more likely to contain Aboriginal cultural heritage.

Under the Aboriginal Heritage Regulations 2018, 'areas of cultural heritage sensitivity' are one part of a two part trigger which require a 'cultural heritage management plan' be prepared where a listed 'high impact activity' is proposed.

If a significant land use change is proposed (for example, a subdivision into 3 or more lots), a cultural heritage management plan may be triggered. One or two dwellings, works ancillary to a dwelling, services to a dwelling, alteration of buildings and minor works are examples of works exempt from this requirement.

Under the Aboriginal Heritage Act 2006, where a cultural heritage management plan is required, planning permits, licences and work authorities cannot be issued unless the cultural heritage management plan has been approved for the activity.


More information, including links to both the Aboriginal Heritage Act 2006 and the Aboriginal Heritage Regulations 2018, can also be found here - https://www.vic.gov.au/aboriginalvictoria/heritage/planning-and-heritage-management-processes.html
Further Planning Information

Planning scheme data last updated on 20 March 2020.

A planning scheme sets out policies and requirements for the use, development and protection of land. This report provides information about the zone and overlay provisions that apply to the selected land. Information about the State and local policy, particular, general and operational provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council or by visiting [https://www.planning.vic.gov.au](https://www.planning.vic.gov.au)

This report is NOT a Planning Certificate issued pursuant to Section 199 of the Planning and Environment Act 1987. It does not include information about exhibited planning scheme amendments, or zonings that may affect the land. To obtain a Planning Certificate go to Titles and Property Certificates at Landata - [https://www.landata.vic.gov.au](https://www.landata.vic.gov.au)

For details of surrounding properties, use this service to get the Reports for properties of interest.


For other information about planning in Victoria visit [https://www.planning.vic.gov.au](https://www.planning.vic.gov.au)
Designated Bushfire Prone Area

This property is in a designated bushfire prone area.
Special bushfire construction requirements apply. Planning provisions may apply.

Designated bushfire prone areas as determined by the Minister for Planning are in effect from 8 September 2011 and amended from time to time.

The Building Regulations 2018 through application of the Building Code of Australia, apply bushfire protection standards for building works in designated bushfire prone areas.

Designated bushfire prone areas maps can be viewed on VicPlan at http://mapshore.maps.vic.gov.au/vicplan or at the relevant local council.

Note: prior to 8 September 2011, the whole of Victoria was designated as bushfire prone area for the purposes of the building control system.

Further information about the building control system and building in bushfire prone areas can be found on the Victorian Building Authority website www.vba.vic.gov.au

Copies of the Building Act and Building Regulations are available from www.legislation.vic.gov.au

For Planning Scheme Provisions in bushfire areas visit https://www.planning.vic.gov.au
APPENDIX 5

BUSHFIRE ASSESSMENT
(Separately Attached)
APPENDIX 6

LAND CAPABILITY ASSESSMENT
(Separately Attached)