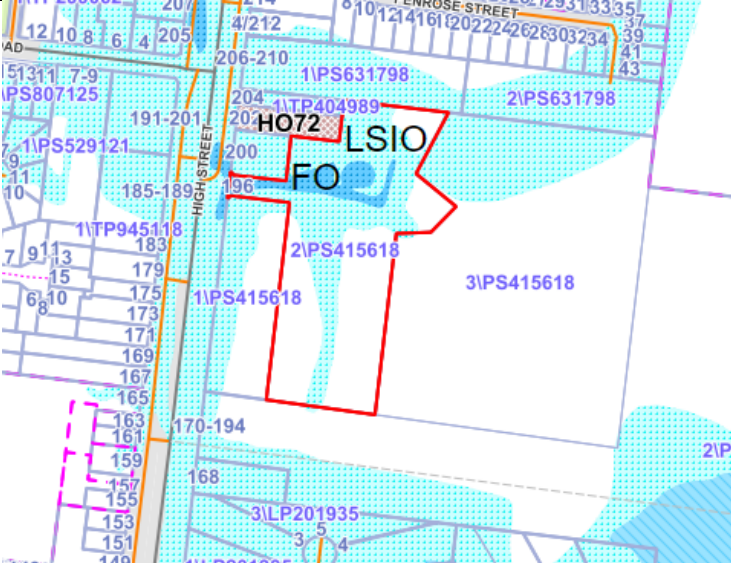


Officer Report

Application Details:

Application is for:	Multi Lot Subdivision; Creation of Access and Subdivision Adjacent to the Principal Road Network; Removal of Native Vegetation
Applicant's/Owner's Name:	Onleys
Date Received:	08 January 2021
Statutory Days:	More than 60 statutory days Had to become part of a wholistic approach to this location for development given no DPO to guide Received objections Presented to Council
Application Number:	P2021-005
Planner: Name, title & department	Gillian Williamson Principal Planner Planning and Investment Department
Land/Address:	Lot 2 PS415618 196 High Street, Nagambie VIC 3608
Zoning:	General Residential Zone Schedule 1 <i>Note - Adjacent to the Principal Road Network and therefore requires referral to DoT – TRZ2</i>
Overlays:	Nil <i>Note - <u>Heritage Overlay</u> Adjacent to HO72 – former Goulburn Valley Common School Pine Lodge – it has not been referred to the Heritage Advisor given it is has already been rezoned a number of years ago and there is an assumption that this would have been addressed at the time. However the HO adjacent will be noted and assessed in the report.</i> <i><u>Planning Scheme Amendment C052</u> Applies the FO and LSIO to this subdivision location and GBCMA have been referred to for their input/comments.</i>

	
Is a CHMP required?	No It is not within an ACHS
Is it within an Open Potable Catchment Area?	No
Under what clause(s) is a permit required? (include description)	<p><u>General Residential Zone Schedule 1</u> Pursuant to Clause 32.08-3 a permit is required to subdivide land. An application must meet the requirements of Clause 56.</p> <p><u>Clause 52.17 Native Vegetation</u> Pursuant to Clause 52.17-1 a permit is required to remove native vegetation. An application to remove, destroy or lop native vegetation must comply with the application requirements specified in the Guidelines.</p> <p><u>Clause 52.29 Land Adjacent to the Principal Road Network</u> Pursuant to Clause 52.29-2 a permit is required to create access to a road in Transport Zone 2 and subdivide land adjacent to a road in Transport Zone 2.</p>
Restrictive covenants on the title?	No there is no covenant on title nor a Section 173 Agreement.
Current use and development:	Vacant residential land
Adjacent to the Principal Road Network	Yes
Status of Road on Road Register	TRZ2
Adjacent to Public Land	No

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 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 caused notice of Planning Application No. P2021-005 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme;
- and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a **Notice of Decision to Grant a Permit** under the provisions of the Strathbogie Planning Scheme in respect of the land known as (L2 PS415618 V10384 F571 Parish of Tabilk), **196 High Street, Nagambie VIC 3608**, for the **Multi Lot Staged Subdivision; Creation of Access and Subdivision Adjacent to the Principal Road Network; Removal of Native Vegetation**, in accordance with endorsed plans, subject to the following conditions:

Conditions:

Endorsed Plan Subdivision:

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

General Amenity:

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

Telecommunications:

3. 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.
4. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
- A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - A suitable qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Telecommunications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Referral Under Section 8 of the Subdivision Act 1988:

5. 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:

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

Road Names:

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

Street Addressing:

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

Engineering:

Construction Management Plan

9. Prior to the commencement of works, including demolition and excavation, and Certification being issued, a Construction Management Plan must be submitted to and approved by the Responsible Authority. No works are permitted to occur until the Plan has been approved by the Responsible Authority. The plan must be in accordance with the IDM and provide details of the following:
- a) Hours for construction activity in accordance with any other condition of this Permit;
 - b) Measures to control noise, dust, litter, water and sediment laden runoff;
 - c) Measures to inform adjacent residents of work schedules;
 - d) Measures relating to removal of hazardous or dangerous material from the site, where applicable;

- e) A plan showing the location of parking areas for construction and sub- contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors / tradespersons upon completion of such areas, without delay;
- f) Contact details of key construction site staff;
- g) A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support site sheds on Council road reserves;
- h) Any other relevant matters.

Traffic Management Plan

10. 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 and the relevant Road 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) Access for all construction vehicles to be via the existing entry to the land and not via Penrose Street, unless otherwise agreed in writing.
 - e) Any other relevant matters.

Stormwater Management Plan

11. Prior to works commencing and Certification being issued, a properly prepared Stormwater Management Plan with an Overland Flow Analysis, with computations to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The information submitted must show the details listed in the council's Infrastructure Design Manual (IDM) and be designed in accordance with the requirements of that manual. The information and plans must include:
 - a) details of how the works on the land are to be drained *and/or* retarded;
 - b) computations including total energy line and hydraulic grade line for the existing and proposed drainage as directed by Responsible Authority;
 - c) independent drainage for each lot (for subdivisions only);
 - d) location of the overland flow paths within the development;
 - e) underground pipe drains conveying stormwater to the legal point of discharge for each allotment;
 - f) measures to enhance stormwater discharge quality from the site and protect downstream waterways Including the expected discharge quality emanating from the development (output from MUSIC or similar) and design calculation summaries of the treatment elements;
 - g) a maximum discharge rate from the site is to be determined by computation to the satisfaction of the Responsible Authority;
 - h) documentation demonstrating approval from the relevant authority for the legal point of discharge;
 - i) the details of the incorporation of water sensitive urban design in accordance with clause 20.3.1 of the Infrastructure Design Manual;

- j) the contours of the land as shaped to cause drainage to the legal point of discharge;
- k) the location, siting and design of any required retardation basin in accordance with the Infrastructure Design Manual and to the satisfaction of the Responsible Authority;
- l) and
- m) maintenance schedules for treatment elements.

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

Roads, Pathways and Common Access

12. Prior to the commencement of works and Certification being issued, final construction plans for all proposed roadways and pathways must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions, be in accordance with the IDM and must show: -

- a) All bearings, distances, levels, street names, lot numbers, lots sizes, reserves and easements;
- b) The road reserve, carriageway and verge widths;
- c) All infrastructure including drainage, concrete footpath, kerb and channel, public lighting and utility services;
- d) Vehicle crossing for each lot;
- e) Street tree locations;
- f) All surface details;
- g) Proposed court bowls;
- h) All relevant road signage and line marking; and
- i) Speed limit signs as appropriate.

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

- a) Pram crossings must be provided at all intersections to the satisfaction of the responsible authority.
- b) Include in the design plans recommendations resulting from any required Traffic Impact Assessment.
- c) Provide temporary turnaround areas for roads terminated at stage boundaries. The size must be sufficient to turn service and emergency vehicles around without reversing. A minimum of 250mm depth of approved crushed rock material is required.
- d) A pavement design must be submitted for the entire road network by a suitably qualified engineer in accordance with clause 12.7 of the IDM. Irrespective of such design a minimum pavement depth of 250mm must be provided in an approved material. Council requires that the pavement wearing course be in accordance with Clause 12.7.16.

- e) Design of roads and footpath must be accessible to people with disabilities and include tactile ground surface indicators, and kerb ramps required for the safe movement of people with disabilities as per relevant Australian Standards.
 - f) The Vehicle crossings to the subject allotments from the road must be constructed at a location and of a size and standard satisfactory to the Responsible Authority.
 - g) Subsoil drainage installed for all kerb and channel.
13. 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.
14. Prior to the issue of statement of compliance for the subdivision, vehicular crossings for each lot must be constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority, and must comply with the following: -
- a. Standard concrete residential vehicular crossings, as per standard drawing SD240 of the Infrastructure Design Manual, must be constructed at right angles to the common access road to suit the proposed driveways, and tie in with the new kerb and channel.
 - b. Any proposed vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense;
 - c. Crossings shall be either combined or at least 9 metres apart.
 - d. The entrance to the common access must be in accordance with Councils current standard for industrial vehicle crossings with reference made to standard drawing SD250.
 - e. Standard vehicular crossings shall be constructed at right angles to the road to suit the proposed driveways, and any existing redundant crossing shall be removed.
 - f. The vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree.
 - g. Any new, relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense. Final location of vehicle crossing must be approved by Responsible Authority via vehicle crossing permit. Refer to Clause 12.9.1 "Urban Vehicle Crossings" of the Infrastructure Design Manual. Where there is no existing kerb and channel in the street refer to standard drawing SD255.
 - h. The developer must have obtained a vehicle crossing permit from the responsible authority for each lot and have constructed the vehicle crossing in accordance with the requirements.

Landscaping

15. Prior to the works commencing / Certification being issued, a detailed landscape plan, for the whole of the site, must be prepared and implemented. The detailed landscape plan must be to the satisfaction of the responsible authority and must be submitted and assessed against the construction plans by the responsible authority. The landscape plan must be drawn to scale with dimensions and must show:
- a. A survey of all existing vegetation and natural features showing plants (greater than 1200mm diameter) to be removed.

- b. Landscaping of any proposed retardation basin and its surrounds and other proposed public land within the subdivision.
 - c. Additional planting within the road reserve frontage of the land, as relevant.
 - d. Details of the boundary fencing for the lots backing onto and abutting any proposed retardation basin and other reserves that includes a range of fencing styles so as not to create a solid fencing treatment along these boundaries.
 - e. Details of fencing of any proposed retardation basin.
 - f. Provision of a gravel path, avoiding the removal of native vegetation, along the road reserve frontage of the land.
 - g. Vehicle access points for each lot in the subdivision.
 - h. Details of all pathways linking parts of the development including the surface finishes.
 - i. Detailed planting schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.
 - j. The removal of all existing disused structures, foundations, pipelines or stockpiles and the eradication of weeds,
 - k. All trees planted as part of the landscape works shall have a minimum height of 2.0 to 2.5m at the time of planting.
 - l. The supply and spread of sufficient topsoil and sub soil if required on the proposed areas of open space to provide a stable, free draining surface and hydro-seeding of proposed grass areas (including within the drainage reserve),
 - m. Soil quality and planting techniques in median or verge tree planting zones along arterial roads (including service road nature strips) that will support full growth of medium to large trees.
 - n. Mechanisms for the exclusion of vehicles,
 - o. All proposed open space, streetscape embellishments such as installation of pathways, garden beds, seating, shelters, picnic facilities, boardwalks, tree planting, signage, drinking fountains, irrigation systems, playgrounds, artwork, retaining walls, protective fencing (temporary and permanent), wetlands and ornamental water bodies (including within the drainage reserve).
 - p. A planting schedule of all proposed trees, shrubs and ground cover, which will include the location, number of size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface materials as specified.
16. 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.
17. 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.
18. 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

19. 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 and with neighbouring properties in consultation with

those neighbouring property owners. Such fencing for the reserve areas is to be constructed no higher than 1.5 metres without written consent from the Responsible Authority.

Engineering Plans

20. 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.
21. Prior to issuing the Statement of Compliance for the subdivision or for each stage of the subdivision, the owner or developer must submit the following –
 - a) An assets statement for each street.
 - b) 'As Constructed' information for the entire work in each development and stage, detailing information as listed in the Infrastructure Design Manual.
 - c) A certified plan showing the extent and depth of fill in excess of 300mm placed on any of the allotments.
 - d) 'As Constructed' drainage information provided in D Spec format to Council's satisfaction.

Road Construction

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

Street Lighting

23. 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

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

Site Management During Construction

25. 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).

26. In the event of mud, crushed rock or other debris being carried onto public roads, adjoining private properties, or footpaths, from the subject land, appropriate measures must be implemented to minimise the problem to the satisfaction of the Responsible Authority.
27. 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.
28. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the Responsible Authority.
29. 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.
30. 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

31. 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.
32. 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.
33. 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

34. 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

35. Prior to the issue of Statement of Compliance, a Section 173 Agreement must be entered into that provides for the following requirements (a to f):

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

Country Fire Authority:

Hydrants

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

Roads

37. Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle 15 tonnes for the trafficable road width –
- a) The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degrees) entry and exit angle.
 - b) Curves must have a minimum inner radius of 10 metres.

- c) Minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5metres on each side and 4 metres above the access way.
- d) Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

Department of Environment, Water, Land and Planning:

Notification of permit conditions

- 38. Before any works start, the permit holder must advise all persons undertaking the works on site, including native vegetation removal, of all relevant permit conditions and associated statutory requirements or approvals.

Protection of retained vegetation

- 39. Before works start, a plan to the satisfaction of the Strathbogie Shire identifying all native vegetation to be retained and describing the measures to be used to protect the identified vegetation during constructions, must be prepared and submitted to and approved by the responsible authority. When approved the plan will be endorsed and will form part of this permit. All works constructed or carried out must be in accordance with the endorsed plan.

Except with the written consent of the Strathbogie Shire, within the area of native vegetation to be retained and any tree or vegetation protection zone associated with the permitted use and/or development the following is prohibited –

- a) Vehicular or pedestrian access;
- b) Trenching or soil excavation;
- c) Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products;
- d) Entry and exit pits for the provision of underground services: and
- e) Any other actions or activities that may result in adverse impacts to retained vegetation.

Native vegetation permitted to be removed, destroyed or lopped

- 40. The native vegetation permitted to be removed, destroyed or lopped under this permit is 0.134 hectares of native vegetation comprised of –
 - a) 1 scattered large tree.
 - b) 3 scattered small trees.
 - c) With a strategic biodiversity value of 0.100

Native vegetation offsets

- 41. To offset the removal of 0.134 hectares of native vegetation, the permit holder must secure the following native vegetation offset in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017)* –
 - a) A general offset of 0.051 general habitat units –
 - I. Located within the Goulburn Broken Catchment Management boundary or Strathbogie Shire municipal area;
 - II. With a minimum strategic biodiversity value of at least 0.080.

Before any native vegetation is removed evidence that the offset requirement by this permit has been secured must be provided to the satisfaction of Strathbogie Shire. This evidence must be one or both of the following –

- a) An established first party offset site including a security agreement signed both parties, and a management plan detailing the 10 year management actions and ongoing management of the site; and/or
- b) Credit extract(s) allocated to the permit from the Native Vegetation Credit Register.

A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit.

Where the offset includes a first party offset(s) the permit holder must provide an annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement for a period of 10 consecutive years. After the tenth year the landowner must provide a report at the reasonable request of the statutory authority.

Goulburn Valley Water Corporation:

42. The permit holder must arrange:

- (a) Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;
- (b) 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. (The works may include, but not be limited to the upsizing of existing water mains, construction of a water booster pumping station, storage or tanks and trunk mains);
- (c) Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;
- (d) Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation; (The works may include, but not be limited to the construction of a sewerage pumping station, existing sewer augmentation works, downstream sewer augmentation works, rising mains, trunk mains and gravity mains);
- (e) Reserves for sewerage pump stations to be in favour of Goulburn Valley Region Water Corporation. The reserve must be adequately sized to enable unrestricted access to the sewerage pump station for operation and maintenance purposes. The reserve must not be encumbered by any easements;
- (f) Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property;
- (g) Pursuant to Section 36 of the Subdivision Act, if the Corporation considers that, for the economical and efficient subdivision and servicing of the land covered by the Application for Permit, it requires the owner of the land to acquire an easement over other land in the vicinity. That is any land not owned by the Developer through which a sewerage extension servicing the development is to be located, easement shall be created in favour of the Corporation;
- (h) 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.

- (i) 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.
- (j) **Downstream Water Supply network augmentation works are required.**

AusNet Electricity Services:

- 43. 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.
- 44. The applicant must –
 - Enter into an agreement with AusNet Electricity Services Pty Ltd for supply of electricity to each lot on the endorsed plan.
 - Enter into agreement with AusNet Electricity Services Pty for the rearrangement of the existing electricity supply system.
 - Enter into an agreement with AusNet Electricity Services Pty for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AusNet Electricity Services Pty.
 - Provide easements satisfactory to AusNet Electricity Services Pty for the purpose of the Power Line in favour of AusNet Electricity Services Pty pursuant to Section 88 of the Electricity Industry Act 2000 where easements have not been otherwise provided, for all existing AusNet Electricity Services Pty electric power lines for any new power lines required to service the lots on the endorsed plan and/or abutting land.
 - Obtain for the use of AusNet Electricity Services Pty any other easement required to service the lots.
 - Adjust the position of any existing AusNet Electricity Services Pty easement to accord with the position of the electricity line/s as determined by survey.
 - Set aside on the plan of subdivision Reserves for the use of AusNet Electricity Services Pty for electric substations.
 - Provide survey plans for any electric substations required by AusNet Electricity Services Pty and for associated power lines and cables and executes leases for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. AusNet Electricity Services Pty requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.
 - Provide to AusNet Electricity Services Pty a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
 - Agree to provide alternative electricity supply to lot owners and / or each lot until such time as permanent supply is available to the development by AusNet Electricity Services Pty. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
 - Ensure that all necessary auditing is completed to the satisfaction of AusNet Electricity Services Pty to allow the new network assets to be safely connected to the distribution network.

Goulburn Broken Catchment Management Authority:

- 45. All proposed lots are flood free during a 100 year ARI (1% AEP) flood level (ie. the lots are elevated above the applicable 100 year ARI (1% AEP) flood level).

46. Flood depths on all internal roads and accessways do not exceed 0.3 metres during a 100 year ARI (1% AEP) flood event.
47. The proposed development does not result in adverse flood impacts on surrounding properties.
48. An updated Flood Impact Assessment based on the revised plan of subdivision is to be provided to the Goulburn Broken CMA for its review and endorsement prior to the CMA issuing a Statement of Compliance.

Department of Transport:

49. Only one access will be permitted from subject land to High Street as shown on the plan (project number -5583) appended to the application.
50. Prior to the certification of the plan of subdivision, a Functional Layout Plan must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be generally in accordance with the plans date stamped 04/05/22, Project No. – 5583 & Drawing number – 5583.01 but modified to show :
 - a) Urban Auxiliary Right Turn (AUR) treatment and Urban Auxiliary Left Turn (AUL) treatment at the intersection of Subdivisional Road and High Street.
51. Prior to the release of a statement of compliance the following roadworks must be completed at the intersection of Subdivisional Road and High Street to the satisfaction of and at no cost to the Head, Transport for Victoria:
 - a) Urban Auxiliary Right Turn (AUR) treatment.
 - b) Urban Auxiliary Left Turn (AUL) treatment.
 - c) Any other works required.

Expiry of Permit – Subdivision:

52. This permit will expire if:
 - a) The plan of subdivision is not certified within two years from the date of this permit; or
 - b) The subdivision is not completed within five years from the date of certification of the plan of subdivision.The Responsible Authority may extend the time at part (a) if a request is made in writing before the permit expires or within six months afterwards

Expiry of Permit – Native Vegetation:

53. 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

Goulburn Valley Water

- Please note that based on Goulburn Valley Water standard for the purpose of water supply security a second connection point will potentially be required if the number of lots serviced exceeds 40 lots.
- Where the land is to be developed in stages, the above conditions will, in general, apply to any subsequent stage of the estate development. However, as any future stages of the development will be connected to the Corporation's water supply and sewerage systems independently of this stage, the Corporation reserves the right to revise any conditions applicable to any subsequent stages lodged.

AusNet Electricity Services Pty

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

Goulburn Broken Catchment Management Authority

- 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.

Country Fire Authority

- CFA does not consent to the Certification of the Plan of Subdivision and Statement of Compliance for Subdivision at this stage.
- The current proposal shows a direct interface between the subdivision and adjacent grassland vegetation to the east which may result in high construction standards (Bushfire Attack Levels) and have implications for future development of the land depending on staging of this development and development occurring on the adjoining land.
- The siting and layout of the subdivision should consider the vegetation located on the surrounding land and avoid creating new development conflicts with the updated state bushfire planning policy contained at Clause 13.02 of the planning scheme.
- Additional information on bushfire planning provisions and the BPA can be found on the DELWP website <https://www.planning.vic.gov.au/bushfire-protection/building-in-bushfire-prone-areas>.

Department of Transport

- Separate 'detailed design' approval (fees and charges apply) and the specification of these are required under the Road Management Act. For the purpose of application the works will include provision of:
 - Urban Auxiliary Right Turn (AUR) treatment.
 - Urban Auxiliary Left Turn (AUL) treatment.
 - Any other works in the arterial road reserve.

- Please forward all details to nriw.ntheastern@roads.vic.gov.au . Further information regarding VicRoads consent to work within the road reserve can be found on the VicRoads website <https://www.vicroads.vic.gov.au/business-and-industry/design-and-management/working-within-the-road-reserve>

End of Conditions

Proposal

The proposal is for a multi lot (36) subdivision in a residentially zoned area south of the township of Nagambie. This subdivision is one of four subdivision proposals occurring in this location, three of which are being assessed by Council at this time and one more is being redesigned for public notice and subsequent assessment. Access is primarily from High Street and the lots range in size from 500 square metres in area to 1220 square metres in area.

APPROXIMATE TRUE NORTH

HIGH STREET

CEMETERY LANE

TEMPORARY TURNING CIRCLE

TEMPORARY TURNING CIRCLE

LOT 1: 705m²

LOT 2: 705m²

LOT 3: 640m²

LOT 4: 630m²

LOT 5: 640m²

LOT 6: 605m²

LOT 7: 1220m²

LOT 8: 720m²

LOT 9: 1036m²

LOT 10: 744m²

LOT 11: 870m²

LOT 12: 761m²

LOT 13: 615m²

LOT 14: 500m²

LOT 15: 565m²

LOT 16: 810m²

LOT 17: 810m²

LOT 18: 810m²

LOT 19: 810m²

LOT 20: 810m²

LOT 21: 810m²

LOT 22: 720m²

LOT 23: 720m²

LOT 24: 795m²

LOT 25: 631m²

LOT 26: 701m²

LOT 27: 720m²

LOT 28: 720m²

LOT 29: 720m²

LOT 30: 720m²

LOT 31: 720m²

LOT 32: 720m²

LOT 33: 720m²

LOT 34: 810m²

LOT 35: 729m²

LOT 36: 729m²

LOT 37: 729m²

LOT 38: 729m²

LOT 39: 729m²

LOT 40: 729m²

LOT 41: 8355m²

LOT 42: 8355m²

LOT 43: 8355m²

LOT 44: 8355m²

LOT 45: 8355m²

LOT 46: 8355m²

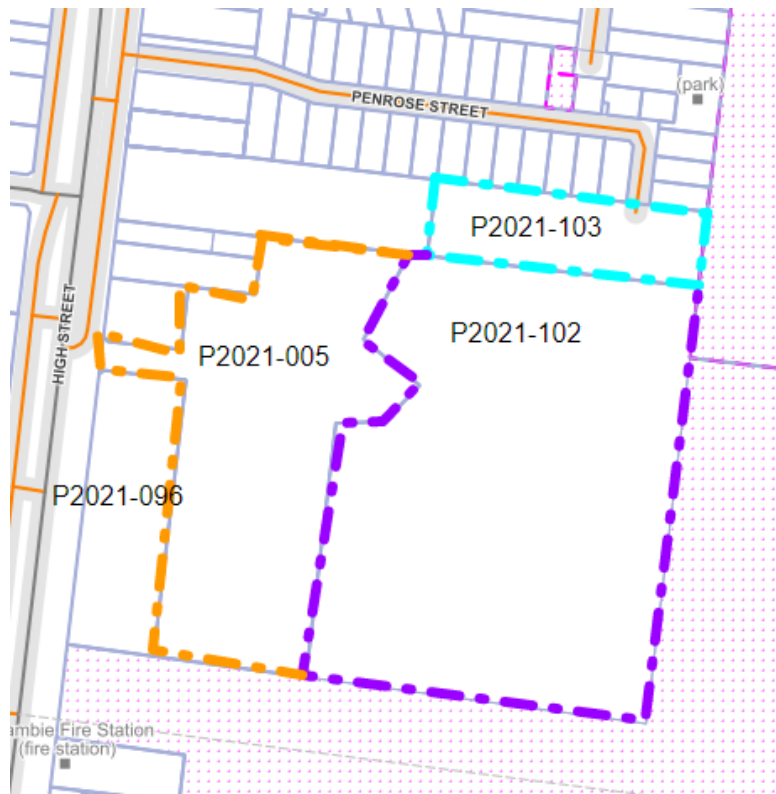
LOT 47: 8355m²

LOT 48: 8355m²

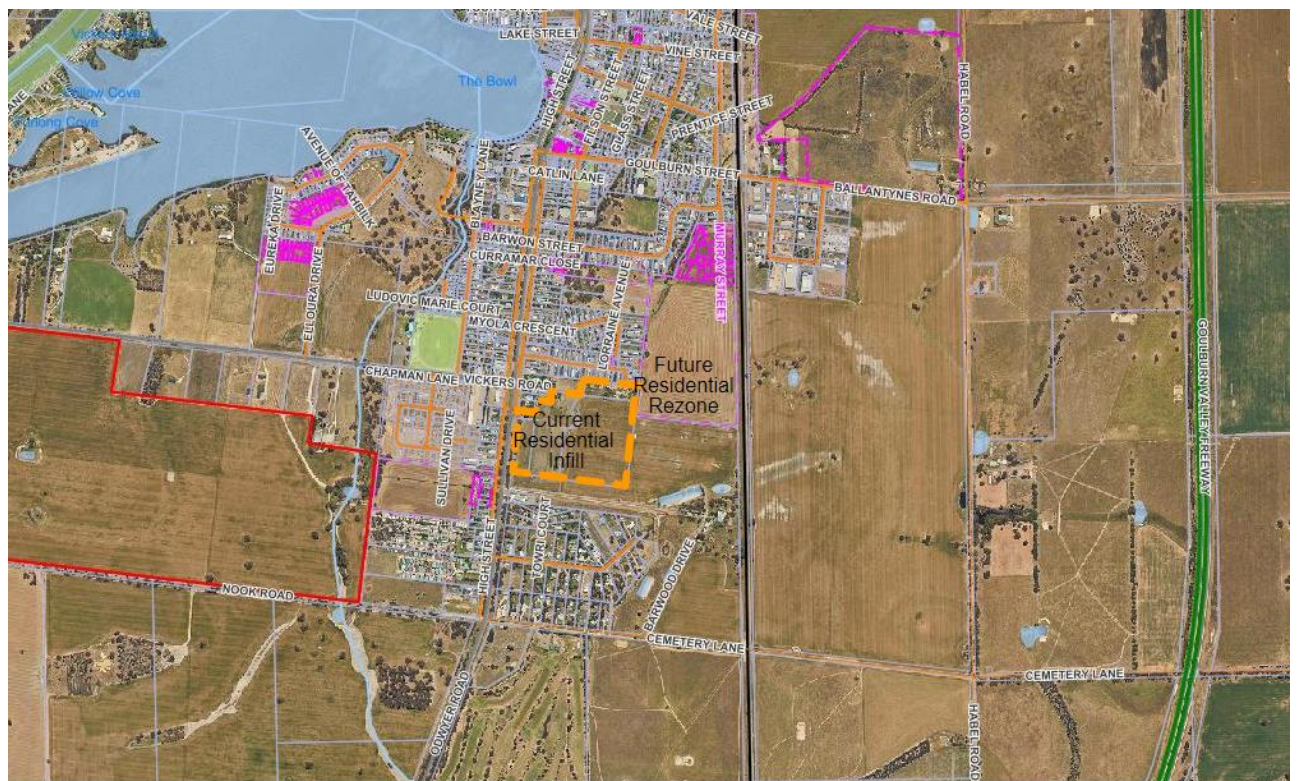
LOT 49: 8355m²

LOT 50: 8355m²

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Below is an indication of the current site within the town context -

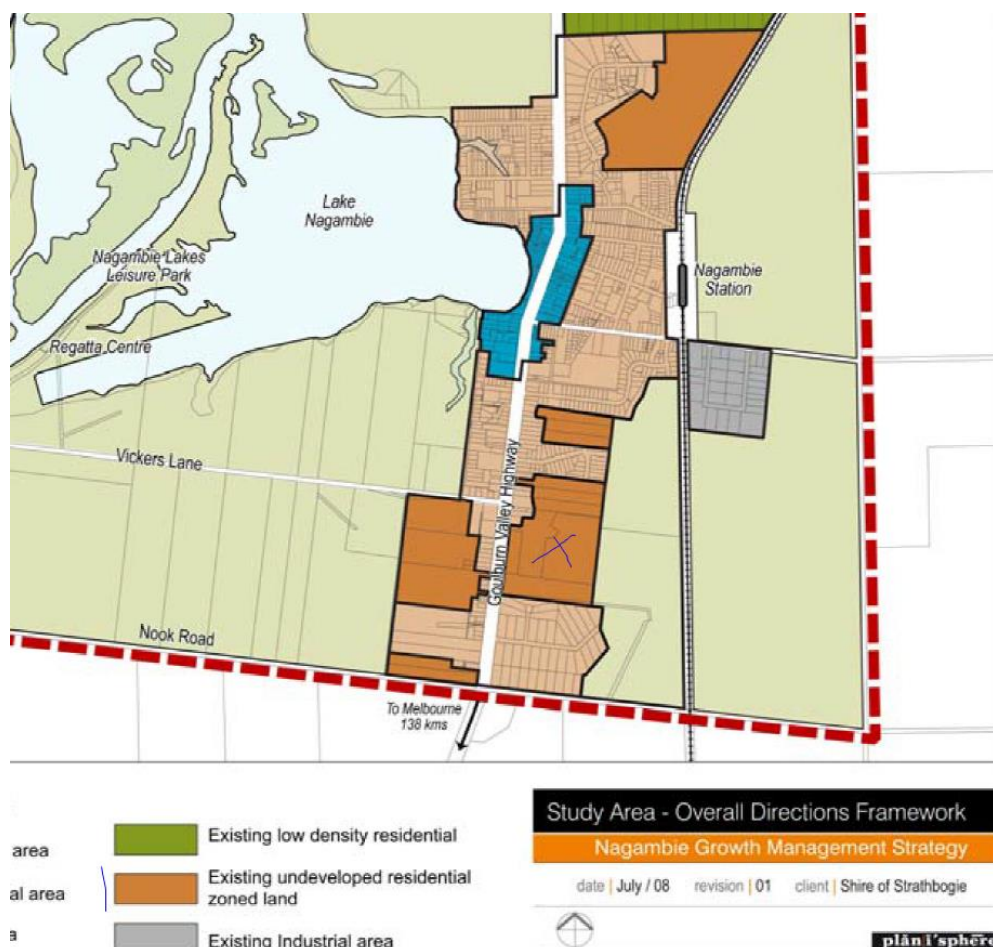


Subject site & locality

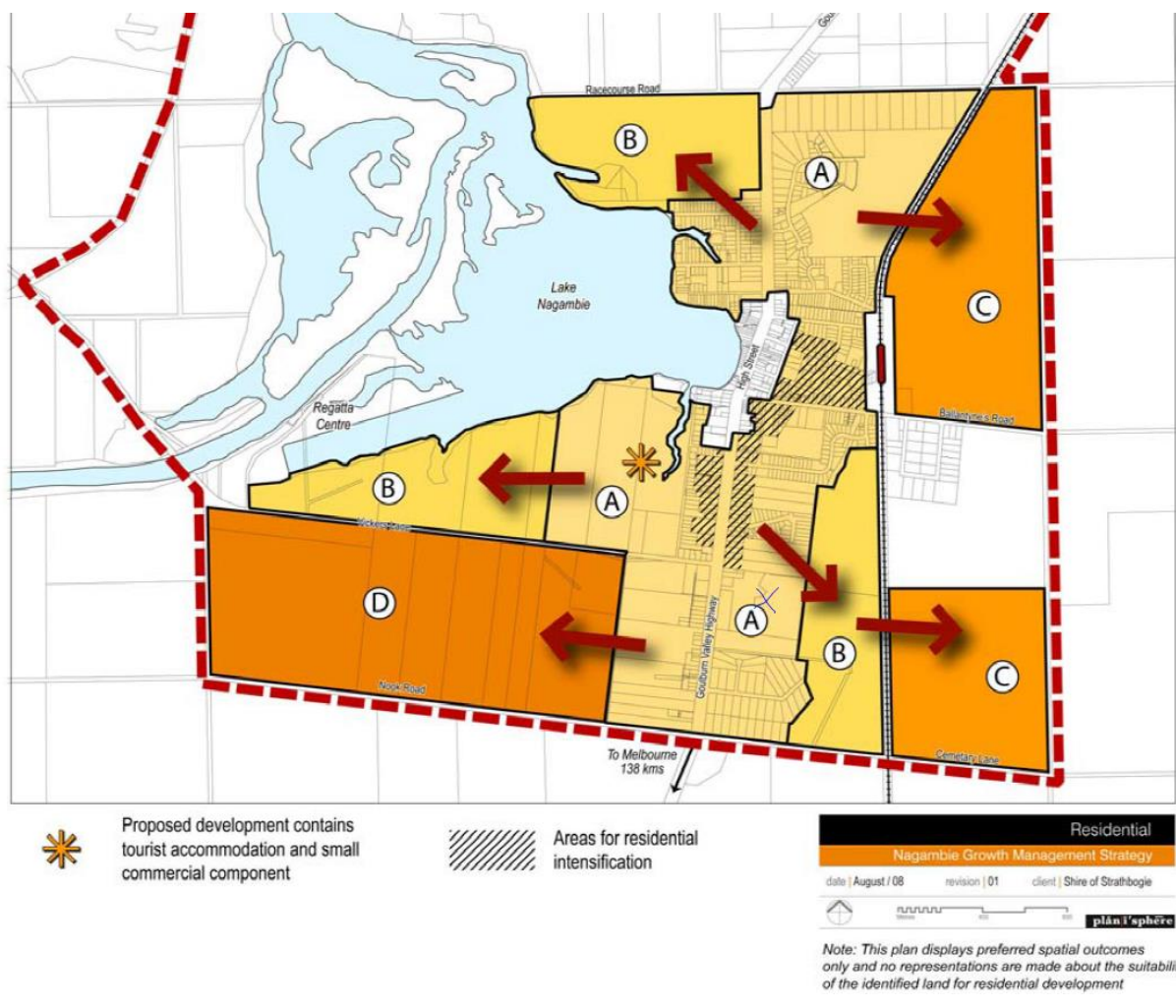
Inspection date/s: numerous	Officer: team	Notes: this greenfield site did not have a DPO applied at the rezone and therefore council organised a masterplan to guide developers, to ensure a good outcome for our community.
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The subject site is located to the south of the township of Nagambie and within easy walking/cycling distance of the commercial activity centre. This is considered an infill location for residential development now and into the future.

This area is identified in the Nagambie Growth Management Strategy 2008, which gives direction to owners, investors, government bodies, business operators and the Shire about preferred locations for investment and change, and areas that need to be retained or enhanced. Extensive community consultation was undertaken. The Vision for Nagambie is 'Nagambie will grow as both an agricultural service centre and as a visitor/lifestyle/retirement centre'.



This site is also within an identified area A in a hierarchy of how growth and development should occur in Nagambie, allowing for future population of just fewer than 10,000 people by 2030.



Permit/Site History

A search of Council's planning electronic records results in the following planning permits being issued for the site:

None as recorded on council's current systems.

Further Information

Further Information Required:		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
What was requested – how this proposal fitted in with the other proposals in this location given there is no DPO and how the drainage and connectivity would work wholistically			
FI Requested: Yes		FI Received: Yes	

Advertising/Public Notification

Is notification/advertisement required under section 52? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Exempt Please provide comment				
Advertised by:		<input checked="" type="checkbox"/> Council		<input type="checkbox"/> Applicant
Site plan selected:		<input checked="" type="checkbox"/> Plans for advertising		
		<input checked="" type="checkbox"/> Advertising list		
Add Instructions on Spear		<input type="checkbox"/> Yes		<input checked="" type="checkbox"/> No
Letters: Yes	Signs: Yes	Paper: No Website: Yes	Sent: 18/2/2021	Completed: 11/3/2021

Objections received?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Number: 4
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Objection
<u>Objection 1</u> <ul style="list-style-type: none"> • Water management and the impact on their property • Any landfill and impact on their property • Water pressure – currently very poor, how will the new subdivision affect this • Traffic issues particularly during holiday times • Would like to see plans proposed that are adjacent to our property <p>Would like a meeting with council to discuss concerns</p>
<u>Objection 2</u> <ul style="list-style-type: none"> • Water management and impact on their property • Land fill and run off and impact on their property • Water pressure already poor – can we be assured there will no further impact on this • Traffic management and impact on surrounding roads • Fencing – consultation? • Amenity impacts – how will they be controlled? • Does the developer intend to consult with the neighbours?
<u>Objection 3</u> <ul style="list-style-type: none"> • Water management and impact on their property • Land fill and run off and impact on their property • Water pressure already poor – can we be assured there will no further impact on this • Traffic management and impact on surrounding roads • Fencing – consultation? • Amenity impacts – how will they be controlled? • Does the developer intend to consult with the neighbours?
<u>Objection 4</u> <ul style="list-style-type: none"> • Water management and impact on their property • Land fill and run off and impact on their property • Water pressure already poor – can we be assured there will no further impact on this

- Traffic management and impact on surrounding roads
- Fencing – consultation?
- Amenity impacts – how will they be controlled?
- Does the developer intend to consult with the neighbours?

Officer Response

Once a revised plan of subdivision was received from the developer, in response to a request to ensure it referred to a Masterplan that council had initiated (given there was no Development Plan Overlay to guide this area) it was emailed to all the objectors and they were invited to meet with council officers in Nagambie to talk about their concerns and to go over the Masterplan for that area.

The history of the site was explained - it was identified and rezoned for residential development to accommodate the projected population growth a number of years previously (prior to 1997) and now it was happening very fast as is evidenced all over Nagambie.

In addressing their concerns, which are all the same, council officers explained that conditions on permit required management of all the matters they raised.

It was explained and discussed –

- that drainage of the site would be constructed and connected to the existing system and there should be no detrimental impact on surrounding areas;
- the site would be managed in accordance with a site management plan and there was an amenity condition that allowed council to take action if necessary;
- traffic management had been assessed and Department of Transport has given conditions; however it is inevitable that there would be an increase in traffic;
- fencing is the developers responsibility and individually it is likely to be able to be negotiated.

No objections have been withdrawn.

Consultation

Consultation was undertaken between the objectors and council officers.

Referrals

External Referrals/Notices required by the Planning Scheme:

REFERRALS					
Add instructions on SPEAR:				<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Referrals Authority	Type of Referral	Referral Clause and Description	Additional Instructions	Date sent	Date received including Advice/Response/Condition
CFA	Section 55 Determining	Clause 66.01	Hydrants will be required		Conditional consent
DELWP	Section 52		Native veg removal		Conditional consent
GBCMA	Section 52		Under C052 the FO and LSIO will apply		Conditional consent
GVW	Section 55 Determining	Clause 66.01	Potable water and sewer		Conditional consent

AusNet Electricity	Section 55 Determining	Clause 66.01	Power		Conditional consent
DoT	Section 55 Determining	Clause 66.03	Access to the PRN		Conditional consent
ENGINEER	Internal		Drainage Management of site during construction Civil infrastructure and other requirements		Conditional consent
APA	Section 55 Determining	Clause 66.01	There is no gas		No conditions No objection

Assessment

Zones and Overlays

General Residential Zone Schedule 1

The purpose is to encourage development that respects the neighbourhood character of an area; encourages a diversity of housing types and housing growth in locations offering good access to services and transport; and allows for other non residential uses that are appropriate in type and location.

Pursuant to Clause 32.08-3 a permit is required to subdivide land.

An application to subdivide land must meet the requirements of Clause 56.

An application for subdivision must be accompanied by a site and context description and design response as required in Clause 56.

Appropriate decision guidelines are considered to be –

- The pattern of the subdivision and its effect on the spacing of buildings.
- The objectives and standards of Clause 56.

Officer Response

The subdivision pattern provides for a range of lot sizes and importantly for the smaller lots, an orientation that allows for a dwelling to be placed to access sunlight to living areas and garden areas for both winter and summer days and allows for garden to be planted around the buildings on site.

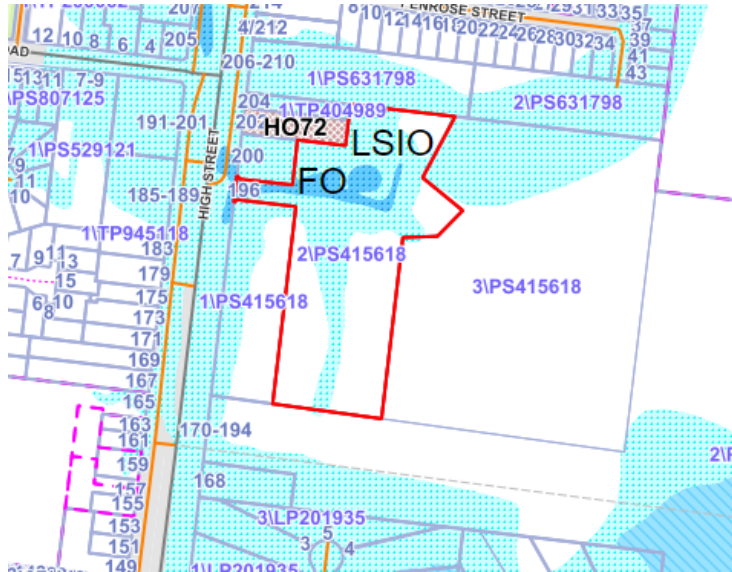
The proposal has been assessed against Clause 56 and has met the relevant objectives.

Heritage Overlay HO72

Whilst the Heritage Overlay is not applied to this subject site, there is an existing, adjacent site that has it applied. HO72 pertains to the former Goulburn Valley Common School Pine Lodge. This proposal was not referred to the Heritage Advisor, however it is considered that given there is a buffering area of garden between the proposal and the buildings on site, it will have minimal if any detrimental impact on the heritage significance. It is also considered that any impact on the heritage site would have been addressed at the rezoning stage and due to the buffering area of garden, there will be minimal impact.

Land Subject to Inundation and Floodway Overlay pursuant to Planning Scheme Amendment C052

Whilst neither of the flood overlays are applied at this current time of assessment, a planning scheme amendment C052 that amends the overlays in the Nagambie locality, is being progressed currently. This amendment applies the overlays to the site to an extent that the proposal has been referred to Goulburn Broken CMA for their feedback. They have given conditional consent.



The MPS and The Planning Policy Framework (PPF)

Clause 02.02 Vision – The vision is to provide a framework for improving the social, physical and economic wellbeing of the community. From a land use and development perspective this vision includes supporting investment for population growth, shared wealth and wellbeing; facilitating provision of infrastructure and sustainable economic and community development; and planning for long term sustainability in settlement patterns, the natural and built environment, community services, economic development and growth.

Clause 02.03-1 Settlement – Nagambie is a popular lakeside town and as such, its population is growing significantly. It attracts an additional number of tourists during peak season that can be up to 5000, and this increase of people must be considered when planning for the future of Nagambie. Nagambie is an agricultural service centres as a visitor, lifestyle and retirement destination.

Clause 02.03-3 Environmental Risk – the Shire is likely to be affected by less reliable and more extreme increased weather events.

Clause 11 Settlement – Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing.

Clause 11.0-1S Settlement – The objective is to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians.

Clause 11.02-1S Supply of Urban Land – The objective is to ensure a sufficient supply of land is available for residential uses.

Clause 12.01-2S Native Vegetation Management – The objective is to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

Clause 13.03-1S Floodplain Management – The objective is to assist the protection of life, property and community infrastructure from flood hazard.

Clause 14.02-1S – Catchment Planning and Management – The objective is to assist the protection and restoration of catchments.

Clause 18.02-1S Walking – The objective is to facilitate an efficient and safe walking network and increase the proportion of trips made by walking.

Clause 18.02-2S Cycling – The objective is to facilitate an efficient and safe bicycle network and increase the proportion of trips made by cycling.

Clause 18.02-4S Roads – The objective is to facilitate an efficient and safe road network that integrates all movement networks and makes use of existing infrastructure.

Officer Response

This proposal supports choice and opportunity for all Victorians, in a location that is an established settlement, identified to accommodate projected population growth. The subdivision allows for an integration into the existing road and footpath network and making use of existing infrastructure.

The proposal against the flood risk, which is recognised under planning scheme amendment C052, yet to be gazetted, has been reviewed by Goulburn Broken CMA who have given conditional consent and this includes the requirement for an updated Flood Impact Assessment.

The consequential loss of native vegetation on the site has been assessed and what cannot be avoided for removal, will be offset, with the design minimising the loss. The access from High Street to the subdivision requires the removal of two trees that have been determined as being exempted from the requirement of a planning permit.

The access to the Principal Road Network has been assessed by the Department of Transport who have given conditional consent and the access will be upgraded to accommodate future traffic to ensure safe access and egress from the new subdivision area to allow for integration into the existing road network.

Relevant Particular Provisions

Clause 52.17 Native Vegetation

Native Vegetation on Site

The purpose is to ensure there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation and to manage the removal, destruction or lopping to minimise land and water degradation. This is achieved by applying the three step approach in accordance with the 'Guidelines for the removal, destruction or lopping of native vegetation' – DELWP 2017 – The Guidelines.

1. Avoid the removal, destruction or lopping of native vegetation.
2. Minimise the impacts from the removal 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.

Pursuant to Clause 52.17-1 a permit is required to remove, destroy or lop native vegetation including dead vegetation.

An application to remove, destroy or lop native vegetation must comply with the application requirements specified in the Guidelines.

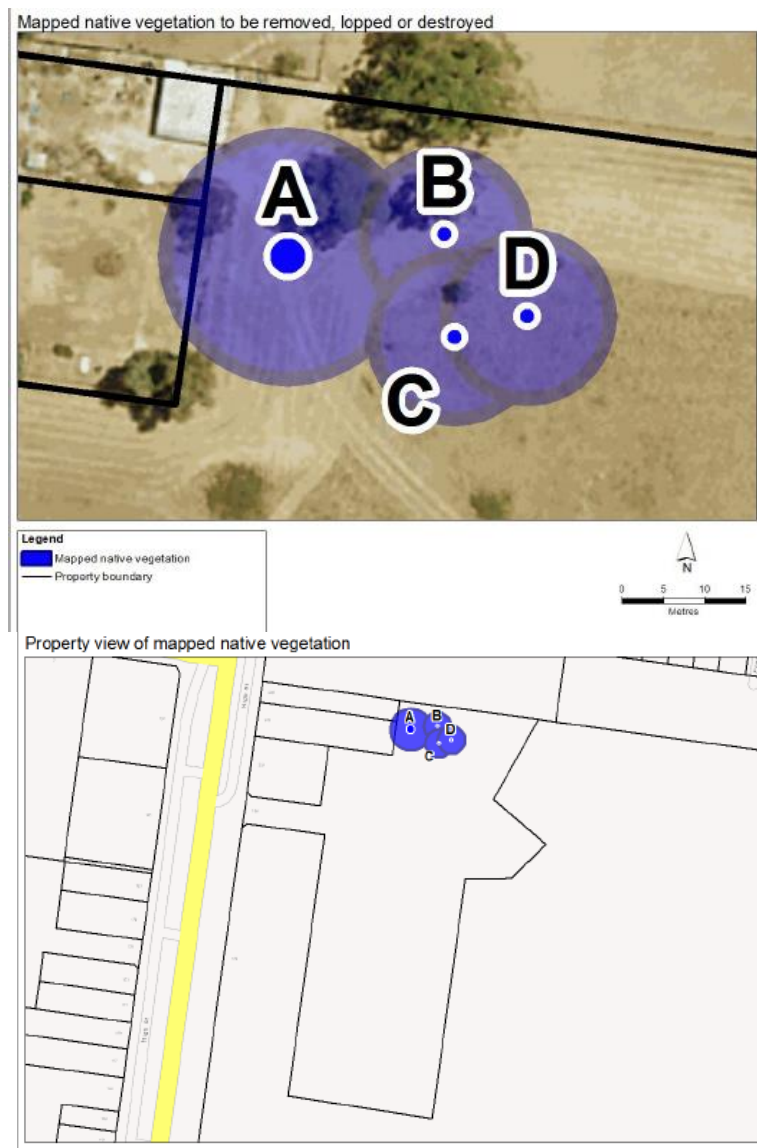
If a permit is issued the biodiversity impacts must be offset in accordance with the Guidelines and conditions must specify the offset requirement and timing to secure the offset.

Pursuant to Clause 66.02 a proposal that has been assessed and falls into the Detail Pathway is required to be referred to DELWP under Section 55 of the Act.

As well as the decision guidelines at Clause 65, the RA must consider those specified in the Guidelines.

Officer Response

The proposal includes the removal of 1 large tree and 3 small trees in the north west corner.



This has been assessed against the Guidelines and falls into the Intermediate Pathway. This did not require referral to DELWP, however it was referred under Section 52 to ensure that

nothing was missed, council assessing officers not being expert in this field, and council having no biodiversity officer to consult. An offset is required to be provided and evidence within a timeframe conditioned on permit. DELWP provided guidance and conditions to apply to any permit to issue.

The Guidelines provide advice regarding avoid and minimise –

3.5 Application requirement 5: Avoid and minimise statement

All applications must include an avoid and minimise statement that describes any efforts to avoid the removal of and minimise the impacts on the biodiversity and other values of native vegetation, and how these efforts focussed on areas of native vegetation that have the most value.

The statement should describe:

- any strategic level planning over the site
- what site level planning has been done
- that no feasible opportunities exist to further avoid and minimise impacts on native vegetation without undermining the key objectives of the proposal.

The applicant would have investigated the best location for the access from High Street, likely with DoT input, and then the design internally would have taken into account a number of matters such as existing vegetation, flood risk, environmentally sustainable lot layout, integration into existing and proposed road network, and provision of utilities, Clause 56, and most importantly for the developer who wants the best return for investment, would be the overall number of lots gained from the site.

The trees that will be lost are in an area where residential lots are proposed.

An offset will be provided and this may be within the shire or within the catchment region.

Address: 198 HIGH STREET NAGAMBIE 3608

364-20210210-010

Assessment pathway

The assessment pathway and reason for the assessment pathway	
Assessment pathway	Intermediate Assessment Pathway
Extent of past plus proposed native vegetation removal	0.134 hectares
No. large trees	1 large tree(s)
Location category	Location 1 The native vegetation is not in an area mapped as an endangered Ecological Vegetation Class, sensitive wetland or coastal area. Removal of less than 0.5 hectares will not have a significant impact on any habitat for a rare or threatened species.

Offset requirement

The offset requirement that will apply if the native vegetation is approved to be removed

Offset type	General offset
Offset amount	0.051 general habitat units
Offset attributes	
Vicinity	Goulburn Broken Catchment Management Authority (CMA) or Strathbogie Shire Council
Minimum strategic biodiversity value score	0.080
Large trees	1 large tree(s)

Creation of the Access from High Street

There is an exemption from the requirement for a planning permit to create the access from High Street and this can be applied to two trees that require removal to allow for the access. A site visit and the applicant determined that the two trees are native vegetation, one having been planted in the early 2000s likely by a neighbouring property, the other being more mature.

The exemption states –

Vehicle access from public roads

Native vegetation that is to be removed, destroyed, or lopped to the minimum extent necessary to enable the construction or maintenance of a vehicle access across a road reserve from a property boundary to a public road.

This exemption only applies to properties which share a common boundary with the road reserve, and the total width of clearing must not exceed 6 metres.

This exemption does not apply where there is a practical opportunity to site the accessway to avoid the removal, destruction or lopping of native vegetation.

In this exemption, roadside and public road have the same meanings as in section 3 of the *Road Management Act 2004*.

Note: Under the Road Management Act 2004 the written consent of the coordinating road authority is required to conduct any works, including removing a tree or other vegetation, in, on, under or over a road.



Consent will have to be gained from the developer prior to the actual removal and this will be in the form of a Works Within a Road Reserve Permit from VicRoads.

Clause 52.29 Land Adjacent to the Principal Road Network

The purpose is to ensure appropriate access to the Principal Road Network and ensure that appropriate subdivision of land adjacent.

Pursuant to Clause 52.29-2 a permit is required to create or alter access and subdivide land adjacent to the Principal Road Network.

A proposal is required to be referred to Department of Transport.

A proposal is exempted from notice and review rights under this Clause.

The Responsible Authority must consider the following guidelines –

- The Municipal Planning Strategy and the Planning Policy Framework.
- The views of the relevant road authority.
- The effect of the proposal on the operation of the road and on public safety.
- Any policy made by the relevant road authority pursuant to schedule 2, clause 3 of the *Road Management Act 2004* regarding access between a controlled access road and adjacent land.

Officer Response

VicRoads / DoT have provided feedback and worked with the developers and council to ensure that their requirements are met, in the light of no DPO to guide the developers. These requirements directly support road safety and reflect what is required for the network to address the requirements of current and future vehicle use and movement. A Traffic Assessment has been carried out and conditions have been provided by VicRoads / DoT for any permit issued.

DoT will allow only one access point to this project identified as 5583 and they require right and left turning lanes to be constructed at the intersection of High Street and the main access road for this particular layout.

Clause 53.18 Stormwater Management in Urban Development

The purpose is to ensure that stormwater in urban development including retention and reuse is managed to mitigate the impacts of stormwater on the environment, property and public safety and to provide colling, local habitat and amenity benefits.

This clause applies to an application to subdivide land in a residential zone.

This provision contains objectives which describe the desired outcomes for the completed development; and standards which guide how to meet the objective. A standard should usually be met but it must meet the objective.

An application to subdivide land must meet all the objectives of Clause 53.18-4 and 53.18-6.

Objective	Officer Response
Clause 53.18-4 Stormwater management objectives Standard W1	The proposal will be required to be designed and managed in accordance with the IDM and to Council's satisfaction. No reuse is considered at this time as known. The IDM quotes the Urban Stormwater Best Practice EM Guidelines. Council as the responsible drainage authority will not sign off on Statement of Compliance unless all works are carried out in accordance with pre approved plans and completed to the satisfaction of.
Clause 53.18-6 Site management objectives Standard W3	Conditions on permit require that existing drainage infrastructure does not receive waters from sedimentation and contamination and that protect the site and

	<p>surrounding are from degradation during construction.</p> <p>A Site Management Plan is required for approval and construction must be carried out in accordance with all required and approved plans. Enforcement action can be taken to ensure the construction is carried out in accordance with plans and conditions on permit.</p>
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It is considered that the objectives can be met.

Clause 56 Residential Subdivision

The purpose is to create liveable and sustainable neighbourhoods and urban places with character and identity.

An application must meet the requirements of Clause 56 –

16 – 59 lots	All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.
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An objective describes the desired outcome for the completed subdivision and a standard contains the requirements to meet the objective. A standard should normally be met however if an alternate design solution meets the objective, that may be considered.

An application must be accompanied by a site and context description and a design response and must meet all the objectives.

Objective	Officer Response
Clause 56.01 Subdivision Site and Context Description	Documents supporting this requirement have been provided. These inform the subdivision site and context as well as the subdivision design response.
Clause 56.02 Policy Implementation Standard C1	The layout and design generally supports the Nagambie Growth Management Strategy 2008 in that it provides a grid layout with a variety of lot sizes.
Clause 56.03-4 Built Environment Objective Standard C5	There is no built form proposed.
Clause 56.04 Lot Design Standard C7	<p>This proposal implements the Nagambie Growth Management Strategy 2008.</p> <p>The lots range from 500sqm to 1220sqm and offer a range of orientations all suitable for allowing for a dwelling to be located to gain good solar access to both habitable room windows and garden area.</p> <p>Unfortunately in regional areas, public transport is not highly available therefore most folk rely on walking, cars, bikes, or the local bus service around town. In Nagambie</p>

	there is a train station that provides for a limited country service to other regional centres and Melbourne along with a bus service that can replace trains.
Clause 56.04-2 Lot Area and Building Envelope Objective Standard C8	The lots that are 500sqm or more are capable of containing a building envelope 10m x 15m. Lot dimensions are capable of providing for dwelling that attain good solar access and achieve the energy rating of the Building Regs; can protect easements. There is no significant vegetation to protect.
Clause 56.04-3 Solar Orientation of Lots Objective Standard C9	All the lots demonstrate appropriate solar orientation with 21 having their long axes east and being at around 20 degrees north and 15 having their long axes north and being at around 30 degrees east.
Clause 56.04-4 Street Orientation Objective Standard C10	All the lots are capable of fronting the street and at this time the design allows for all lots to back onto other lots not roads. No POS is provided in this particular proposal.
Clause 56.04-5 Common Area Objectives Standard C11	There is no common area proposed.
Clause 56.05 Urban Landscape Standard C12	A landscape plan has been required on any permit to issue.
Clause 56.05-2 Public Open Space Provision Objectives Standard C13	POS has not been identified on this subdivision proposal. POS contribution has been required on condition.
Clause 56.06-2 Walking and Cycling Network Objectives Standard C15	This proposal does not provide any linkage other than a road layout that will link with other subdivision on this land and to High Street. This is due to the location of this subdivision within this site – it will become part of a larger subdivision.
Clause 56.06-4 Neighbourhood Street Network Objective Standard C17	This proposal will connect up with other subdivisions around it linking finally to the High Street and town, providing for access to footpaths and bike paths around the neighbourhood.
Clause 56.06-5 Walking and Cycling Network Detail Objectives Standard C18	All road, footpath, trail design will be guided by the IDM and to the satisfaction of the responsible authority.

Clause 56.06-6 Public Transport Network Detail Objectives Standard C19	The subdivision will become part of a larger subdivision that connects to the existing network that allows access to the public transport system being rail, bus and road links.
Clause 56.06-7 Neighbourhood Street Network Detail Objective Standard C20	All civil infrastructure design is guided by the IDM.
Clause 56.06-8 Lot Access Objective Standard C21	This subdivision has access from High Street into a local road network. The design will be guided by the IDM and the relevant road authority.
Clause 56.07 Integrated Water Management Standards C22, C23, C24 and C25	Water supply in this location is by GVW and is reticulated. There is no reused or recycled water proposed unless GVW require it or support it. GVW provide a reticulated wastewater management system and require connection to it. Stormwater is managed by council as the relevant drainage authority and a plan is required that has to gain approval and be implemented prior to statement of compliance being given. Stormwater management will have to meet the IDM and all standards associated.
Clause 56.08 Site Management Objectives Standard C26	Appropriate conditions on any permit issued will require management of erosion and sediment runoff, dust, construction waste, chemical contamination. There is no vegetation to protect.
Clause 56.09 Utilities Standards C27, C28, C29 and C30	How utilities are provided is up to the utility providers who enter into agreement with the developer. The CFA have provided a condition for any permit to issue regarding the requirement for fire hydrants. Street lighting is a requirement by council.

The standards and objectives of Clause 56 have been met.

The decision guidelines of Clause 65

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

The suitability of the land for subdivision.	The land was identified for residential development prior to 1997.
The existing use and possible future development of the land and nearby land.	This is a southern area of Nagambie identified for residential development to accommodate projected future population growth.
The availability of subdivided land in the locality, and the need for the creation of further lots.	There are a number of greenfield sites, all recognised in the Nagambie Growth Management Strategy, for residential subdivision and development. Some have been subdivided, some are being considered for subdivision and some sites are about to or are undergoing rezoning.
The effect of development on the use or development of other land which has a common means of drainage.	The drainage network has to accommodate new into old and may require upgrading etc which the drainage authority ensures and undertakes so that the system remains viable.
The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.	The land is flat and there is minimal native vegetation on this site, which has previously been used for cropping and grazing.
The density of the proposed development.	The development is considered medium density.
The area and dimensions of each lot in the subdivision.	There are a range from 500sqm to 1220sqm.
The layout of roads having regard to their function and relationship to existing roads.	The roads will connect with surrounding development and into High Street.
The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.	The network of local roads will allow easy and safe access to all lots proposed in this subdivision.
The provision and location of reserves for public open space and other community facilities.	These are to be identified or a contribution made.
The staging of the subdivision.	It is a proposed staged subdivision with no specific details given of the stages at this time.
The design and siting of buildings having regard to safety and the risk of spread of fire.	No buildings are proposed.
The provision of off-street parking.	Each lot will accommodate off street car parking.

The provision and location of common property.	There is no common property proposed.
The functions of any body corporate.	Not relevant.
The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.	All utilities bar gas will be provided.
If the land is not seweraged and no provision has been made for the land to be seweraged, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.	The subdivision will be connected to the reticulated sewer system.
Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.	One large tree and three small trees are proposed to be removed and this has been revised by DELWP who have not identified any concerns. An offset is required.
The impact the development will have on the current and future development and operation of the transport system.	It has the potential to place greater demand on the public transport system, however commonly in regional areas the car is the main mode of transport for the majority of people due to a lack of good public transport that interlinks with other towns and regional centres on a regular basis so as to provide consistency for use.

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

Hume Regional Growth Plan 21014 – identifies Hume region as a growth area to accommodate projected population growth.

Relevant incorporated, reference or adopted documents

Nagambie Growth Management Strategy 2008 – Urban expansion should ensure sufficient land is released for development to meet anticipated growth needs; land released should provide a variety of lot types and encourages affordability; land should be available for community services; subdivision designs should form a connected and consistent urban structure integrating with the existing township; and development is environmentally sustainable. The layout of these subdivisions should be grid based and ensure that multiple routes of travel are available and are well connected to other parts of town. There should be a network of open spaces, safe streets and footpaths.

Relevant Planning Scheme amendments

Proposed Planning Scheme Amendment C052 applies the Floodway Overlay and Land Subject to Inundation Overlay to the subject site.

Risk Management

There is always a risk of an appeal at VCAT if there are objectors to a proposal and this will incur costs in time and resourcing.

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

Officer Response:

The proposal provides for a future housing development and encourages potential for a diversity of housing types, by provision of a range of lot sizes, in an area that offers good access to services and transport. The proposal will be able to connect in with the existing road and footpath network for the town.

The proposal meets the objectives of Clause 56.

Public Open Space is required either by way of land set aside or a payment to Council to provide for improvements or new areas for public recreation and leisure.

The main access from High Street to the subdivision has been assessed by the road authority who have given conditional consent.

The native vegetation loss has been assessed and an offset will be provided. Exemptions exist for the creation of the main access from High Street.

The flood risk that will be recognised with the gazettal of planning scheme amendment C052 has been assessed by the relevant floodplain authority who have not objected.

The place of heritage value has been considered and it is considered that there will be minimal impact on it given the buffering area of garden between the developments.

This proposal is in an area identified in the Hume Regional Growth Plan 2014 and accords with the Nagambie Growth Management Strategy 2008.

Conclusion

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

Decision:

Delegate Report	Yes	Council Report	Yes
Determination:	Notice of Decision	Determination Date:	July 2022

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)	<input checked="" type="checkbox"/>
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)	<input checked="" type="checkbox"/>

Attachments

Plans for endorsement

Assessing Officer:	Gill Williamson Principal Planner	Reviewing Officer:	
Signature:	<i>G Williamson</i>	Signature:	<i>B. AD</i>
Date:	25 May 2022	Date:	23 June 2022

Copy of permit to:

APA
GVW
AUSNET
GBCMA
DOT
CFA
DELWP

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