

Officer Report

Application Details:

Application is for:	Thirteen (13) Lot Subdivision		
Applicant's/Owner's Name:	Planography		
Date Received:	17th December 2021 Application Received 20 December 2022 Application Paid 21 January 2022 Further Information Requested (Day 26th) 23 February 2022 Further Information Received		
Statutory Days:	More than 60 days		
Application Number:	P2022-002		
Planner: Name, title & department	Trish Hall Senior Planner Planning and Investment Department		
Land/Address:	Certificate of Title Volume 11627 Folio 974 Crown Allotment 6 Section 53A Certificate of Title Volume 03668 Folio 495 Crown Allotment 7 Section 53A 42 Bury Street, Euroa VIC 3666		
Zoning:	General Residential Zone		
Overlays:	Land Subject to Inundation Overlay		
Is a CHMP required?	No The Subject site is not within a Culturally Sensitive Area		
Is it within an Open Potable Catchment Area?	No The Subject site is not within an Open Potable Water Catchment Area		
Under what clause(s) is a permit required? (include description)	<p><u>General Residential Zone</u> 32.08-3 a permit is required to subdivide land. A proposal must meet the requirements of Clause 56.</p> <table border="1"> <tr> <td>3 – 15 lots</td> <td>All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.</td> </tr> </table> <p><u>Land Subject to Inundation Overlay</u> Clause 44.04-3 a permit is required to subdivide land.</p> <p><u>Native Vegetation</u> Clause 52.17 – Proposed lots less than 0.4 Hectares, which creates a Site Area exemption. Native Vegetation is Deemed lost.</p>	3 – 15 lots	All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.
3 – 15 lots	All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.		
Restrictive covenants on the title?	Nil		
Current use and development:	Residential/accommodation		

Adjacent to Road Zone Cat 1 or 2	No
Status of Road on Road Register	Local road network Campbell Street – two lanes sealed Bury Street – two lanes sealed Elgin Avenue- part unmade unsealed, gravel construction
Adjacent to Public Land	No
Current use and development:	There is an existing dwelling that is proposed to be removed – no planning permit is required for demolition. A Building Permit may be required.

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"/>

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 considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to **Grant a Permit** under the provisions of Clause 32.08-3 (Subdivision), Clause 44.04-3 (Subdivision), Clause 52.17 (Proposed lots less than 0.4 Hectares, which creates a Site Area exemption) of the Strathbogie Planning Scheme in respect of the land known as Certificate of Title Volume 11627 Folio 974 Crown Allotment 6 Section 53A, Certificate of Title Volume 03668 Folio 495 Crown Allotment 7 Section 53A 42 Bury Street, Euroa VIC 3666, for the Thirteen (13) Lot Subdivision, in accordance with endorsed plans, subject to the following conditions:

Endorsed Plan Subdivision:

1. The subdivision and development must be generally in accordance with the endorsed plans and permit. These endorsed plans can only be altered or modified with the prior written approval of the Responsible Authority, or to comply with statutory requirements.

Engineering Conditions:

2. Prior to the Certification under the Subdivision Act 1988, any easements for the purpose of draining lots to the legal point of discharge or ensuring continued vehicle access in maintained must be created.

Construction Management Plan

3. Prior to the commencement of works, including any 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

4. 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

5. 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) how all storm-water deposited upon, and transferred through, the developed site during a minor 20% AEP rainfall event is collected and conveyed by underground pipes to a legal point of discharge nominated by the Responsible Authority;
 - b) how all storm-water runoff originating from, or currently flowing through, the developed site in a major 1% AEP rainfall event is collected and conveyed by secure overland and/or underground flood pathways to a legal point of discharge identified by the Responsible Authority;
 - c) computations including total energy line and hydraulic grade line for the existing and proposed drainage as directed by Responsible Authority;
 - d) independent drainage for each lot (for subdivisions only);
 - e) location of the overland flow paths within the development;

- f) each proposed lot having a stormwater property drain inlet point, constructed in underground pipes extending from the legal point of discharge to within its property boundary
- g) 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;
- h) a maximum discharge rate from the site is to be determined by computation to the satisfaction of the Responsible Authority;
- i) documentation demonstrating approval from the relevant authority for the legal point of discharge;
- j) all roof water from buildings and surface water from hard paved areas will be collected and conveyed to a Legal Point of Discharge so as to prevent stormwater nuisance to adjoining land.
- k) that the development makes provision for upstream stormwater inflows

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.

- 6. Prior to the issue of a Statement of Compliance, all drainage infrastructure as shown on the approved drainage plan must be constructed in accordance with plans and specifications approved by the Responsible Authority.
- 7. 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) The protection and retention of all trees within the road reserve;
 - g) All surface details;
 - h) All relevant road signage and line marking
 - i) Speed limit signs as appropriate and
 - j) any CFA requirements including hydrants.
- 8. 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) 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.
- d) 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.
 - e) Subsoil drainage installed for all kerb and channel.
9. 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.
10. 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.
11. Prior to the issue of Statement of Compliance, the subdivider must construct/provide vehicle crossing to each and every lot and/or reserves within the subdivision development in accordance with Council's Infrastructure Design Manual. Alternatively, vehicle crossings are not required to be constructed where mountable (SM2-M) kerb and channel is used.

Landscaping

12. Prior to the issue of Statement of Compliance, the subdivider must provide Street trees as shown on the Endorsed Plan(s) and must include the planting of one (1) MATURE (2 – 3 metres high) street tree per lot (of an approved species and location), or to such higher standards by agreement and must be selected and planted by a qualified Horticulturist / Arborist. Unless otherwise agreed in writing, the Authority will only approve plans and specifications complying with council's Infrastructure Design Manual standards and /or any approved landscaping management plans as appropriate.
13. Street trees must be maintained for a period of twenty four months, or until the subdivider can demonstrate that the plantings have become established from the date of acceptance of the works, to the satisfaction of the responsible authority. Any dead, dying or diseased trees are to be replaced within twenty four (24) months of the date of acceptance of the works.
14. 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. 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.
 - b. Soil quality and planting techniques in medium or verge tree planting zones along arterial roads (including service road nature strips) that will support full growth of medium to large trees.
15. 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.
16. 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.

17. 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

18. Prior to issue of Statement of Compliance the common boundary with 34 Bury Street & 5 Elgin Ave must be fenced to the satisfaction of the Responsible Authority.

Engineering Plans

19. 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.
20. Prior to issuing the Statement of Compliance for 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

21. Prior to the issue of Statement of Compliance, the developer must upgrade Elgin Avenue, Campbell Street and Bury Street (and any other road upgrade requirements as agreed to with the Responsible Authority) 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;
 - b) footpaths and/or shared pedestrian/bicycle paths along Elgin Avenue
 - c) underground drainage;
 - d) street trees;
 - e) indented car parking along Campbell Street and Bury Street;
 - 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
 - j) any CFA requirements including hydrants.

Street Lighting

22. 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

23. Prior to the issue of a Statement of Compliance any street names and speed limit signs as agreed to with the Responsible Authority must be erected.

Site Management During Construction

24. 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).
25. 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.
26. 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.
27. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the Responsible Authority.
28. 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.
29. 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

30. 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.
31. 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.
32. 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

33. 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

34. 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.

Ausnet:

35. The Plan of Subdivision submitted for certification must be referred to Ausnet Electricity Services PTY LTD in accordance with Section 8 of the Subdivision Act 1988.
36. The applicant must –
- Enter in an agreement with Ausnet Electricity Services Pty Ltd for supply of electricity to each lot on the endorsed plan.
 - Enter into an agreement with Ausnet Electricity Services Pty Ltd for the rearrangement of the existing electricity supply system.
 - Enter into an agreement with Ausnet Electricity Services Pty Ltd 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 Ltd.
 - Provide easements satisfactory to Ausnet Electricity Services Pty Ltd for the purpose of "Power Line" in the favour of "Ausnet Electricity Services Pty Ltd" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing Ausnet Electricity Services Pty Ltd electric power lines and 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 Ltd any other easement required to service the lots.
 - Adjust the position of any existing Ausnet Electricity Services Pty Ltd 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 Ltd for electric substations.
- Provide survey plans for any electric substations required by Ausnet Electricity Services Pty Ltd 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 Ltd 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 Ltd 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 Ltd. 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 Ltd to allow the new network assets to be safely connected to the distribution network.

Native Vegetation Conditions:

37. The total area of native vegetation permitted to be removed is 0.142 hectares within location category 1. This is comprised of:
- Two (2) patches of native vegetation with a total area of 0.009 hectares
 - One (1) large scattered tree
 - Two (2) small scattered trees

Offset evidence

38. Prior to the commencement of works and Certification being issued, as per Application Requirement 9 of the Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017) (Guidelines) the following is required:
- An offset statement providing evidence that an offset that meets the offset requirements for the native vegetation to be removed has been identified and can be secured in accordance with the Guidelines (DELWP, 2017). A suitable statement includes evidence that the required offset:
 - is available to purchase from a third party, or
 - will be established as a new offset and has the agreement of the proposed offset provider, or
 - can be met by a first party offset.
39. DELWP notes that prior to the commencement of works and Certification being issued, the applicant must provide evidence to Council that a compliant offset is available. Evidence of a third party offset is to be sort from either a native vegetation credit broker or results of a search for offset credits from the search tool on the Native Vegetation website.

Offsets

40. A copy of the offset evidence must be endorsed by the responsible authority and form part of this permit.
41. Within 30 days of endorsement of the offset evidence by the responsible authority, the permit holder must provide a copy of the endorsed offset evidence to the Department of Environment, Land, Water and Planning at P&A.North@delwp.vic.gov.au.

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. Provision of one water tapping per lot at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation;
45. 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;
46. Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;
47. 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;
48. Relocation of any existing house connection drain, and each allotment to be independently and directly connected to a sewer main of the Goulburn Valley Region Water Corporation;
49. Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property;
50. 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;
51. 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.

General Amenity:

52. The subdivision and building and works hereby permitted must be managed so that the amenity of the area 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.
53. 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.

Telecommunications:

54. 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.

55. 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.

Subdivision Conditions:

56. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with that authority's requirements and relevant legislation at the time.

57. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

Referral Under Section 8 of the Subdivision Act 1988:

58. 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:

59. Before the Statement of Compliance is issued under the Subdivision Act 1988, the owner must pay to the responsible authority 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.

Removal / Decommissioning of Existing Dwelling / Buildings

60. The existing dwelling and all shedding must be removed prior to Statement of Compliance to the satisfaction the Responsible Authority. Evidence must be provided to council by way of a photograph or organising a site visit.

Permit Expiry:

Subdivision:

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

- (a) the subdivision is not started (Certification) within two (2) years of the date of this permit;
- (b) the subdivision is not completed (Statement of Compliance) within five (5) years of the date of Certification under the Subdivision Act 1988.

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.

Expiry of Permit – Native Vegetation:

62. This permit will expire if the native vegetation is not removed within two years of the issue of the permit and evidence of the offset provided for council's records.

The Responsible Authority may extend the periods referred to if a request is made in writing:

- before the permit expires; or
- within six months afterwards if the use or development has not yet started; or
- within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

Planning Notes:

- This Permit does not authorise the creation of a new access way/crossover. Before any such development may commence, the Applicant must apply for and obtain appropriate approval from Council.
- This Permit does not authorise the commencement of any building construction works. Before any such development may commence, the Applicant must apply for and obtain appropriate Building approval.
- This proposal has been assessed against Clause 32.08, Clause 44.04, Clause 52.17 and Clause 56.
- The existing dwelling and shedding to be removed may require Building permission to Demolish.
- Consent to Work within Road Reserve: Prior to works commencing on public land or roads, the applicant must obtain a permit from the relevant authority giving Consent to Work within a Road Reserve.

Ausnet Notes:

- It is recommended that, at an early date the applicant commences negotiations with Ausnet Electricity Services Pty Ltd 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 the 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.

APA/APT Notes:

- APT does not require the plan to be forwarded under Section 8 of the Subdivision Act 1988, and consents to the issue of a Statement of Compliance at the appropriate time.

Goulburn Broken Catchment Management Authority Notes:

- Please note that the 100-year ARI flood is not the maximum possible flood. There is always a possibility that a flood larger in height and extent, than the 100-year ARI flood, may occur in the future.

Goulburn Valley Water Notes:

- Where the land is to be developed in stages, the above conditions will, in general, apply to any subsequent stage of the 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.

Proposal

The application proposes a thirteen (13) lot subdivision on Certificate of Title Volume 11627 Folio 974 Crown Allotment 6 Section 53A, Certificate of Title Volume 03668 Folio 495 Crown Allotment 7 Section 53A 42 Bury Street, Euroa VIC 3666.

Lot 1- 469 Square metres

Lot 2- 476 Square metres

Lot 3- 764 Square metres

Lot 4- 763 Square metres

Lot 5- 761 Square metres

Lot 6- 462 Square metres

Lot 7- 474 Square metres

Lot 8- 771 Square metres

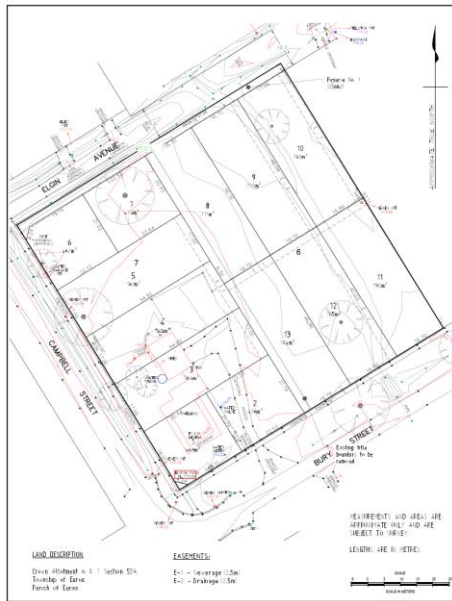
Lot 9- 770 Square metres

Lot 10- 782 Square metres

Lot 11- 790 Square metres

Lot 12- 785 Square metres

Lot 13- 784 Square metres



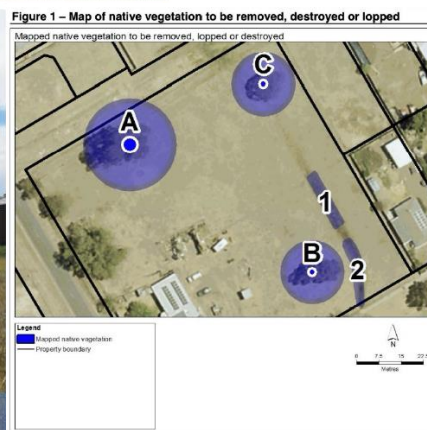
There is an existing dwelling and shedding that is proposed to be removed from Crown Allotment 7.

Native Vegetation Removal

The application does not propose to directly remove native vegetation as part of a proposed subdivision. However, the subject site measures more than 0.9 hectares. The proposal will create lots less than 0.4 hectares and therefore the Native vegetation on site is considered consequentially lost.

A Vegetation Quality Assessment has been carried out by the applicant and it has been determined the total area of native vegetation proposed to be lost totals 0.142 hectares within location category 1. This is comprised of:

- Two (2) patches of native vegetation with a total area of 0.009 hectares
- One (1) large scattered tree
- Two (2) small scattered trees



Subject site & locality

Inspection date/s: January 2022	Officer: Gill Williamson Principal Planner	Comments:
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3 March 2022	Trish Hall Senior Planner (Site visit and photos)	Ideally located and zoned and is considered infill
25 May 2022	Braydon Aitken (Manager of Planning), Daniel Haysom (Manager Asset Planning), Daniel Moloney (Strategic Planner), Trish Hall (Senior Town Planner) -Drainage concerns	

Subject site

The subject site is formally identified as Certificate of Title Volume 11627 Folio 974 Crown Allotment 6 Section 53A, Certificate of Title Volume 03668 Folio 495 Crown Allotment 7 Section 53A, 42 Bury Street, Euroa VIC 3666.

The subject site is currently made up of two lots. The lots face generally north-south.
Crown Allotment 6 - 4595 square metres (Vacant, grassed paddock and treed)

Crown Allotment 7 - 4536 square metres (Dwelling, shedding, garden areas, grassed, access, internal driveway and treed)

The site is located within the south-western portion of the Euroa township. It measures approximately 9132 square metres in area.

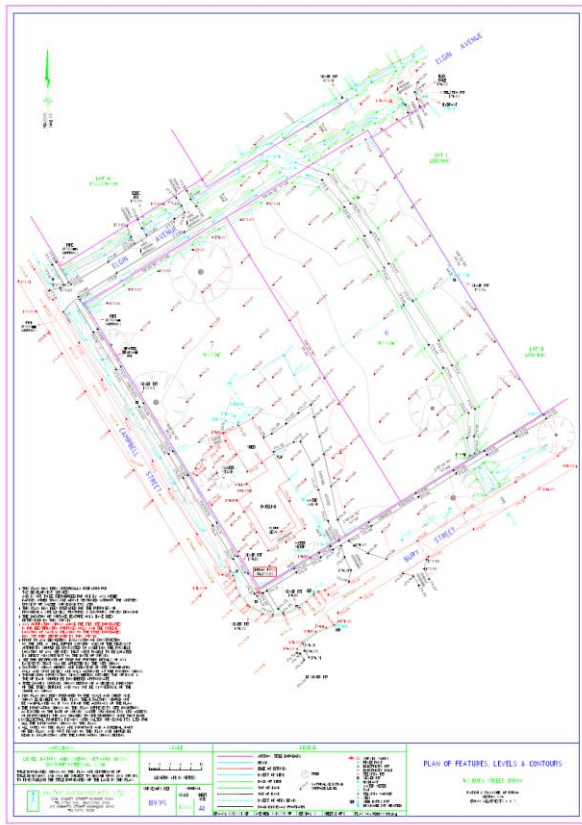
The subject site is a corner block and is adjacent to Bury Street, Campbell Street and Elgin Avenue.



The subject contains an existing dwelling, is grassed and contains remnant vegetation on site and within the road reserves. The dwelling is separately fenced from the remaining vacant portion of the land.



The site includes overland drainage adjacent to the eastern boundary.



Native Vegetation

The subject site has a number of trees on site and within the road reserve.



The subject site is located the General Residential Zone and not affected by any Overlays.

Surrounding Land

The land abuts other residential lots to the east.

5 Elgin Avenue is vacant

34 Bury Street contains a single dwelling with solar panels located on the western side of the dwelling.

The site is within the township of Euroa nestled between the railway line (270 metres) to the north, the Freeway (2150 metres) to the south-east, Castle Creek (490 metres) and Seven Creeks (850 metres) to the east.

The site is:

- 36 metres from Euroa Secondary College
- 20 metres from the Goodstart Early Learning Centre
- 210 metres from the Swimming Pool and Lions Park
- 480 metres to St Johns School
- 540 metres from Euroa Primary School
- 710 metres to the main shopping district and medical Clinic

Bury Street



Bury Street adjoins the southern side of the subject site. It is dual carriageway and sealed. Footpaths run along either side of the street



There is no kerb and channelling along the street, the drainage is open.

Campbell Street



Campbell Street adjoins the western side of the subject site. It is dual carriageway and sealed. There is a footpath on eastern side of the road, adjoining the subject site.

Elgin Avenue



Elgin Avenue adjoins the northern boundary of the subject site. It is unsealed and is currently a no through road with a portion of the road reserve unmade.

Water and sewer Connections

Water is available to the north-eastern corner and the adjacent side of Bury Street and Campbell Street. Sewer connections run along the western boundary and part of the eastern boundary.

FI Requested: 21/1/2022 (26 th day)	FI Received: 23/2/2022 satisfactory
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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 checked="" type="checkbox"/> Applicant		
Site plan selected:	<input checked="" type="checkbox"/> Plans	771593 final subdivision plan 771594 vegetation report		
	<input checked="" type="checkbox"/> Advertising list	771596 16/03/2022 Combined watermark docs sent to website Doc 773580		
Add Instructions on Spear	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		
Letters: Yes	Signs: Yes	Paper: No Website: Yes	Sent: 16/03/2022	Stat Dec Rec: 23/06/2022

Objections received?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Number:1
Submission:	Submission Key Points:	Applicants Response:		Officers Response:
1 – Objection Reference Doc Id 774885	<p>Concerns regarding:</p> <p>1. Footpaths</p> <p>2. Roads and Gutters</p>	<p>1. There are existing footpaths along Campbell and Bury Streets and Elgin Avenue will require a footpath to be constructed. The proposal includes a section of land shown as Reserve 1 on the proposed plan of subdivision to be gifted to Council that will increase the width of Elgin Avenue road reserve. This will provide an improved streetscape.</p> <p>2. Three roads fronting the site: - Campbell and Bury Streets are sealed roads and will likely require kerb and channel along the property's frontage.</p>		<p>1. Conditions regarding Footpath Construction for Elgin Street will be included via Conditions on any planning permit issued – to the IDM standards to the satisfaction of the Responsible Authority. Campbell and Bury Street already have access to footpaths.</p> <p>2. Final construction plans are required prior to Commencement of works and Certification being issued. These will be in accordance with IDM requirements. These will include road, kerb and channel construction.</p>

		-Elgin Street will be fully constructed in accordance with Council's requirements.	
	3. Drainage Water flow and any fill on the land	3. The existing open drain running through the property will be reconstructed through the easement shown as E2 on the proposed plan of subdivision. This is to be undertaken to the requirements of the IDM and the Goulburn Broken Catchment Management Authority (GBCMA) and will cater for drainage to the south of the development.	3. Stormwater Management Plan is required via Conditions to the satisfaction of the Responsible Authority prior to Commencement of works and Certification being issued. No dwellings and or fill is proposed as part of this application. Any future dwellings will be required to be constructed in accordance with GBCMA requirements.
	4. Fencing	4. There is no proposal to fence the allotments. This is a decision for the developer should they wish, otherwise fencing will occur post development.	4. Fencing -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. The following will also be included: Prior to issue of Statement Of Compliance the common boundary with 34 Bury Street & 5 Elgin Ave must be fenced to the satisfaction of the RA.
	5. Extra cars driving and parking	5. All properties are required to provide onsite parking. The roads will be designed to cater for some on-street parking in accordance with the IDM.	5. On and offsite parking will be available. The subdivision will allow for a single dwelling on each lot. Any proposals for multi-dwellings, or other uses will require planning permission and car parking demands will be assessed at the time of application.

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The above matters have been considered in the assessment of this application and any planning permit to be issued.

Consultation

17th December 2021	Application Received
20 December 2022	Application Paid
21 January 2022	Further Information Requested (Day 26th)
23 February 2022	Further Information Received
16 March 2022	Advertised to neighbours and on Website
16 March 2022	Referred to APT, Assets, Ausnet, DELWP, GBCMA, GVW
22 March 2022	APT Response Received – No objection (Planning Note)
23 March 2022	Objection 1 Received
16 March 2022	Ausnet Conditional consent received
30 March 2022	DELWP response received- No Objection (Recommendations included via Conditions)
1 April 2022	GBCMA response received – No Objection (Planning Note)
5 April 2022	GVW Conditional consent received
27 April 2022	Applicant responded to Objector
23 May 2022	Applicant response sent to Objector
24 May 2022	A copy of IDM sent to Objector
25 May 2022	Site visit with Braydon Aitken (Manager of Planning), Daniel Moloney (Strategic Planning) and Daniel Haysom (Manager Asset Planning)
16 June 2022	Statutory Declaration Requested

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
DELWP	Section 52 Recommending			16/03/2022 Doc 773631	29/03/2022 Doc 776204 Comments provided
GBCMA	Section 55 - Determining	Clause 66.03 - Other State Standard Provisions		16/03/2022 Doc 773635	1/04/2022 No objection
GVW	Section 55 - Determining	Clause 66.01 - Subdivision Referrals		16/03/2022 Doc 773637	5/4/2022 Conditional Consent

AusNet Electricity	Section 55 - Determining	Clause 66.01 - Subdivision Referrals		16/03/2022 Doc 773704	16/03/2022
ENGINEER	Internal			Sent via internal workflow Doc 759856 Doc 773671	Standard Conditions Included
APA	Section 55 – Determining	Clause 66.01 Subdivision Referrals		16/03/2022 Doc 773643	22/03/2022

Assessment

The zoning of the land and any relevant overlay provisions

Clause 32.08 General Residential Zone

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Officers Comment:

A permit is required to subdivide land under Clause 32.08-3.

An application to subdivide land that would create a vacant lot less than 400 square metres capable of development for a dwelling or residential building, must ensure that each vacant lot created less than 400 square metres contains at least 25 percent as garden area. The proposed lots are more than 400 square metres.

An application to subdivide land, must meet the following objectives and standards of Clause 56, which is discussed further in this report.

3 – 15 lots	All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.
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Standard subdivision conditions have been included to ensure all lots will have access to reticulated sewerage and other services. The subdivision will facilitate infill residential development in an appropriate location which is in keeping with the existing neighbourhood character and will enable the provision of lots for diverse housing opportunities which offer good access to services and transport in accordance with the purpose of the General Residential Zone.

The proposed lots vary from 462 square metres to 790 square metres. The existing lots in the area vary from 10116 square metres to 482 square metres, therefore the lot sizes are considered in accordance with the character of the area.

Consideration against the relevant decision guidelines of the General Residential Zone is provided below:

Decision Guideline	Response
<i>The Municipal Planning Strategy and the Planning Policy Framework.</i>	The application is consistent with the Municipal Planning Strategy and the Planning Policy Framework.
<i>The purpose of this zone.</i>	The application provides for additional opportunities for residential development in Euroa. The application has been assessed against Clause 56 and respects the neighbourhood character. It is considered the application is in keeping with the General Residential Zone.
<i>The objectives set out in a schedule to this zone.</i>	None specified.
<i>Any other decision guidelines specified in a schedule to this zone.</i>	None specified.
<i>The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.</i>	The proposed thirteen (13) lots vary from 462 square metres to 790 square metres. The larger lots are located on the eastern side of the site and these have ample opportunity to be developed away from any existing development. In addition, the existing solar rooftop solar energy system on the dwelling at 34 Bury Street is located on the eastern side away from any future development.
<i>The pattern of subdivision and its effect on the spacing of buildings.</i>	The proposed lots vary from 462 square metres to 790 square metres, this is considered consistent with the pattern of subdivision. The existing lots in the area vary from 10116 square metres to 482 square metres.
<i>For subdivision of land for residential development, the objectives and standards of Clause 56.</i>	The subdivision has been assessed under Clause 56 as detailed further below.

For the reasons outlined above, the application is considered an appropriate outcome within the General Residential Zone.

It is noted that there is an existing dwelling and shedding located on Crown Allotment 7, which is proposed to be removed. This does not require a planning permit, it may require building permission and a note will be included on any planning permit issued.

Conditions requiring the removal of the dwelling and shedding will be included on any planning permission.

- The dwelling is not contained on one proposed lot.
- Shedding is shown on lots without a dwelling, which is prohibited in the General Residential Zone.

Clause 44.04 Land Subject to Inundation Overlay

Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify flood prone land in a riverine or coastal area affected by the 1 in 100 (1 per cent Annual Exceedance Probability) year flood or any other area determined by the floodplain management authority.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- *To minimise the potential flood risk to life, health and safety associated with development.*
- *To reflect a declaration under Division 4 of Part 10 of the Water Act, 1989.*
- *To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.*
- *To ensure that development maintains or improves river, marine, coastal and wetland health, waterway protection and floodplain health.*

Officers Response:

A planning permit is required under Clause 44.04-3 for Subdivision in the Land Subject to Inundation Overlay.

The application was referred to GBCMA. GBCMA have advised since the completion of the Euroa Water Management Scheme by Strathbogie Shire Council under the Water Act, 1989 (Castle Creek Town Levee) the above-mentioned site is now protected from a repeat of a 100-year ARI type flood. This has been confirmed with the Euroa Post Flood Mapping and Intelligence Study (Cardno, 2015).

The Strathbogie Shire Council in association with the Goulburn Broken Catchment Management Authority, is preparing to amend the flood related planning overlay controls based on the findings of the Euroa Post Flood Mapping and Intelligence Study. This amendment is known as Strathbogie Planning Scheme Amendment C052.

The above-mentioned property will not be subject to flood overlay controls once the amendment is adopted.

The Goulburn Broken Catchment Management Authority advised that the finished floor level of any future proposed dwellings would need to be constructed at least 300 millimetres above the general surrounding ground level to safeguard against over-floor flooding associated with localised severe thunderstorms.

The proposed subdivision and development will not increase any additional risk to life, and property from flood hazard.

The Municipal Planning Strategy

Clause 02.03 Strategic Directions

Clause 02.03-1 Settlement

Euroa is the main commercial, industrial and administrative centre in the Shire. Euroa is expected to grow and continue to provide for the needs of its residents, surrounding rural areas and visitors. Euroa has a strong village character with its compact central area, the presence of services and the historic buildings and attractive streetscapes.

Officers Comment:

The application will help to facilitate the sustainable growth of Euroa through infill development which maintains the current character of the area. The subdivision will create varied lots that will allow for residential development adding diversity and choice of housing in the area. The proposed lots vary from 462 square metres to 790 square metre. This is in keeping with the existing lots in the area, which vary from 10116 square metres to 482 square metres.

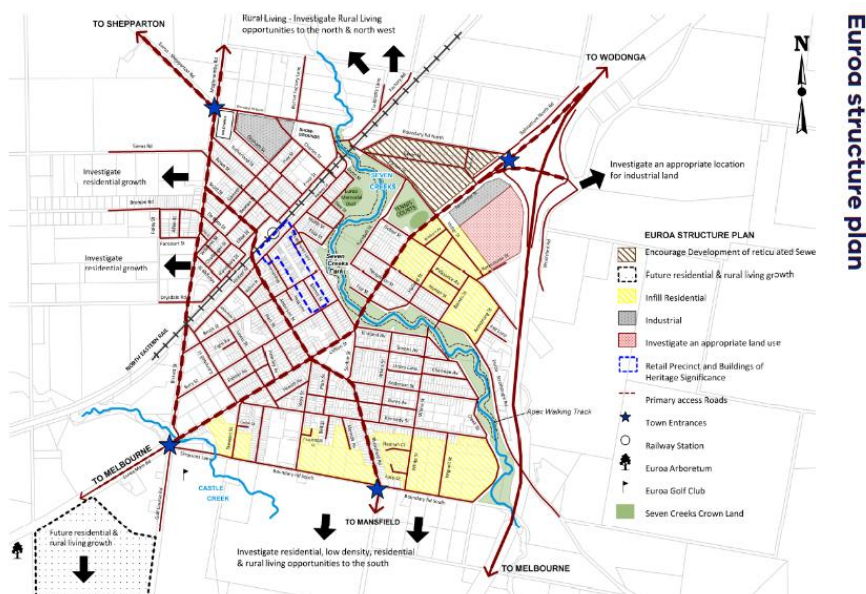
The Planning Policy Framework (PPF)

Clause 11.01 Victoria

Clause 11.01-1L-02 Euroa

Strategies

- *Encourage the redevelopment of land along the 'Old Hume' corridor for commercial uses.*
- *Support retail growth in Binney Street, between Railway Street and Brock Street.*
- *Support civic growth in Binney Street, between Brock Street and Bury Street.*
- *Support the continued development of light industrial uses on existing industrial land to the north-west.*
- *Manage parking demand and provision to support the activity, streetscape and economic competitiveness of the village centre.*



Officers Response:

The land is near the town entrance from Melbourne. The western perimeter is identified for further investigation for residential growth. The proposal will not result in any future land conflict. The application will help to facilitate the sustainable growth of Euroa through infill development which maintains the current character of the area.

Clause 11.02-1S Supply of urban land

Objective

- *To ensure enough supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*

Officers Response:

The subdivision will contribute additional land within an existing General Residential Zone for future residential buildings. The proposed subdivision is appropriate within the surrounding area. The subdivision allows for access to the surrounding road networks. Lots containing residential development vary in size from 1016 square metres to 482 square metres. The subject site is located in close proximity to the Secondary College, childcare centre and 710 metres from the shopping district.

Clause 13.02-1S, Bushfire Planning

Objective

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

Officers Response:

The subject site is not in the Bushfire Management Overlay, It is within the Bushfire Prone Area – Conditions will be included on any planning permit issued to meet CFA requirements for road access and hydrants.

Clause 13.03-1S, Floodplain management

Objective

To assist the protection of:

- *Life, property and community infrastructure from flood hazard.*
- *The natural flood carrying capacity of rivers, streams and floodways.*
- *The flood storage function of floodplains and waterways.*
- *Floodplain areas of environmental significance or of importance to river health.*

Officers Response:

The subject site is affected by the Land Subject to Inundation Overlay. The application was referred to GBCMA. GBCMA have advised since the completion of the Euroa Water Management Scheme by Strathbogie Shire Council under the Water Act, 1989 (Castle Creek Town Levee) the above-mentioned site is now protected from a repeat of a 100-year ARI type flood. This has been confirmed with the Euroa Post Flood Mapping and Intelligence Study (Cardno, 2015).

The Strathbogie Shire Council in association with the Goulburn Broken Catchment Management Authority, is preparing to amend the flood related planning overlay controls based on the findings of the Euroa Post Flood Mapping and Intelligence Study. This amendment is known as Strathbogie Planning Scheme Amendment C052.

The abovementioned property will not be subject to flood overlay controls once the amendment is adopted.

The Goulburn Broken Catchment Management Authority advised that the finished floor level of any future proposed dwellings would need to be constructed at least 300 millimetres above the general surrounding ground level to safeguard against over-floor flooding associated with localised severe thunderstorms.

The proposed subdivision and development will not increase any additional risk to life, and property from flood hazard.

Clause 15.01-3S Subdivision design

Objective

- *To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.*

Clause 15.01-5S Neighbourhood character

Objective

- *To recognise, support and protect neighbourhood character, cultural identity, and sense of place.*

Clause 16.01-2S Location of residential development

Objective:

- *To locate new housing in designated locations that offer good access to jobs, services and transport.*

Officers Response:

Conditions will be included on any planning permit issued to ensure the owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.

The proposed subdivision and development are consistent with the surrounding environment, lots in the vicinity of the subject site vary in size. The subdivision will allow for infill development within the township of Euroa. Conditions will be included on any planning permit issued to ensure the provision of sufficient drainage and appropriate services to the satisfaction of the Responsible Authority.

Relevant Particular Provisions

Clause 52.17 Native Vegetation

Purpose

To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):

- 1. Avoid the removal, destruction or lopping of native vegetation.*
- 2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.*
- 3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.*

To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.

Officers Response:

The site is more than 0.9 hectares.

All the proposed lots are less than 0.4 hectares in size; with the largest lot size being 790 square metres (lot 11) and the smallest lot being 462 square metres (Lot 6).

A Vegetation Quality Assessment has been completed. 7 native and 21 exotic species were recorded.

Approximately 0.142 hectares of native vegetation, inclusive of one (1) large *Eucalyptus blakelyi*, are assumed lost to the proposed subdivision as all the proposed lots are less than 0.4 hectares in size. Any native vegetation remaining on small lots has a reduced environmental value and therefore is assumed lost.

The application was referred to DELWP.

DELWP has assessed this application in accordance with the intermediate assessment pathway.

The total area of native vegetation proposed to be lost totals 0.142 hectares within location category 1. This is comprised of:

- Two (2) patches of native vegetation with a total area of 0.009 hectares
- One (1) large scattered tree
- Two (2) small scattered trees

This application has satisfied the information requirements of Clause 52.17 of the Strathbogie Planning Scheme.

DELWP is satisfied that the applicant has taken adequate steps to avoid and minimise the proposed native vegetation removal. The Native Vegetation Report supplied with the application adequately describes the native vegetation to be removed and the offset requirements, should clearing be approved.

Offsets Conditions will be included on any planning permit issued:

As per Application Requirement 9 of the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP, 2017) (*Guidelines*) the following is required:

An offset statement providing evidence that an offset that meets the offset requirements for the native vegetation to be removed has been identified and can be secured in accordance with the Guidelines (DELWP, 2017). A suitable statement includes evidence that the required offset:

- *is available to purchase from a third party, or*
- *will be established as a new offset and has the agreement of the proposed offset provider, or*
- *can be met by a first party offset.*

The applicant must provide evidence to Council that a compliant offset is available. Evidence of a third party offset is to be sought from either a native vegetation credit broker or results of a search for offset credits from the search tool on the Native Vegetation website.

Clause 53.01 Public Open Space Contribution and Subdivision

A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under section 18 of the *Subdivision Act 1988*.

Officers Response:

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. A condition will be included on any planning permit issued.

Clause 56 – Residential Subdivision

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

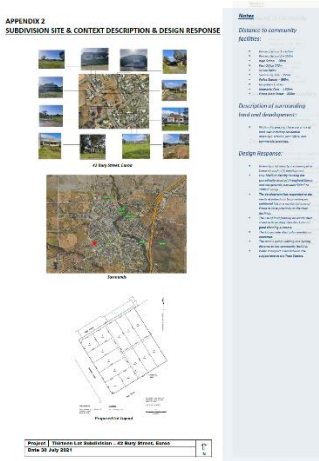
To create liveable and sustainable neighbourhoods and urban places with character and identity.


To achieve residential subdivision outcomes that appropriately respond to the site and its context for:

- Metropolitan Melbourne growth areas.
- Infill sites within established residential areas.
- Regional cities and towns.

To ensure residential subdivision design appropriately provides for:

- Policy implementation.
- Liveable and sustainable communities.
- Residential lot design.
- Urban landscape.
- Access and mobility management.
- Integrated water management.
- Site management.
- Utilities.

Clause 56.01 – Site and Context Description and Design Response		
Objective	Applicant Comment	Council Comment
<p>The site and context description may use a site plan, photographs or other techniques and must accurately describe:</p> <ul style="list-style-type: none"> • In relation to the site: <ul style="list-style-type: none"> - Site shape, size, dimension and orientation. - Levels and contours of the site. - Natural features including trees and other significant vegetation, drainage lines, water courses, wetlands, ridgelines and hill tops. - The siting and use of existing buildings and structures. - Street frontage features such as poles, street trees and kerb crossovers - Access points - Location of drainage and other utilities - Easements - Any identified natural or cultural features of the site. - Significant views to and from the site - Noise and odour sources or other external influences - Soil conditions, including any land affected by contamination, erosion, salinity, acid sulphate soils or fill - Any other notable features or characteristics of the site. - Adjacent uses. - Any other factor affecting the capacity to develop the site including whether the site is affected by inundation. 	 <p>APPENDIX 2 SUBDIVISION SITE & CONTEXT DESCRIPTION & DESIGN RESPONSE</p> <p>The document contains a site plan, aerial photographs, and a list of design responses. The site plan shows the proposed subdivision layout. The aerial photographs show the site and its context. The design responses are listed in a table.</p>	<p>Complies</p>

56.01-01		
<p>Design response</p> <ul style="list-style-type: none"> The design response must explain how the proposed design: <ul style="list-style-type: none"> - Derives from and responds to the site and context description - Responds to any site and context features for the area identified in a local planning policy or a Neighbourhood Character Overlay. - Responds to any relevant objective, policy, strategy or plan set out for the area in this scheme. - Meets the relevant objectives of Clause 56 <p>56.01-02</p>		Complies

Clause 56.03 – Liveable and Sustainable Communities		
Objective	Applicant Comment	Council Comment
<p>Neighbourhood character objective</p> <ul style="list-style-type: none"> To design subdivisions that respond to neighbourhood character. <p>56.03-05 Standard C6</p>	<p>The site is located in an established residential area where the predominant built form is a combination of single dwellings on single allotments. The proposal has been designed to maximise integration with the surrounding urban environment. On balance, the proposed development is site responsive and will make efficient use of the site. There is no preferred character specifically identified in the planning scheme. The existing character has been considered within the immediate locality.</p>	Complies
56.04-1 Lot Diversity and Distribution		
Objective	Applicant Comment	Council Comment
<ul style="list-style-type: none"> To achieve housing densities that support compact and walkable neighborhoods and the efficient provision of public transport services. 	<p>The subject site is an appropriate candidate for infill development as it is proximate to services and public transport.</p>	<p>Complies</p> <p>Lots are of mixed sizes. The site is:</p> <ul style="list-style-type: none"> • 36 metres from Euroa Secondary College

<ul style="list-style-type: none"> • To provide higher housing densities within walking distance of activity centres. • To achieve increased housing densities in designated growth areas. • To provide a range of lot sizes to suit a variety of dwelling and household types. <p>C7</p>	<p>The development makes efficient use of an under-developed site in a manner that responds directly to relevant Planning and local planning policy provisions. Lots are appropriately orientated and reasonably accessible to all required facilities such as public transport (VLine), Medical Centre, Recreation Reserve, Primary School and commercial Centre. The application is for 13 lot subdivision with a range and mix of lot sizes including lots suitable for the development of: single dwellings, and two dwellings or more. Refer to the Subdivision Site Context Description and Design Response. Proposed lots are larger than 300sqm.</p>	<ul style="list-style-type: none"> • 20 metres from the Goodstart Early Learning Centre • 210 metres from the Swimming Pool and Lions Park • 480 metres to St Johns School • 540 metres from Euroa Primary School • 710 metres to the main shopping district and medical services
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Clause 56.04 – Lot Design		
Objective	Applicant Comment	Council Comment
<p>Lot area and building envelopes objective</p> <ul style="list-style-type: none"> • To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features. <p>56.04-02 Standard C8</p>	<p>Proposed lots are larger than 300sqm. The proposed lots are larger residential lots ranging from approximately 458m² to 778m². The proposed lot sizes are considered acceptable and will be able to adequately accommodate large family dwellings if required. Lots greater than 500sqm in area will contain a rectangle measuring 10m x 15m.</p>	<p>Complies Mixed lot sizes</p>

<p>Solar orientation of lots objective</p> <ul style="list-style-type: none"> To provide good solar orientation of lots and solar access for future dwellings. <p>56.04-03 Standard C9</p>	<p>The lots are appropriately orientated to maximize solar orientation.</p>	<p>Complies</p>
<p>Street orientation</p> <ul style="list-style-type: none"> To provide a lot layout that contributes to community social interaction, person safety and property security. <p>56.04-03 Standard C10</p>	<p>Lots will have street frontage to Bury Street, Campbell Street and Elgin Avenue.</p>	<p>Complies</p>
<p>Common areas objectives</p> <ul style="list-style-type: none"> To identify common areas and the purpose for which the area is commonly held. To ensure the provision of common area is appropriate and that necessary management arrangements are in place. To maintain direct public access throughout the neighbourhood street network. <p>56.04-05 Standard C11</p>	<p>No common area proposed.</p>	<p>Complies</p>
<p>Integrated Urban Landscape</p> <ul style="list-style-type: none"> To provide attractive and continuous landscaping in streets and public open spaces that contribute to the character and identity of new neighborhoods and urban places or to existing or preferred neighbourhood character in existing urban areas. To incorporated natural and cultural features in the design of streets and public open space where appropriate. To protect and enhance native habitat and discourage the planting and spread of noxious weeds. To provide integrated water management systems and contribute to drinking water conservation. <p>Clause 56.05-1 Standard C12</p>	<p>The planting of street trees or any landscaping can be undertaken in accordance with any relevant Council Policies and as directed by the Responsible Authority.</p>	<p>Complies Condition for Landscaping Plan</p>
<p>Walking and Cycling Network</p> <ul style="list-style-type: none"> community health and well-being by encouraging walking and cycling as part of the daily lives of residents, employees and visitors. To provide safe and direct movement through and between neighborhoods by pedestrians and cyclists. To reduce car use, greenhouse gas emissions and air pollution. <p>Clause 56.06-2 Standard C15</p>	<p>The site is within reasonable distance to commercial, educational and recreational facilities and public transport. These facilities are easily walked or cycled.</p>	<p>Complies The site is:</p> <ul style="list-style-type: none"> 36 metres from Euroa Secondary College 20 metres from the Goodstart Early Learning Centre 210 metres from the Swimming Pool and Lions Park 480 metres to St Johns School

		<ul style="list-style-type: none"> • 540 metres from Euroa Primary School • 710 metres to the main shopping district and medical services
Neighbourhood Street Network <ul style="list-style-type: none"> • To provide for direct, safe and easy movement through and between neighborhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood street network. Clause 56.06-4 Standard C17	No internal public roads will be constructed as part of this subdivision.	Complies
Walking and cycling Network detail <ul style="list-style-type: none"> • To design and construct footpaths, shared path and cycle path networks that are safe, comfortable, well-constructed and accessible for people with disabilities. • To design footpaths to accommodate wheelchairs, prams, scooters and other footpath bound vehicles. Clause 56.06-5 Standard C18	No internal public roads will be constructed as part of this subdivision.	Complies
Neighbourhood Street Network Detail <ul style="list-style-type: none"> • To design and construct street carriageways and verges so that the street geometry and traffic speed provide an accessible and safe neighbourhood street system for all users. Clause 56.06-7 Standard C20	No internal public roads will be constructed as part of this subdivision.	Complies

Clause 56.06 – Access and Mobility Management

Objective	Applicant Comment	Council Comment
Lot access objective <ul style="list-style-type: none"> • To provide for safe vehicle access between roads and lots. 56.06-08 Standard C21	The lots are larger than 500sqm	Complies Lots are larger than 300sq metres and will have road frontage.

Clause 56.07 – Integrated Water Management

Objective	Applicant Comment	Council Comment
Drinking water supply objectives <ul style="list-style-type: none"> • To reduce the use of drinking water. • To provide an adequate, cost-effective supply of drinking water. 56.07-01 Standard C22	Reticulated potable water supply will be provided in accordance the requirements of the relevant Water Authority.	Complies Water connections are available and will be conditioned on any planning permit issued. Water is available to the north eastern corner and the adjacent side of Bury Street and Campbell Street.
Reused and recycled water objective	It is unlikely that recycled water will be	Unavailable

The decision guidelines of Clause 65

Clause 65.01 approval of an Application or Plan

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

The matters set out in section 60 of the Act.	The application complies with Section 60 of the Act.
Any significant effects the environment, including the contamination of land, may have on the use or development.	<p>There is native vegetation on and offsite and the land is affected by the Land Subject to Inundation Overlay.</p> <ul style="list-style-type: none"> • Clause 52.17 Native Vegetation requirements have been assessed. • The proposal was referred to GBCMA who do not object. Any future dwelling will be required to be constructed 300 millimetres above the general surrounding ground level to safeguard against over-floor flooding associated with localised severe thunderstorms.. • The site will be connected to town water and sewer. • Appropriate Conditions regarding drainage will be included on any issued planning permit.
The Municipal Planning Strategy and the Planning Policy Framework.	Relevant policies including drainage and flooding have been addressed above in the report.
The purpose of the zone, overlay or other provision.	The proposal is within the General Residential Zone. The proposal creates infill development for residential purposes. A planning permit is required in the Land Subject to Inundation Overlay and has been referred to GBCMA and appropriately addressed throughout this report.
Any matter required to be considered in the zone, overlay or other provision.	<p>The proposal is within the General Residential Zone. Clause 56 has been addressed.</p> <p>The application has been referred to GBCMA and DELWP.</p>
The orderly planning of the area.	The proposal is considered orderly and will not result in over development of the site.
The effect on the environment, human health and amenity of the area.	<p>Lots are of mixed sizes, and the proposal is consistent with surrounding development. There is native vegetation on and offsite and overland drainage.</p> <ul style="list-style-type: none"> • The site will be connected to town water and sewer. • The application was referred to GBCMA who do not object.

	<ul style="list-style-type: none"> • Appropriate drainage Conditions will be included on any issued planning permit. • Native vegetation has been addressed under Clause 52.17.
The proximity of the land to any public land.	The site is within 36 metres of the Public Use Zone for education. (Euroa Secondary College. The proposal is not considered to have any detrimental impact on the site or the school.
Factors likely to cause or contribute to land degradation, salinity or reduce water quality.	Appropriate drainage conditions will be included on any planning permit issued.
Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.	Drainage Conditions will be included.
The extent and character of native vegetation and the likelihood of its destruction.	Addressed under Clause 52.17
Whether native vegetation is to be or can be protected, planted or allowed to regenerate.	As above
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.	<p>The subject site is in the Land Subject to Inundation and was referred to GBCMA. GBCMA have consented to the proposal. (Please see detailed within this report.)</p> <p>The site is not within the Erosion Management Overlay. Standard erosion prevention Conditions have been included.</p> <p>The site is not within the Bushfire Management Overlay, however it is within the Bushfire Prone Area. Conditions have been included regarding access and hydrants for CFA access requirements under the Construction plan requirements.</p>
The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts	The proposal will not create any road safety impacts and road access and lot sizes will be adequate to facilitate any loading and unloading.

Clause 65.02

Approval of an application to Subdivide Land

Before deciding on an application to subdivide land, the responsible authority must also consider, as appropriate:

The suitability of the land for subdivision.	<p>The land is within the General Residential Zone and is considered appropriate for infill development.</p> <p>The land is within the Land Subject to Inundation Overlay, GBCMA have consented.</p> <p>The above mentioned property will not be subject to flood overlay controls once the proposed Strathbogie Planning Scheme Amendment C052 is adopted.</p>
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	Appropriate Conditions will be included regarding road construction, footpaths, drainage and kerb and channel.
The existing use and possible future development of the land and nearby land.	The land is within the General Residential Zone of the Euroa township and the surrounding lots contain residential development. It is considered the proposal will not impact future residential development or the nearby School and Childcare Centre, including the land zoned for Public Use- Education.
The availability of subdivided land in the locality, and the need for the creation of further lots.	The lot has an area of 0.9 hectares and has been identified in strategic documents for infill development.
The effect of development on the use or development of other land which has a common means of drainage.	The vacant land will form thirteen lots of mixed size the proposed lots are more than 400 square metres. A planning permit is required in the Land Subject to Inundation Overlay. The application was referred to GBCMA who have consented to the proposal. Appropriate drainage Conditions in accordance with the IDM will be included on any issued planning permit.
The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.	The land has an area of 0.9 hectares and will create lots less than 0.4 hectares, therefore the Native vegetation assessed on site will be considered consequentially lost. The application was referred to DELWP who agree that the applicant has attempted to minimise the impact on vegetation via lot layout. DELWP has assessed this application in accordance with the intermediate assessment pathway. The total area of native vegetation proposed to be lost totals 0.142 hectares within location category 1. This is comprised of: <ul style="list-style-type: none"> • Two (2) patches of native vegetation with a total area of 0.009 hectares • One (1) large scattered tree • Two (2) small scattered trees
The density of the proposed development.	The proposed lots vary from 462 square metres to 790 square metres. The existing lots in the area vary from 10116 square metres to 482 square metres and therefore this is considered in keeping with the character of the area.

<p>The area and dimensions of each lot in the subdivision.</p>	<p>Lot 1- 469 Square metres Lot 2- 476 Square metres Lot 3- 764 Square metres Lot 4- 763 Square metres Lot 5- 761 Square metres Lot 6- 462 Square metres Lot 7- 474 Square metres Lot 8- 771 Square metres Lot 9- 770 Square metres Lot 10- 782 Square metres Lot 11- 790 Square metres Lot 12- 785 Square metres Lot 13- 784 Square metres</p>
<p>The layout of roads having regard to their function and relationship to existing roads.</p>	<p>The two allotments form a corner block, bound by three road reserves.</p> <ul style="list-style-type: none"> • Bury Street adjoins the southern side of the subject site. It is dual carriageway and sealed. • Campbell Street adjoins the western side of the subject site. It is dual carriageway and sealed. • Elgin Avenue adjoins the northern boundary of the subject site. It is unsealed and currently has a portion which is a no through road. This will be required to be constructed in accordance with the IDM to the satisfaction of the Responsible Authority. This will allow orderly access from both ends of Elgin Avenue.
<p>The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.</p>	<ul style="list-style-type: none"> • Bury Street Footpaths run along either side of the street. • Campbell Street Footpath on the eastern side of the road, adjoining the subject site. • Elgin Avenue Footpath construction requirements will be to the satisfaction of the Responsible Authority in accordance with the IDM.

The provision and location of reserves for public open space and other community facilities.	The proposal is for thirteen (13) lots and public open space requirements will be Conditioned on any planning permit issued.
The staging of the subdivision.	The subdivision is not proposed to be staged.
The design and siting of buildings having regard to safety and the risk of spread of fire.	The subject site is not in the Bushfire Management Authority and does not create any additional roads. The land is within the Bushfire Prone Area, any road upgrading must meet CFA requirements including hydrants.
The provision of off-street parking.	There is ample provision for off-street parking and onsite.
The provision and location of common property.	No common property proposed.
The functions of any body corporate.	N/A
The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.	Services are available and will be required via Conditions on any issued planning permit.
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.	Sewer connections are available. The application was referred to GVW, who have consented subject to Conditions which will be included on any issued planning permit.
Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.	(As Above)
The impact the development will have on the current and future development and operation of the transport system.	Nil Existing road network will be utilised, and Elgin Avenue will require upgrading by Conditions.

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

There are no other relevant adopted State Policies/strategies

Relevant incorporated, reference or adopted documents

Infrastructure Design Manual, Shire of Campaspe, City of Greater Bendigo, Greater Shepparton City Council, Version 4, March 2013
Euroa Township Strategy 2020
Euroa Structure Plan

Conditions will be included on any planning permit issued to ensure infrastructure associated with the subdivision is constructed to the IDM standards.

The Euroa Township Strategy encourages opportunities for the provision of a more diverse range of housing types to suit lifestyle choices and assist aging in place. Strategy 3 encourages appropriate residential infill consolidation and development of vacant unconstrained General Residential Zone (GRZ1) land as a priority over the rezoning of new land for urban purposes.

The subject site is located within the Euroa Township and is situated between the Hume Freeway to the southeast and the railway line to the north. The land consists of two titles. The site is located in an area where walking to local facilities and activity centres is achievable.

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 of Key Issues and Assessment

Officer Response:

- The land has an area of more than 0.9 hectares, proposed lots are less than 0.4 hectares. Clause 52.17 has been assessed. Consequential loss of Vegetation has been considered and addressed via Conditions and offset requirements as per DELWP recommendations.
- The site is located in the General Residential Zone and lends itself to future infill development.
- The proposed lots vary from 462 square metres to 790 square metres. The existing lots in the area vary from 10116 square metres to 482 square metres and therefore this is considered in keeping with the character of the area.
- The application complies with Clause 56 requirements.
- The land is in the Land Subject to Inundation Overlay
The application was referred to GBCMA. GBCMA have advised since the completion of the Euroa Water Management Scheme by Strathbogie Shire Council under the Water Act, 1989 (Castle Creek Town Levee) the above-mentioned site is now protected from a repeat of a 100-year ARI type flood. This has been confirmed with the Euroa Post Flood Mapping and Intelligence Study (Cardno, 2015).

The Strathbogie Shire Council in association with the Goulburn Broken Catchment Management Authority, is preparing to amend the flood related planning overlay controls based on the findings of the Euroa Post Flood Mapping and Intelligence Study. This amendment is known as Strathbogie Planning Scheme Amendment C052.

The abovementioned property will not be subject to flood overlay controls once the amendment is adopted.

The Goulburn Broken Catchment Management Authority advised that the finished floor level of any future proposed dwellings would need to be constructed at least 300 millimetres above the general surrounding ground level to safeguard against over-floor flooding associated with localised severe thunderstorms.

- The application has one objection in relation to footpaths, roads and gutters, drainage, water flow and any fill on the land, fencing and extra cars driving and parking. These concerns have been addressed in this report and appropriate Conditions regarding construction will be included on any planning permit issued.

Conclusion

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

Decision:

Delegate Report <input type="checkbox"/>	Committee Report <input type="checkbox"/>
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**Copy of permit to:**

GBCMA

AusNet

APA

GVW

Date sent:..... Initials:.....