

Officer Report

Application Details:

Application is for:	Twenty Seven Lot Subdivision
Applicant's/Owner's Name:	Mark Tomkinson
Date Received:	01 October 2020
Statutory Days:	More than 60 days
Application Number:	P2020-127
Planner: Name, title & department	Gillian Williamson Principal Planner Planning and Investment Department
Land/Address:	(L1 TP680727 V4001 F171 Parish of Avenel) 1 Saleyard Road, Avenel VIC 3664
Zoning:	Township Zone
Overlays:	No Overlays
Is a CHMP required?	No
Is it within an Open Potable Catchment Area?	No
Under what clause(s) is a permit required? (include description)	<p><u>Township Zone</u> Pursuant to Clause 32.05-5 a permit is required to subdivide land. A proposal must meet the requirements of Clause 56. Each lot must be provided with reticulated sewerage otherwise an LCA and Building Envelopes are required to be provided. Clause 56 Doc ID 679553</p> <p><u>Clause 52.17 Native Vegetation</u> There is native vegetation on site and it is not proposed to remove it. There is no permit trigger. A Section 173 will be entered into to protect it.</p>
Restrictive covenants on the title?	No
Current use and development:	Vacant land
Adjacent to the Principal Road Network	No
Status of Road on Road Register	Local Council
Adjacent to Public Land	Yes Rail Track

Application Checklist:

Application form	<input checked="" type="checkbox"/>	Title enclosed	<input checked="" type="checkbox"/>	Fee paid	<input checked="" type="checkbox"/>
Site Plan	<input checked="" type="checkbox"/>	Plans of Proposal	<input checked="" type="checkbox"/>	Planning Report	<input checked="" type="checkbox"/>

Supporting Information	<input checked="" type="checkbox"/>	Effluent Disposal	<input type="checkbox"/>	Other	<input type="checkbox"/>
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Disclosure of Conflicts of Interest in relation to advice provided in this report

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

Recommendation

That Council -

- having caused notice of Planning Application No. P2020-127 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme; and
- having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a **Notice of Decision to Grant a Permit** under the provisions of the Strathbogie Planning Scheme in respect of the land known as (L1 & L2 TP680727 V4001 F171 Parish of Avenel), **1 Saleyard Road, Avenel VIC 3664**, for a **Twenty Seven Lot Subdivision**, in accordance with endorsed plans, subject to the following conditions:

Conditions:

Endorsed Plan Subdivision:

1. The subdivision must be carried out in accordance with the endorsed plans and permit. The endorsed plans or permit can only be altered or modified with the prior written consent of the Responsible Authority.

General Amenity:

2. The subdivision, during construction, must be managed so that the amenity of the area or locality, in the opinion of the Responsible Authority, is not detrimentally affected, through the:
 - a) transport of materials, goods or commodities to or from the land;
 - b) appearance of any building, works or materials;
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d) presence of vermin; and
 - e) others as appropriate.

Vegetation Retention:

Section 173 Agreement

3. Prior to Statement of Compliance being issued, the applicant/owner/developer must enter into a Section 173 Agreement to -
 - preserve the identified Eucalyptus melliodora Yellow Box tree to be retained and protected on Lot 22 on the plan of subdivision under this planning permit.
 - A 'Tree Preservation Plan' must be provided and attached to the Section 173 identifying the location of the protected tree. This plan must show an area around the tree being the 'Tree Protection Zone' measuring 15 metres (diameter).

- The Agreement must specify that this TPZ is not to be encroached by any buildings, storage or parking of vehicles.

The Section 173 Agreement is to be prepared by the Responsible Authority. The Responsible Authority will undertake to have the Agreement prepared upon receiving a written request from the owner. All costs associated with the preparation, execution and registration of the Agreement must be borne by the applicant / owner and paid prior to the execution and registration of the Agreement.

Telecommunications:

4. The owner of the land must enter into an agreement with:
 - A telecommunications network or service provider for the provision of telecommunications services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - A suitably qualified person for the provision of fibre ready telecommunications facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
5. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
 - A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - A suitable qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Telecommunications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Referral Under Section 8 of the Subdivision Act 1988:

6. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.

Public Open Space Contribution:

7. Before the statement of compliance is issued under the Subdivision Act 1988, the owner must pay to the responsible authority a sum, or land set aside, or a combination, equivalent to five per cent of the site value of all the land in the subdivision. The owners must advise Council, in writing, to undertake the property valuation and must pay the Council's reasonable costs and expenses to provide such a valuation for payment in lieu of the public open space contribution.

Road Names:

8. Prior to Certification, road names for the proposed roads (and/or common property) must be submitted on a plan of subdivision to Council for approval. Road names must be in accordance with Naming Rules for Places in Victoria, Statutory Requirements for Naming Roads, Features and Localities 2016.

Street Addressing:

9. Prior to the Certification of the plan of subdivision, the owner must complete and duly sign a Statutory Declaration agreeing to the Allocation of Street numbers.

Engineering:

Construction Management Plan

10. Prior to the commencement of works, including demolition and excavation, and Certification being issued, a Construction Management Plan must be submitted to and approved by the Responsible Authority. No works are permitted to occur until the Plan has been approved by the Responsible Authority. The plan must be in accordance with the IDM and provide details of the following:
- a) Hours for construction activity in accordance with any other condition of this Permit;
 - b) Measures to control noise, dust, litter, water and sediment laden runoff;
 - c) Measures to inform adjacent residents of work schedules;
 - d) Measures relating to removal of hazardous or dangerous material from the site, where applicable;
 - e) A plan showing the location of parking areas for construction and sub- contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors / tradespersons upon completion of such areas, without delay;
 - f) Contact details of key construction site staff;
 - g) A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support site sheds on Council road reserves;
 - h) Any other relevant matters.

Traffic Management Plan

11. Prior to the commencement of works, and Certification being issued, a Traffic Management Plan must be submitted to and approved by the Responsible Authority. No works are permitted to occur until the Plan has been approved by the Responsible Authority. The plan must be in accordance with the IDM and provide details of the following:
- a) Swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;
 - b) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;
 - c) Measures to ensure that sub-contractors / tradespersons operating on the site are aware of the contents of the Construction Management Plan;
 - d) Any other relevant matters.

Stormwater Management Plan

12. Prior to works commencing and Certification being issued, a properly prepared Stormwater Management Plan with an Overland Flow Analysis, with computations to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The information submitted must show the details listed in the council's Infrastructure Design Manual (IDM) and be designed in accordance with the requirements of that manual. The information and plans must include:
- a) details of how the works on the land are to be drained *and/or* retarded;
 - b) computations including total energy line and hydraulic grade line for the existing and proposed drainage as directed by Responsible Authority;
 - c) independent drainage for each lot (for subdivisions only);
 - d) location of the overland flow paths within the development;
 - e) underground pipe drains conveying stormwater to the legal point of discharge for each allotment;

- f) measures to enhance stormwater discharge quality from the site and protect downstream waterways Including the expected discharge quality emanating from the development (output from MUSIC or similar) and design calculation summaries of the treatment elements;
- g) a maximum discharge rate from the site is to be determined by computation to the satisfaction of the Responsible Authority;
- h) documentation demonstrating approval from the relevant authority for the legal point of discharge;
- i) the details of the incorporation of water sensitive urban design in accordance with clause 20.3.1 of the Infrastructure Design Manual;
- j) the contours of the land as shaped to cause drainage to the legal point of discharge;
- k) the location, siting and design of any required retardation basin in accordance with the Infrastructure Design Manual and to the satisfaction of the Responsible Authority;
- l) and
- m) maintenance schedules for treatment elements.

Prior to the issue of statement of compliance for the plan of subdivision the drainage detailed in the approved Drainage Discharge Plan must be constructed to the satisfaction of the Responsible Authority. All works are subject to a twelve month liability period.

Roads, Pathways and Common Access

13. Prior to the commencement of works and Certification being issued, final construction plans for all proposed roadways and pathways must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions, be in accordance with the IDM and must show: -
- a) All bearings, distances, levels, street names, lot numbers, lots sizes, reserves and easements;
 - b) The road reserve, carriageway and verge widths;
 - c) All infrastructure including drainage, concrete footpath, kerb and channel, public lighting and utility services;
 - d) Vehicle crossing for each lot;
 - e) Street tree locations;
 - f) All surface details;
 - g) Proposed court bowls;
 - h) All relevant road signage and line marking; and
 - i) Speed limit signs as appropriate.

The final design parameters for the roadways and pathways must be based on Council's Infrastructure Design Manual (IDM) as modified from time to time, all to the satisfaction of the Responsible Authority. All works shall conform to plans and specifications prepared by a qualified engineer at Owner's expense and approved by the Responsible authority. A list of specific details and requirements are as follows: -

- a) Pram crossings must be provided at all intersections to the satisfaction of the responsible authority.
- b) Include in the design plans recommendations resulting from any required Traffic Impact Assessment.

- c) Provide temporary turnaround areas for roads terminated at stage boundaries. The size must be sufficient to turn service and emergency vehicles around without reversing. A minimum of 250mm depth of approved crushed rock material is required.
 - d) A pavement design must be submitted for the entire road network by a suitably qualified engineer in accordance with clause 12.7 of the IDM. Irrespective of such design a minimum pavement depth of 250mm must be provided in an approved material. Council requires that the pavement wearing course be in accordance with Clause 12.7.16.
 - e) Design of roads and footpath must be accessible to people with disabilities and include tactile ground surface indicators, and kerb ramps required for the safe movement of people with disabilities as per relevant Australian Standards.
 - f) The Vehicle crossings to the subject allotments from the road must be constructed at a location and of a size and standard satisfactory to the Responsible Authority.
 - g) Subsoil drainage installed for all kerb and channel.
14. Prior to certification of the plan of subdivision the owner must complete and duly sign a Statutory Declaration agreeing to the allocation of street numbers.
15. Prior to the issue of statement of compliance of the plan of subdivision, the owner must display street numbers for each lot which clearly identifies the address of each lot to the satisfaction of the Responsible Authority.
16. Prior to the issue of statement of compliance for the subdivision, vehicular crossings for each lot must be constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority, and must comply with the following: -
- a. Standard concrete residential vehicular crossings, as per standard drawing SD240 of the Infrastructure Design Manual, must be constructed at right angles to the common access road to suit the proposed driveways, and tie in with the new kerb and channel.
 - b. Any proposed vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense;
 - c. Crossings shall be either combined or at least 9 metres apart.
 - d. The entrance to the common access must be in accordance with Councils current standard for industrial vehicle crossings with reference made to standard drawing SD250.
 - e. Standard vehicular crossings shall be constructed at right angles to the road to suit the proposed driveways, and any existing redundant crossing shall be removed.
 - f. The vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree.
 - g. Any new, relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense. Final location of vehicle crossing must be approved by Responsible Authority via vehicle crossing permit. Refer to Clause 12.9.1 "Urban Vehicle Crossings" of the

Infrastructure Design Manual. Where there is no existing kerb and channel in the street refer to standard drawing SD255.

- h. The developer must have obtained a vehicle crossing permit from the responsible authority for each lot and have constructed the vehicle crossing in accordance with the requirements.

Landscaping

17. Prior to the works commencing / Certification being issued, a detailed landscape plan, for the whole of the site, must be prepared and implemented. The detailed landscape plan must be to the satisfaction of the responsible authority and must be submitted and assessed against the construction plans by the responsible authority. The landscape plan must be drawn to scale with dimensions and must show:
 - a. A survey of all existing vegetation and natural features showing plants (greater than 1200mm diameter) to be removed.
 - b. Landscaping of any proposed retardation basin and its surrounds and other proposed public land within the subdivision.
 - c. Additional planting within the road reserve frontage of the land.
 - d. Details of the boundary fencing for the lots backing onto and abutting any proposed retardation basin and other reserves that includes a range of fencing styles so as not to create a solid fencing treatment along these boundaries.
 - e. Details of fencing of any proposed retardation basin.
 - f. Provision of a gravel path, avoiding the removal of native vegetation, along the road reserve frontage of the land.
 - g. Vehicle access points for each lot in the subdivision.
 - h. Details of all pathways linking parts of the development including the surface finishes.
 - i. Detailed planting schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.
 - j. The removal of all existing disused structures, foundations, pipelines or stockpiles and the eradication of weeds,
 - k. All trees planted as part of the landscape works shall have a minimum height of 2.0 to 2.5m at the time of planting.
 - l. The supply and spread of sufficient topsoil and sub soil if required on the proposed areas of open space to provide a stable, free draining surface and hydro-seeding of proposed grass areas (including within the drainage reserve),
 - m. Soil quality and planting techniques in median or verge tree planting zones along arterial roads (including service road nature strips) that will support full growth of medium to large trees.
 - n. Mechanisms for the exclusion of vehicles,
 - o. All proposed open space, streetscape embellishments such as installation of pathways, garden beds, seating, shelters, picnic facilities, boardwalks, tree planting, signage, drinking fountains, irrigation systems, playgrounds, artwork, retaining walls, protective fencing (temporary and permanent), wetlands and ornamental water bodies (including within the drainage reserve).
 - p. A planting schedule of all proposed trees, shrubs and ground cover, which will include the location, number of size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface materials as specified.
18. Prior to the issue of a statement of compliance all nature strips and public open space must be seeded and fertilised and grass must be established.

19. Prior to the issue of a statement of compliance all landscaping works (including street trees) shown on the endorsed plan must be carried out and completed to the satisfaction of the responsible authority. The time of planting can be coordinated with Council to increase the survival rate of the street trees.
20. The landscaping shown on the endorsed plans including street trees must be maintained for a period of twenty four months from the date of practical completion of the works to the satisfaction of the responsible authority. Formative pruning must be undertaken to the satisfaction of the Responsible Authority after twelve months. Any dead, diseased or damaged plants are to be replaced as needed. Refer to Clause 24 of the Infrastructure Design Manual.

Fencing

21. Prior to issue of statement of compliance for the subdivision the developer or owner must fence at their own cost the boundary of the allotments abutting any areas to be reserved for public open space. Such fencing is to be constructed no higher than 1.5 metres without written consent from the Responsible Authority.

Engineering Plans

22. Before issuing the Statement of Compliance all works constructed or carried out must be in accordance with all approved plans and completed to the satisfaction of the Responsible Authority.
23. Prior to issuing the Statement of Compliance for the subdivision or for each stage of the subdivision, the owner or developer must submit the following –
 - a) An assets statement for each street.
 - b) 'As Constructed' information for the entire work in each development and stage, detailing information as listed in the Infrastructure Design Manual.
 - c) A certified plan showing the extent and depth of fill in excess of 300mm placed on any of the allotments.
 - d) 'As Constructed' drainage information provided in D Spec format to Council's satisfaction.

Road Upgrading

24. Prior to the issue of Statement of Compliance, the developer must upgrade Saleyard Road along the site frontage (to the intersection, and including, at Bank Street) in accordance with plans and specifications submitted to and approved by the responsible authority. Specific details are as follows:
 - a) fully sealed pavement with kerb and channel and vehicular crossings(specify location);
 - b) footpaths and/or shared pedestrian/bicycle paths (specify location);
 - c) underground drainage;
 - d) street trees;
 - e) indented car parking and/or bus parking bays (specify location);
 - f) underground conduits for water, gas, electricity and telephone;
 - g) appropriate intersection and traffic measures;
 - h) appropriate street lighting and signage
 - i) high stability permanent survey marks.

Street Lighting

25. Prior to the issue of a statement of compliance, public street lighting must be provided to streets, footpaths and public open spaces designed in accordance with relevant

Australian Standards, relevant Council Policy, the IDM and to the satisfaction of the responsible Authority (category P4 unless otherwise directed).

Signage

26. Prior to the issue of a statement of compliance all internal street names and speed limit signs must be erected.

Site Management During Construction

27. Appropriate steps must be taken to retain all silt and sediment on site during the construction phase to the satisfaction of the Responsible Authority and must be carried out in accordance with the following EPA guidelines and policies: -
 - Environmental Guidelines for Major Construction Sites (EPA publication No. 480, December 19985); and
 - Construction Techniques for Sedimentation Pollution Control (EPA publication No. 275, May 1991).
28. In the event of mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, appropriate measures must be implemented to minimise the problem to the satisfaction of the Responsible Authority.
29. The permit holder shall ensure that dust suppression is undertaken in the form of constant water spraying or other natural based proprietary dust suppressant to ensure that dust caused by vehicles moving along the access road and/or within the site does not cause a nuisance to surrounding properties to the satisfaction of the Responsible Authority. The development shall not have an adverse impact on existing or future air quality.
30. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the Responsible Authority.
31. The earthworks and lot filling must be as per the guidelines specified in Council's Infrastructure Design Manual, to the satisfaction of the Responsible Authority.
32. The site shall at all times be kept in a neat and tidy condition to the satisfaction of the Responsible Authority. Any litter shall be immediately removed from the site and surrounding area at the direction of the Responsible Authority.

Engineering fees for maintenance bond and supervision

33. Prior to the issue of a statement of compliance payment must be made to the Responsible Authority of an engineering design checking fee of up to 0.75% of the value of documented works, the amount to be determined by the Responsible Authority.
34. Prior to the issue of statement of compliance for the subdivision, a maintenance bond to the value of 5% of the actual total construction cost for road and drainage works must be paid to the Responsible Authority.
35. Prior to the issue of a statement of compliance payment must be made to the Responsible Authority of a supervision fee up to 2.5% of the actual total construction cost for roads and drainage works, the amount to be determined by the Responsible

Authority (the permit holder must submit a copy of the road and drainage Construction Contract Schedule, for verification of the amount by Council).

Council's Assets

36. Before subdivision works commences, the owner or developer must submit to the Responsible Authority a written report and photos of any prior damage to public infrastructure. Listed in the report must be the condition of kerb & channel, footpath, seal, street lights, signs and other public infrastructure fronting the property and abutting at least two properties either side of the development. Unless identified with the written report, any damage to infrastructure post construction will be attributed to the development. The owner or developer of the subject land must pay for any damage caused to the Councils assets/Public infrastructure caused as a result of the development or use permitted by this permit.

On Site Stormwater Management for Future Development Section 173 Agreement

37. Prior to the issue of Statement of Compliance, a Section 173 Agreement must be entered into that provides for the following requirements (a to f):
- a) The on-site detention for stormwater for the future dwellings will each be designed by a qualified drainage engineer and must be approved by the Council prior to construction. A copy of each of the approved plans will be held by Council for future reference.
 - b) The stormwater system must incorporate principles of Water Sensitive Urban design and be designed so that the rate of storm water runoff from the development must not be more than the rate of runoff from the site prior to the development, all to the satisfaction of the Responsible Authority. The drainage system must be designed in accordance with the requirements of Clause 19 of the IDM "On-site Detention Systems". The on-site storage size for the development must be in accordance with Table 13. The allowable discharge rate to Council drains shall be the lesser of; a) that which is outlined in Table 13 and b) the remaining capacity of the existing pipe (clause 19.3.1 of the IDM).
 - c) A default allowable discharge rate of 25 l/s/ha may be used in lieu of calculations to determine the remaining capacity of the existing drainage network.
www.designmanual.com.au
 - d) Each on-site detention stormwater system must be constructed either prior to, or currently with, the construction of any dwelling on the specified lots. Each on-site detention stormwater system on the specified lots must be completed prior to connection to Council's drainage system and be constructed in accordance with the approved design plans.
 - e) The owner will maintain, and not modify without prior Council written approval, each on-site detention system and will allow each on-site stormwater detention system to be inspected by a duly appointed officer of the Council at mutually agreed times.
 - f) The Owner will pay for all the costs associated with the construction and maintenance of each on-site detention system.

Country Fire Authority:

Hydrants

38. Prior to the issue of Statement of Compliance under the Subdivision Act 1988 the following requirements must be met to the satisfaction of the CFA:
- a) Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.
 - b) The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.
 - c) Note – CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA website (www.cfa.vic.gov.au).

Roads

39. Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
- a) The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 metres. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
 - b) Curves must have a minimum inner radius of 10 metres.
 - c) Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the access way.
 - d) Roads more than 60 metres in length from the nearest intersection must have a turning circle with a minimum radius of 8 metres (including roll over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

Department of Environment, Water, Land and Planning:

Notification of permit conditions

40. Before works start, the permit holder must advise all persons undertaking the works on site of all permit conditions pertaining to native vegetation protection.

Protection of native vegetation to be retained

41. All works are to be completed in accordance with the Development Impact Report-Assessment of Trees on and adjoining pertaining to native vegetation protection.

Goulburn Valley Water:

42. Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment.
43. Provision of a reticulated water supply and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.
44. Any existing water service that crosses any of the proposed allotment boundaries within the proposed development must be disconnected and re-located at the developer's expense, to be wholly within one allotment only, including notification of the proposed lot to be serviced by the existing water meter, to the satisfaction of the Goulburn Valley Region Water Corporation.

45. Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment.
46. Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation; (The works may include, but not be limited to the construction of a sewerage pumping station, rising mains and gravity mains).
47. Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property.
48. The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Corporation relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided on request.
49. The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act, 1988.

AusNet Electricity Services:

50. The applicant must –

- Enter into an agreement with AusNet Electricity Services Pty Ltd for supply of electricity to each lot on the endorsed plan.
- Enter into agreement with AusNet Electricity Services Pty for the rearrangement of the existing electricity supply system.
- Enter into an agreement with AusNet Electricity Services Pty for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AusNet Electricity Services Pty.
- Provide easements satisfactory to AusNet Electricity Services Pty for the purpose of the Power Line in favour of AusNet Electricity Services Pty pursuant to Section 88 of the Electricity Industry Act 2000 where easements have not been otherwise provided, for all existing AusNet Electricity Services Pty electric power lines for any new power lines required to service the lots on the endorsed plan and/or abutting land.
- Obtain for the use of AusNet Electricity Services Pty any other easement required to service the lots.
- Adjust the position of any existing AusNet Electricity Services Pty easement to accord with the position of the electricity line/s as determined by survey.
- Set aside on the plan of subdivision Reserves for the use of AusNet Electricity Services Pty for electric substations.
- Provide survey plans for any electric substations required by AusNet Electricity Services Pty and for associated power lines and cables and executes leases for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. AusNet Electricity Services Pty requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.
- Provide to AusNet Electricity Services Pty a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
- Agree to provide alternative electricity supply to lot owners and / or each lot until such time as permanent supply is available to the development by AusNet

Electricity Services Pty. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.

- Ensure that all necessary auditing is completed to the satisfaction of AusNet Electricity Services Pty to allow the new network assets to be safely connected to the distribution network.

Expiry of Permit – Subdivision:

51. This permit will expire if:

- a) The plan of subdivision is not certified within two years from the date of this permit; or
- b) The subdivision is not completed within five years from the date of certification of the plan of subdivision.

The Responsible Authority may extend the time at part (a) if a request is made in writing before the permit expires or within six months afterwards

Planning Notes

Goulburn Valley Water

- Where the land is to be developed in stages, the above conditions will, in general, apply to any subsequent stage of the estate development. However, as any future stages of the development will be connected to the Corporation's water supply and sewerage systems independently of this stage, the Corporation reserves the right to revise any conditions applicable to any subsequent stages lodged.

AusNet Electricity Services Pty

- It is recommended that, at an early date the applicant commences negotiations with AusNet Electricity Services Pty for a supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued without delay (the release to the municipality enabling a statement of compliance with the conditions to be issued).
- Arrangements for supply will be subject to obtaining the agreement of other Authorities and any landowners affected by routes of the electric power lines required to supply the lots and for any tree clearing.
- Prospective purchasers of lots on this plan should contact this office to determine the availability of a supply of electricity. Financial contributions may be required.

Proposal

The applicant is seeking approval to subdivide the land in to Twenty Seven lots with a road network and main access from Saleyard Road. The lots range in size from 400 to 1500 square metres creating choice of medium density sites for residential development in this central location of Avenel. A native tree is to be retained and protected on Lot 22.

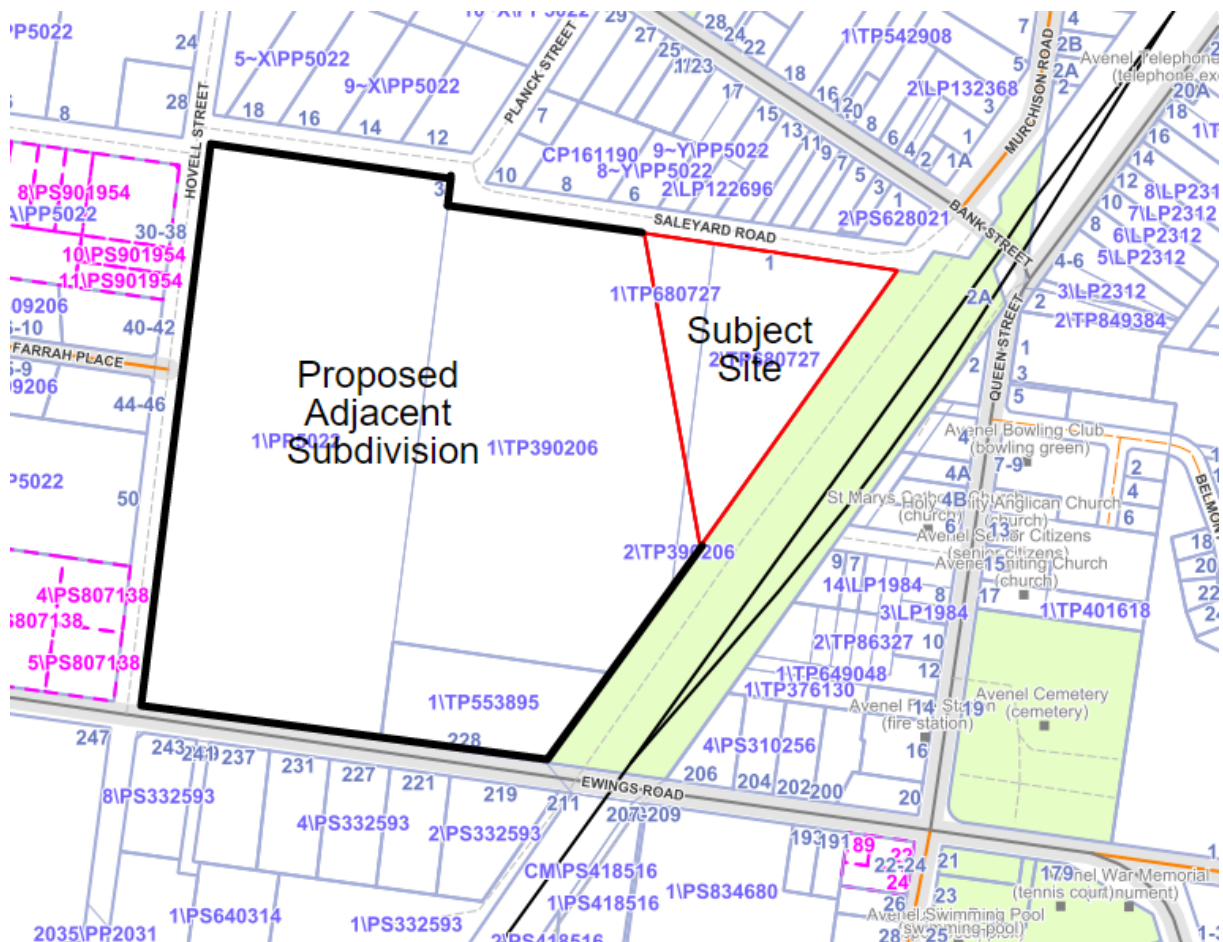
The subject site is located within the township of Avenel within walking distance of what is recognisable as a main commercial strip, having a milk bar, newsagency, pharmacy and cafe.

The plan indicates an area set aside for future potential commercial or community development, still within the residential zone, and a road layout that has been agreed to by council Engineers at the time of initial consultation with the developers.

This proposal is one of two in this location the other yet to be finalised and submitted to council. The proposal yet to be submitted proposes approximately 67 lots at the time of last consultation. Both applications have the potential to result in a total lot yield of 100 lots in this location.

Saleyard Road will be upgraded as required by council Engineers, to create an urban standard outcome in accordance with the Infrastructure Design Manual. Drainage infrastructure is required to ensure efficient and effective stormwater management in this locality.

The following indicates the subject site which is currently being considered by Council, and includes a proposed adjacent subdivision which is yet to be received for consideration. The developers have worked together to ensure a complementary outcome -



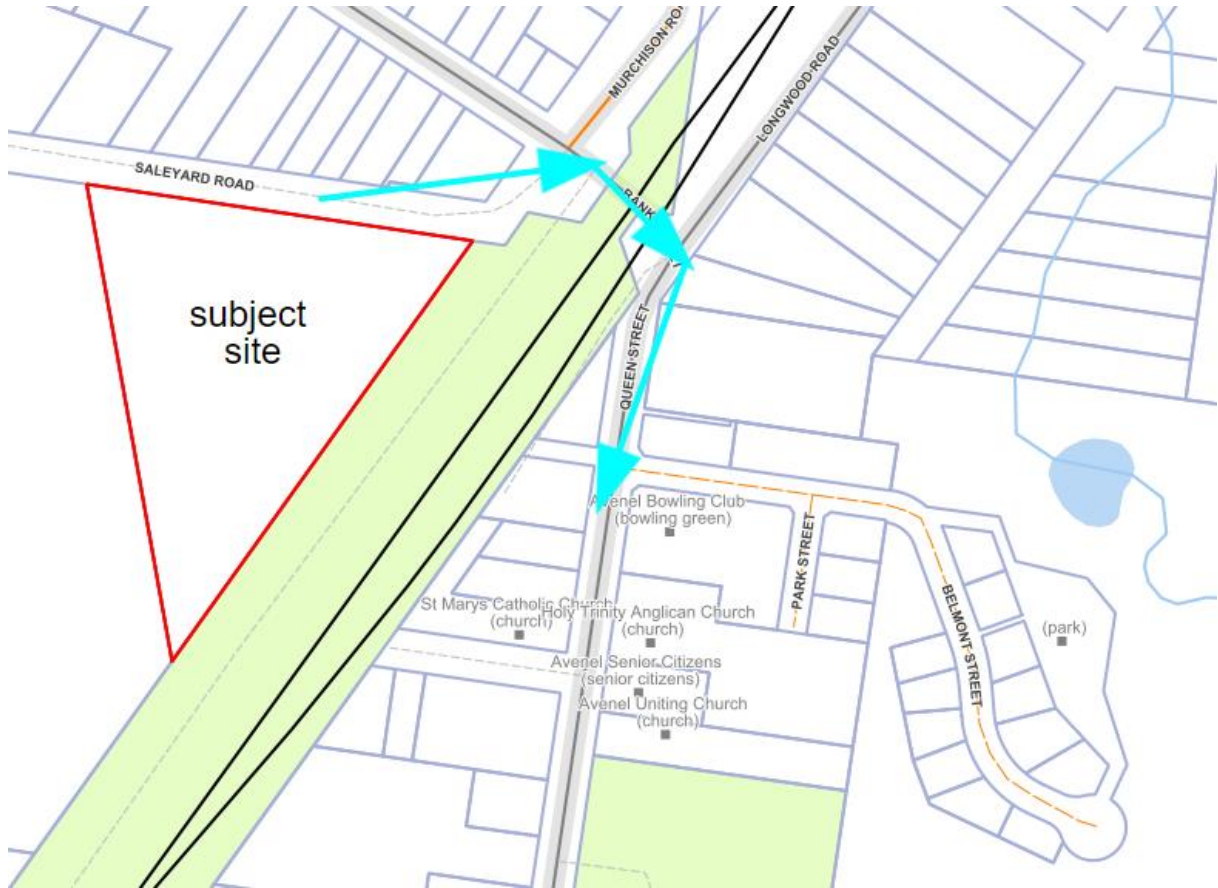
The following insert represents the current proposal under consideration -



Subject site & locality

Inspection date/s: Numerous	Officer: Gill and Braydon	Comments: Residential zone in town
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The subject site is located within the township of Avenel within walking distance of what is recognisable as a main commercial strip, having a milk bar, pharmacy, cafe.



Permit/Site History

No previous planning permit activity shown on Council's current systems.

Further Information

Further Information Required:		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
What was requested?			
<ul style="list-style-type: none"> • Assessment against Clause 56 • A Native Vegetation Assessment • Assessment against Avenel 2030 and Avenel Neighbourhood Character Study 			
FI Requested: 7/10/2020		FI Received: 18/2/2021 - satisfactory	

Advertising/Public Notification

Is notification/advertisement required under section 52?			<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Exempt
Please provide comment					
Advertised by:	<input checked="" type="checkbox"/> Council	<input type="checkbox"/> Applicant			
Site plan selected:	<input checked="" type="checkbox"/> Plans	Yes			

	<input checked="" type="checkbox"/> Advertising list	Yes
Add Instructions on Spear	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Letters: Yes	Signs: Yes	Paper: Yes
Sent: 12/3/2021		Stat Dec Rec: 6/4/2021

Objections received?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Number: 2
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Two objections have been received to Council and these are discussed below –

Objection	Officer Response
<u>Objection 1</u> Road requires sealing. Drainage problems. Dust Floodwater	The road is required to be constructed as per engineering conditions. Drainage plans must be submitted that will manage stormwater on and around the site and this will manage stormwater in and around the site. Amenity will be managed by a condition on permit that allows council to address matters such as dust.
<u>Objection 2</u> Lots too small and not reflective of character of Avenal	The subject site is located within Avenal township and the subject site is zoned for urban subdivision and the lots propose reflect that zoning. The proposal also aligns with the Avenal 2030 Strategy which recognises that there is a lack of choice of lot sizes due to the current character of the township.

The objections raise valid planning matters and have been considered and responded to.

Consultation

The Assessing Officer has corresponded with the objectors. No objections have been withdrawn.

Referrals

External Referrals/Notices required by the Planning Scheme:

REFERRALS					
Add instructions on SPEAR:				<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Referrals Authority	Type of Referral	Referral Clause and Description	Additional Instructions	Date sent	Date received including Advice/Response/Condition
CFA	Section 55 Recommending	Clause 66.03			Conditional consent
DELWP	Section 52 Recommending				Conditional consent after an RFI for veg assessment
GVW	Section 55 Determining	Clause 66.01 Subdivision			Conditional consent

AusNet Electricity	Section 55 Determining	Clause 66.01 Subdivision			Conditional consent
ENGINEER	Internal				Conditions
Vic Track	Section 52				No response received – this was for them to comment if they wished to under notification

Assessment

The zoning of the land and any relevant overlay provisions

Township Zone

The purpose is to provide for residential development and a range of commercial, industrial and other uses in small towns, encouraging development that respects the neighbourhood character of the area.

Pursuant to Clause 32.05-5 a permit is required to subdivide land.

An application must meet the requirements of Clause 56.

Appropriate decision guidelines are considered to be –

- *The pattern of subdivision and its effect on the spacing of buildings.*
- *For subdivision of land for residential development, the objectives and standards of Clause 56.*

Officer Response

The proposal has been assessed against Clause 56 and meets the objectives. The proposed subdivision layout provides for a range of urban lot sizes in the heart of Avenel. This proposal also identifies an area that potentially provides a community or commercial development.

The Planning Policy Framework (PPF) and The Local Planning Policy Framework (LPPF) - including the Municipal Strategic Statement (MSS) and local planning policies

Clause 11 Settlement – *Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing and other needs. Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial and services.*

Ensure regions and their settlements are planned in accordance with their relevant regional growth plan.

Plan for development and investment opportunities along existing and planned transport infrastructure.

Promote and capitalise on opportunities for urban renewal and infill redevelopment.

Clause 11.02 Managing Growth – *The objective is to ensure that a sufficient supply of land is available for residential and other uses.*

Ensure that sufficient land is available to meet forecast demand for projected population growth over at least a 15 year period and provide direction as to where that growth should occur, based on a municipal basis rather than town by town.

Restrict rural residential development that would compromise future development at higher densities.

Clause 13.02 Bushfire – *This policy must be applied to all planning and decision making on that land that is within a designated bushfire prone area. The objective is to strengthen the resilience of settlements and communities to bushfire through risk based planning that prioritises the protection of human life. In a bushfire prone area the risk should be considered when assessing subdivisions of more than 10 lots.*

Clause 15.01-3S Subdivision Design – *The objective is to ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.*

Clause 16.01-2S Housing Affordability – *The objective is to deliver more affordable housing closer to jobs, transport and services. This can be partly achieved by ensuring land supply continues to be sufficient to meet demand.*

Clause 19.02-6S Open Space – *The objective is to establish, manage and improve a diverse and integrated network of public open space that meets the need of the community.*

Officer Response

Avenel is recognised as being able to accommodate population growth given its strategic location on a major highway and proximity to Melbourne. It has the ability to attract new residents with the potential to commute to the city and other towns for work and services. There is ample serviceable residential land within Avenel Township with a potential for approximately 1000 new dwellings. The majority of lots in town at this time are larger than the usual urban lot sizes and the towns character appears to be rural however, this is not indicative of demand, due to the lack of availability of smaller lots ie. there is a demand for smaller lots. More diverse housing options are required for the future due to ageing population, declining household sizes and retirees and lifestyle choices. Priority areas close to the town centre are considered to be suitable locations for small to medium size residential allotments.

Relevant Particular Provisions

Clause 56 Residential Subdivision

The proposal has been assessed against Clause 56 and has satisfied the objectives.

Clause 53.01 Public Open Space Contributions

A person who proposes to subdivide land must make a contribution to council for public open space. This can be a percentage of the value of the land, a part of the land or a combination). Under the Subdivision Act 1988 given Council has no scheduled amounts, a maximum of five per cent can be required.

The decision guidelines of Clause 65.02 Approval to Subdivide Land

The subject site is ideally located within the town of Avenel being in close proximity to a recognisable commercial area, the train station, hotels and public spaces. The lots can be provided for from reticulated utilities and constructed roads and drainage. These lots will provide a choice of medium density housing for people moving to the area for a range of reasons, and vary from the majority of larger lots which don't necessarily suit everyone.

Other relevant adopted State policies/strategies – (e.g. Melbourne 2030.)

Hume Regional Growth Plan 2014

Relevant incorporated, reference or adopted documents

Avenel 2030 Strategy

Relevant Planning Scheme amendments

There are no relevant planning scheme amendments.

Risk Management

The author of this report considers that there are no significant Risk Management factors relating to the report and recommendation.

Strategic Links – policy implications and relevance to Council Plan

The author of this report considers that the report is consistent with Council Policies, key strategic documents and the Council Plan.

Summary

The proposal provides for medium density lots that can be connected to reticulated utilities, with constructed roads and drainage, and are within close proximity to a range of services, employment opportunities, transport networks including public transport.

The proposal supports the purpose of the zone and is supported by relevant policy throughout the planning scheme. The proposal meets the objectives of Clause 56. The proposal accords with the Avenel 2030 Strategy for the provision of a choice of lot sizes within Avenel township to meet the demographics that have been identified in population growth attracted to the area.

When weighted against the planning scheme, it is considered that the proposal weights in favour of support.

Conclusion

After due assessment of all the relevant factors, it is considered appropriate to grant a planning permit, subject to conditions.

Decision:

Delegate Report	Yes	Council Report Yes	
Determination:	Choose an item.	Determination Date:	

Endorsed Plans:

Date:	Plan Numbers:

Declaration:

In making this decision as a delegated Officer, I declare that I have had regard to the decision-making requirements of the Strathbogie Shire Council's Governance Rules 2020 outlined by Rule 6 and have:

- Made a fair, balanced, ethical and impartial decision - Sub Rule 6(c)(i)
- Made a decision based on merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations- Sub Rule 6 (c)(ii)
- Applied the principles of natural justice to my decision, ensuring any person whose rights will be directly affected by the decision has been entitled to communicate their views and have their interests considered - Sub Rule 6(d) N/A
- Identified the person or persons whose rights will be directly affected
Sub Rule 6(e)(i)
Given notice of the decision Council must make under Sub Rule G(e)(i) N/A
- Ensured that such person(s) have had an opportunity to communicate their views and have their interests considered before I made the decision - Sub Rule 6(e)(i) N/A
- Included information about how I've met these Sub Rules in my delegate report-
Sub Rule 6(e)(iv)

Attachments

Plans for endorsement

Assessing Officer: Gill Williamson Principal Planner Reviewing Officer:

Signature: *G Williamson* Signature:

Date: 1 March 2022 Date:

Copy of permit to:

AusNet

GVW

DELWP

CFA

Date sent: Initials: