

**Date Issued: 30 October 2020**

**NOTICE OF AN APPLICATION FOR A PLANNING PERMIT**

The land affected by the application is located at: **52 Kettels Road,  
Kirwans Bridge VIC 3608**

The application is for a Permit for: **Development of land for a three  
(3) lot re-subdivision**

The applicant for the Permit is: **Planography Pty Ltd**

The application Reference Number is: **P2020-130**

You may view the application and any documents that support the application at the office of the Responsible Authority:

*Strathbogie Shire Council  
109A Binney Street Euroa  
Telephone: (03) 5795 0000*

This can be done during office hours and is free of charge.

Any person who may be affected by the granting of the Permit may object or make other submissions to the Responsible Authority.

An objection must be sent to the Responsible Authority in writing, include the reasons for the objection and state how the objector would be affected.

**The Responsible Authority will not decide on the application before: 20 November 2020**

All objections are placed on the relevant Planning Permit application file, which is publicly available at all times. Objections can therefore be read and used by other parties.

An objection form is available from Strathbogie Shire Council office, by phoning Council on (03) 5795 0000 or at <https://www.strathbogie.vic.gov.au/development/statutory-planning/objections>

If you submit an objection, the Responsible Authority will tell you of its final decision.



Planography

## Planning Permit Application

52 Kettels Road, Kirwans Bridge

Lot 1 TP219748, Lot 2 TP219748, Lot 3 TP219748

Three Lot Re-subdivision

(Amended 27 October 2020)

Planography Pty Ltd  
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## 1 Introduction

This report has been prepared in support of a planning permit application seeking approval for a three lot re-subdivision of land at 52 Kettels Road, Kirwans Bridge. The subject land is within the Farming Zone (FZ) and are affected by the Floodway Overlay (FO).

This report addresses:

- The subdivision of land into three lots within the FZ.
- The subdivision of land into three lots affected by the FO.

### 1.1 Zone

The land is located within the FZ of the Strathbogie Planning Scheme. Clause 35.07-3 *Subdivision* of the scheme provides that a planning permit is able to be approved for a three lot re-subdivision which meet the purpose of the zone and the decision guidelines. The relevant provisions include:

*“A permit is required to subdivide land. Each lot must be at least the area specified for the land in a schedule to this zone. If no area is specified, each lot must be at least 40 hectares”.*

*“The subdivision is the re-subdivision of existing lots and the number of lots is not increased.”*



**52 Kettels Road, Kirwans Bridge**

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## 1.2 Overlays

The land is affected by the FO. Clause 44.03 of the Strathbogie Planning Scheme requires a planning permit for subdivision.



## 1.3 Policy & Provisions

The relevant clauses of the Strathbogie Planning Scheme include:

### State Planning Policy Framework (SPPF)

- Clause 13.02-1S Bushfire Planning
- Clause 14.01-1S Protection of agricultural land
- Clause 14.01-2S Sustainable agricultural land use
- Clause 14.02-1S Catchment planning and management

### Local Planning Policy Framework (LPPF)

- Clause 22.01 Housing and house lot excision in the farming zone

### Zone & Overlays

- Clause 35.07 Farming Zone
- Clause 35.07-6 FZ Decision Guideline
- Clause Floodway Overlay

### Other provisions

- Clause 65.02 Approval of an application to subdivide land

## 2 Overview

The following summarises the relevant points of this proposal and outline the parameters of this report:

- The subject land consists of three parcels with one of them containing a dwelling
- Three lots will be created Lot 1 (63.19ha), Lot 2 (55.05ha) and Lot 3 (19.31ha)
- Lot 1 will contain vacant pasture
- Lot 2 will contain vacant pasture and an air strip
- Lot 3 will contain an existing dwelling and associated outbuildings

## 3 The site and surrounding context

### 3.1 The subject site

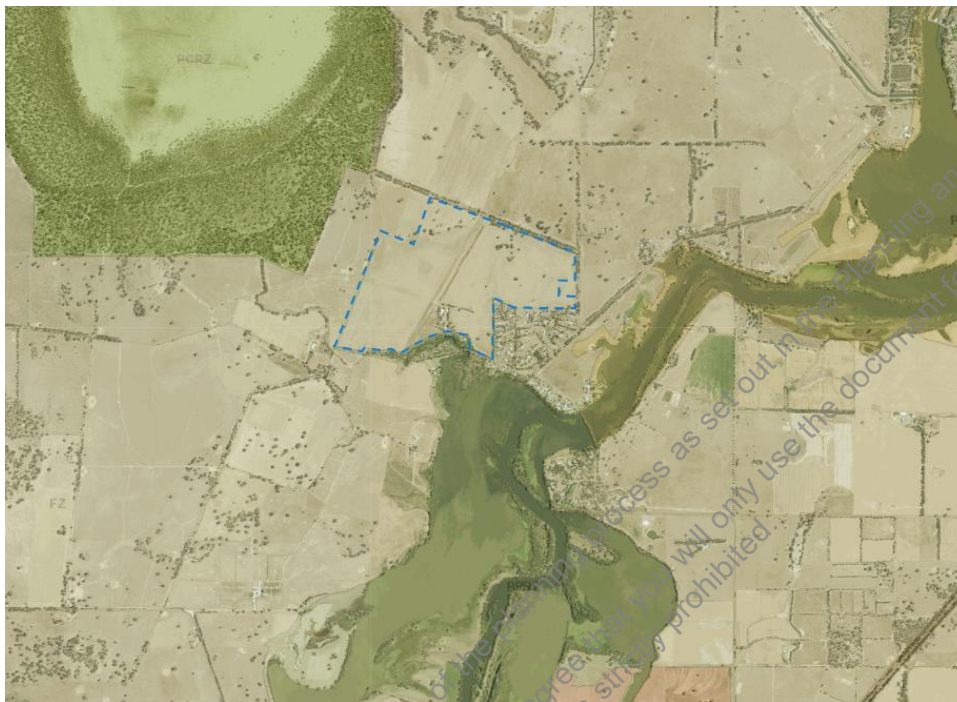
The subject land includes Lot 1, Lot 2 & Lot 3 TP219748, 52 Kettels Road, Kirwans Bridge. The land contains one existing dwelling and associated outbuildings. The property is used for equine and general farming purposes.



**Subject Land**

### 3.2 Immediate neighbours

Immediate neighbouring land is similar in topography to the subject land. The neighbouring properties are similar in nature being mostly used for large scale dryland agriculture within close proximity to the Kirwans Bridge township.



### 3.3 Surrounding area

Traditional agriculture is generally undertaken in this area, including sheep and cattle grazing, wool growing, meat sheep and hay making.

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#### 4 The proposal

This application seeks permission for a three lot re-subdivision of land, which would create Lot 1 (63.19ha), Lot 2 (55.05ha) and Lot 3 (19.31ha) at 52 Kettels Road, Kirwans Bridge. The property contains one dwelling. It is considered that the smaller lot will be in-keeping with the rural residential land nearby.



Proposed Subdivision Layout

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## 5 Planning considerations

### 5.1 Planning Policy Framework (PPF)

#### Clause 14.01-1S Protection of agricultural land

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

The proposed lots are being used for agriculture and the re subdivision will formalise boundaries along established fence lines. The bulk of agricultural land will remain in the larger two lots and the lot containing the dwelling will maintain an area that suits the precinct.

#### Clause 14.01-2S Sustainable agricultural land use

- *To encourage sustainable agricultural land use*

The purpose of the subdivision is consistent with sustainable agriculture as it does not increase the number of lots currently established within the FZ.

#### Clause 14.02-1S Catchment planning and management

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

The re-subdivision will reconfigure the land into three distinct and manageable lots each with their own obligations to control pest plants and animals, protect soil and water, and maintain native vegetation. There will be no detriment caused to the catchment as a result of this subdivision. The existing effluent disposal system will be located entirely within the lot boundary, and stormwater directed to the legal point of discharge as required.

### 5.2 Local Planning Policy Framework (LPPF)

#### Clause 22.01 Housing and house lot excision in the farming zone

##### **Subdivision**

*Subdivision will only be supported if the application meets all the following requirements:*

- *Creates a density appropriate to the rural activities of the area.*
- *The proposed lots have good access via an all weather road and have appropriate services available.*
- *The subdivision does not encourage the proliferation of dwellings.*

##### **Re-subdivision (Including Boundary Realignment)**

*An application for re-subdivision will only be supported if the application meets the following requirements:*

- *The proposal results in improved agricultural productivity through, for example, the adjustment of a boundary that accounts for existing infrastructure over 5 years old or topographic features on the site; and*
- *The proposal does not create lot/s for the sole purpose of creating a new lot which has the potential for a dwelling.*

Whilst the property is currently in three lots at present, one of them contains a dwelling and each of the others are subject to the requirements of Clause 22.01 and would be allowed to contain a dwelling in accordance with the Shire of Strathbogie Rural Residential Study 2004. The landowner wishes to rearrange the boundaries to retain the airplane runway, and in doing so the new lot arrangement has considered the Farming Zone and has maintained the minimum lot size of 40 hectares. With or without the lot sizes being 40 hectares in this precinct, the lots could be used for rural residential purposes and therefore we have prepared a subdivision layout that aims to satisfy both Clause 22.01 and the Farming Zone.

### 5.3 Clause 35.07 Farming Zone

The subject site is contained within the Farming Zone. Clause 35.07 of the Strathbogie Planning Scheme provides that a planning permit is required for a three lot re-subdivision.

The purpose for the subdivision is to create three stand – alone lots on suitably sized properties.

Issues	Response
<b>General</b>	
The Municipal Planning Strategy and the Planning Policy Framework	<ul style="list-style-type: none"> <li>▪ This planning report addresses the MPS and PPF at section 5.1.</li> <li>▪ The LPPF, MSS and local planning policies are addressed at 5.2.</li> </ul>
Any Regional Catchment Strategy and associated plan applying to the land.	<p>The report has considered the following reports, plans and strategies in its assessment of the proposed amendment:</p> <ul style="list-style-type: none"> <li>▪ Goulburn Broken Regional Catchment Strategy 2003</li> </ul>
The capability of the land to accommodate the proposed use or development, including the disposal of effluent.	One of the proposed lots will contain a dwelling that is connected to an established wastewater treatment system. The vacant farming lots will be large enough to provide adequate area for a future wastewater treatment system.
How the use or development relates to sustainable land management.	This subdivision will improve the agricultural opportunities in a designated farming precinct.
Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.	The lot sizes will be in-keeping with the pattern and development within this precinct.
How the use and development makes use of existing infrastructure and services.	The power and telephone is connected to the subject land. Access is established to the dwelling.
<b>Agricultural issues and the impacts from non-agricultural uses.</b>	

Whether the use or development will support and enhance agricultural production.	The land is currently used for agricultural purposes. The subdivision will assist in the pursuits taking place on the land.
Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.	The subdivision of the land would not remove the ability for the land to operate farming pursuits.
The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.	The intention for the subdivision is to create three complimentary lots that will encourage agricultural land use.
The capacity of the site to sustain the agricultural use.	The land is well suited and capable of being used for farming purposes.
The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.	The soil quality is adequate to sustain ongoing farming generally.
Any integrated land management plan prepared for the site.	A Land Management Plan has not been prepared.
<b>Dwelling</b>	
Whether the dwelling will result in the loss or fragmentation of productive agricultural land.	This application is for a three lot re-subdivision.
Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals or farm machinery, traffic and hours of operation.	There are no dwellings proposed to be constructed.
Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.	There are no dwellings proposed to be constructed.
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.	The Strathbogie Planning Scheme enables a three lot re-subdivision to occur within the farming Zone where it supports agricultural land use.
<b>Environmental</b>	
The impact of the proposal on the natural physical features and	The proposed three lot re-subdivision will not impact the soil, water or flora and fauna as it is

resources of the area, in particular on soil and water quality.	already developed with a dwelling, paddocks, yards, dams and associated outbuildings. The common boundary will follow established fence-lines where possible.
The impact of the use or development on the flora and fauna on the site and its surrounds.	There are opportunities for protecting flora and fauna, which have commenced through fencing out tree corridors from livestock.
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.	Native vegetation will be retained on the land.
The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.	This application is for the re-subdivision of land. All lots are considered large enough to manage wastewater.
<b>Design and Siting</b>	
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 subdivision layout will allow established buildings to be within a location that meets the setback requirements of the zone.
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.	This is a three lot re-subdivision only.
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.	It is considered that the subdivision will not create any adverse impact on the amenity for the area.

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The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.	There is existing infrastructure in place servicing all lots as there is a dwelling already established on one of the lots.
Whether the use and development will require traffic management measures.	All lots have existing established access from Kettels Road.

#### 5.4 Clause 44.03 Floodway Overlay

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify waterways, major flood paths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding.*
- *To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.*
- *To reflect any declarations under Division 4 of Part 10 of the Water Act, 1989 if a declaration has been made.*
- *To protect water quality and waterways as natural resources in accordance with the provisions of relevant State Environment Protection Policies, and particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria). To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*

The areas affected by the floodway overlay are relatively minor and are along the southern boundary. The subdivision will have little effect as it is proposed that the boundaries will follow existing fence lines where possible.

#### 5.5 Clause 65.02 Approval of an application to subdivide land

Relevant Issues	Response
The suitability of the land for subdivision.	The land has the ability to be re-subdivided under the Farming Zone where no additional lots are being created.
The existing use and possible future development of the land and nearby land.	The proposed properties will form part of an agricultural precinct within the Kirwans Bridge community. The likely use of nearby land in this precinct is agriculture.
The availability of subdivided land in the locality, and the need for the creation of further lots.	Each of the new lots will contain established infrastructure used in agriculture. A dwelling will be maintained on proposed lot 3.
The effect of development on the use or development of	The land has the ability to drain and has a well-constructed road at the frontage.

other land which has a common means of drainage.	
The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.	The pattern is in-keeping with the topography and established infrastructure, stock yards, fences and mature native vegetation.
The density of the proposed development.	The density will not increase as a result of this proposal as there are currently three parcels of land.
The area and dimensions of each lot in the subdivision.	Proposed Lot 1 (63.19 Hectares), Lot 2 (55.05 Hectares) and Lot 3 (19.31 Hectares).
The layout of roads having regard to their function and relationship to existing roads.	All proposed lots will have constructed access.
The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.	This is a farming precinct and pedestrians are unlikely.
The provision and location of reserves for public open space and other community facilities.	The Goulburn River is located nearby.
The staging of the subdivision.	There will be no staging as this is a three lot re-subdivision.
The design and siting of buildings having regard to safety and the risk of spread of fire.	There are no buildings proposed.
The provision of off-street parking.	All lots are large enough to provide onsite parking.
The provision and location of common property.	There is no common property proposed.
The functions of any body corporate.	There will be no need for a body corporate.
The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.	All services are currently provided to the land.

If the land is not seweraged and no provision has been made for the land to be seweraged, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.	The wastewater treatment system will be retained within the new lot boundaries.
Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.	All native vegetation remains protected as the proposed lots are greater than 4000 square metres in area. Fence-lines are being used for the new property boundary where possible to avoid the need for vegetation to be removed. The setbacks of fences and the boundary from trees has been increased to avoid trees from being removed under the exemptions of Clause 52.17.

## 6 Planning Assessment

The re-subdivision of the land to configure three existing lots into a more usable farm layout has taken into account established fences and infrastructure along with site features and the neighbouring rural residential precinct. There are adequate areas within each lot to carry out farming pursuits given the good soil and ability to grow pasture. The improvements being made to all properties for their continued sustainability in agriculture is the main driver of the subdivision. The retention of three usable parcels within the Farming Zone and FO are great planning outcomes.

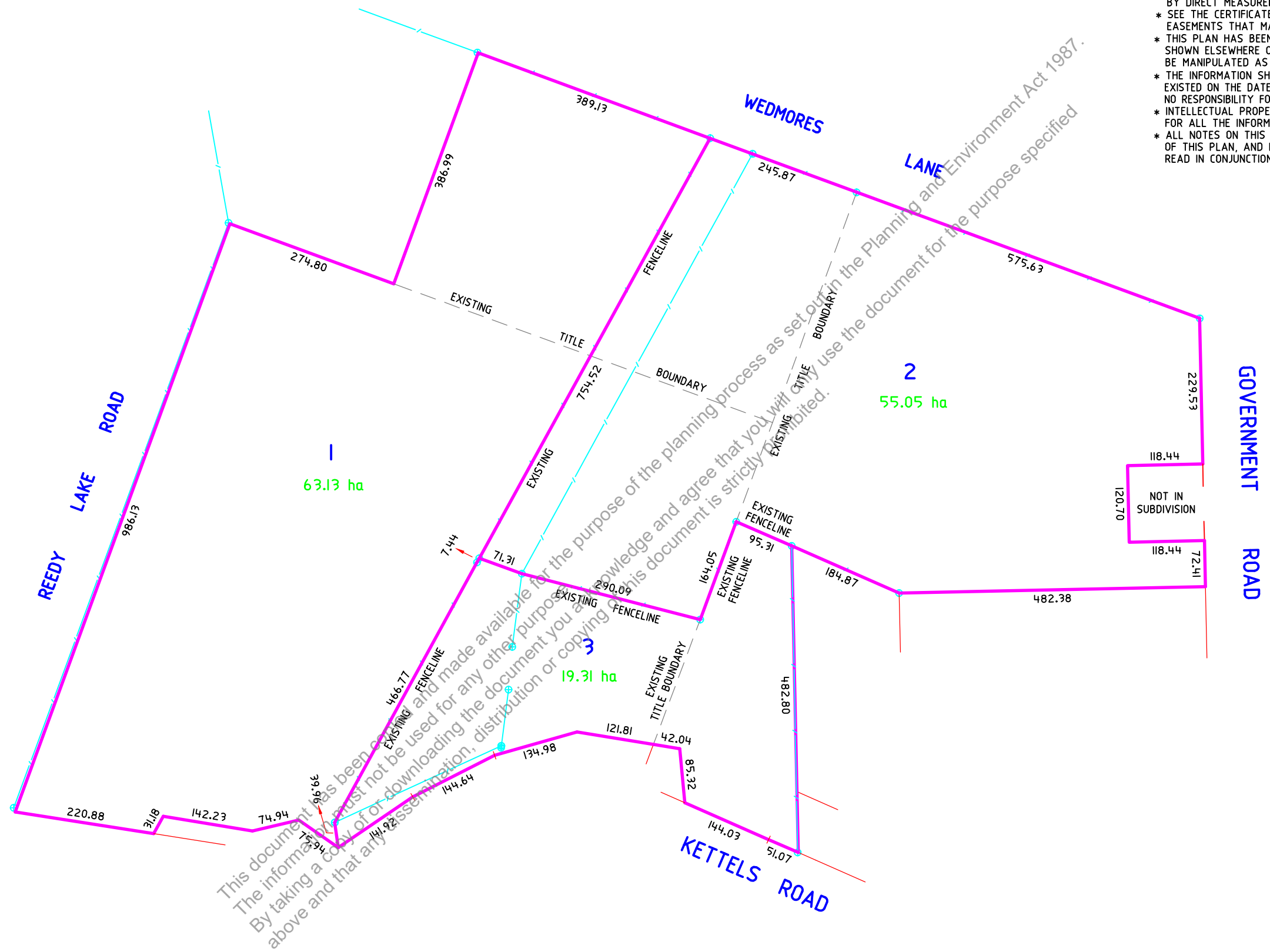
## 7 Conclusion

This report leads to the following conclusions:

- The proposed three lot re-subdivision will improve the opportunity for rural land to be utilised for farming purposes in a location that identifies the precinct as being agricultural.

It is therefore requested that a permit issue, granting approval for a three lot re-subdivision of land, as outlined in this report.

MGA2020  
ZONE 55



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- \* THE LOT AREAS & DIMENSIONS SHOWN HEREON ARE APPROXIMATE ONLY & ARE SUBJECT TO A FINAL SURVEY OF THE LAND
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- \* THIS PLAN HAS BEEN PREPARED TO THE SCALE AND SHEET SIZE SHOWN ELSEWHERE ON THIS PLAN. THESE FACTORS SHOULD NOT BE MANIPULATED AS IT MAY IMPAIR THE ACCURACY OF THE PLAN.
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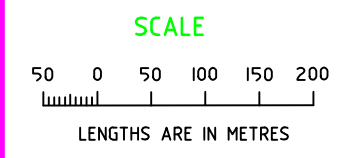
**NOTATIONS**

PARISH OF BAILLESTON PARISH OF NOORLIM  
C.A.: 56 & 47 (PART) SECTION: Y  
C.A.: 25 (PART)  
VOL. 5364 FOL. 782  
LOT 1, 2 & 3 on TP219748H

**LEGEND**

**PLAN OF PROPOSED SUBDIVISION**  
52 KETTLES ROAD, KIRWANS BRIDGE  
LAND IN TP219748H

SCALE  
1:5000  
OUR REF.  
11616  
SHEET SIZE A2



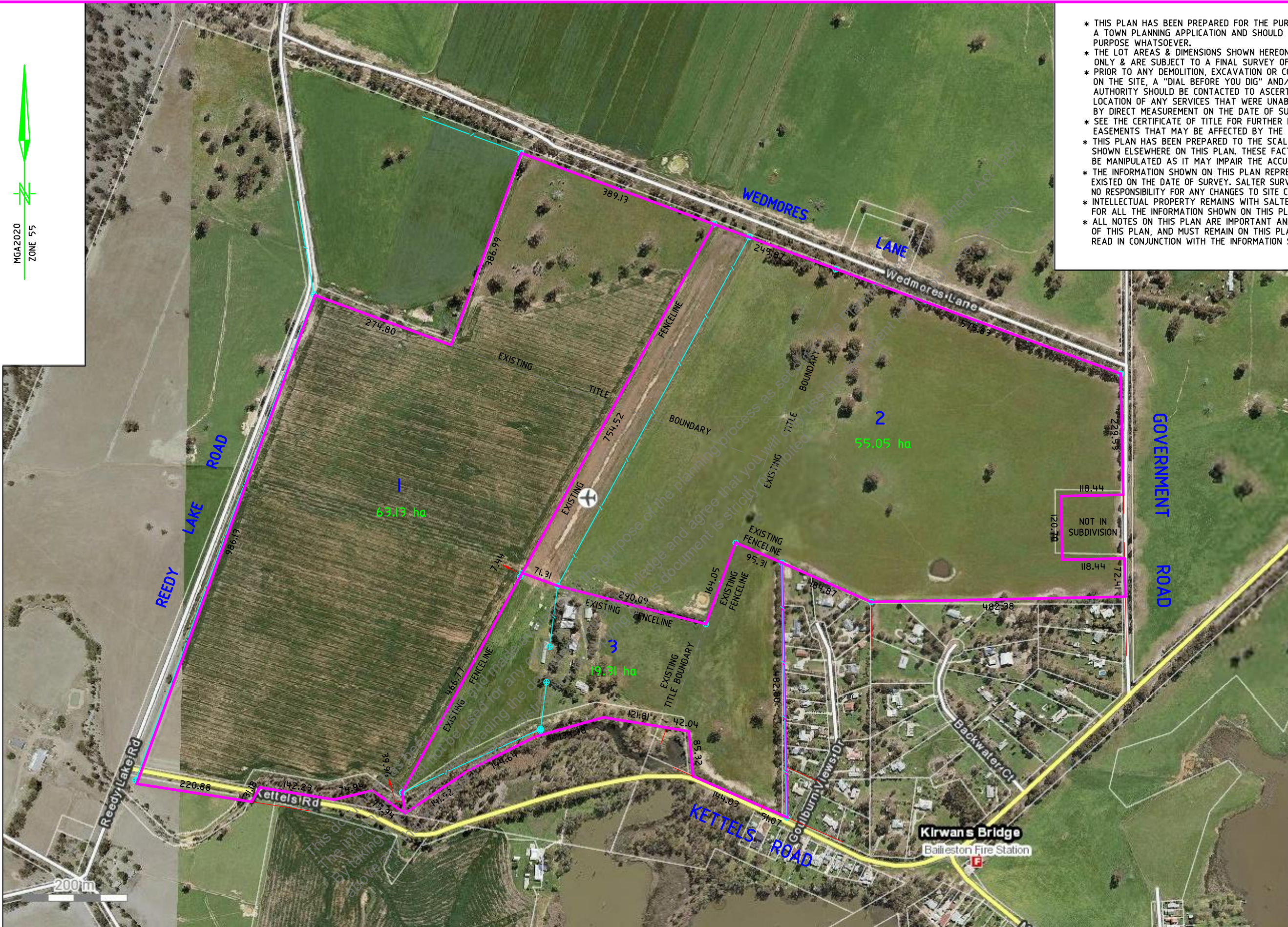
DRAWN: 27/8/20  
AMENDED: -  
VERSION: 1  
SHEET: 1 OF 1  
PLAN No.: BRA11616PP.dwg

**SALTER SURVEYING PTY. LTD.**  
52A. SYDNEY STREET KILMORE 3764  
TEL.5782 1414 FAX.5782 2416  
125 ROBERTS STREET ESSENDON 3040  
TEL.9374 3008



MGA2020  
ZONE 55

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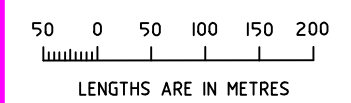
**LEGEND**

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 AERIAL IMAGERY IS NOT SURVEY CONTROLLED AND AS SUCH THE FIT TO TITLE AND EXISTING SITE CONDITIONS IS APPROXIMATE AT BEST.

**PLAN OF PROPOSED SUBDIVISION**  
 52 KETTLES ROAD, KIRWANS BRIDGE  
 LAND IN TP219748H

SCALE  
 1:5000  
 OUR REF.  
 11616  
 SHEET SIZE A2

**SCALE**



DRAWN: 27/8/20  
 AMENDED: -  
 VERSION: 1  
 SHEET: 1 OF 1  
 PLAN No.: BRA11616PP.dwg



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