

Officer Report

Application Details:

Application is for:	Three Lot Subdivision and Associated Works (including construction of crossovers and associated vegetation removal under the Erosion Management Overlay)
Applicant's/Owner's Name:	Jon Brodzik Surveys Pty Ltd
Date Received:	22 April 2022
Statutory Days:	<p>More than 60 days due to objection and going to Council September 2022.</p> <p>Application lodged on 29 April 2022 (60 statutory days = 28 June 2022).</p> <p>Initial Assessment carried out on 7 May 2022.</p> <p>Advertising was commenced external to Spear on 12 May 2022 to complete 2 June 2022.</p> <p>Referrals were sent via Spear on 7 May 2022.</p> <p>An objection was received to council on 26 May 2022 which due to delegations means it has to be presented to council – due to the process to prepare for council and the need to ensure that the proposal is not seen as being ‘rushed’ by the objectors, the receipt of objections then slows down the progress. Officers must prepare a proposal for council one month before the meeting – and in this case the earliest it could have been presented to Council was July 2022. Objectors are provided with an opportunity to mediate and withdraw and this means extending the time to allow for that opportunity.</p> <p>The applicant requested that the proposal be re advertised due to revision of the PS and a copy of the Officer Report that was proposed to be presented to Council in August was sent to him on 25 July 2022. The recommendation was Notice of Decision to Grant a Permit.</p> <p>The proposal was readvertised with a closing date of 18 August 2022 with the revised PS.</p> <p>The revised plan was sent to the objector prior to the request for re advertising.</p> <p>An application for review at VCAT under section 79 of the <i>Planning and Environment Act 1987</i> has been made by the applicant based on Council's failure to decide on the application within the prescribed timeframe.</p> <p>It is proposed that this application with a recommendation that Council's position at VCAT would be to issue a Notice of Decision to Grant a Permit will be presented to Council in September 2022.</p> <p>Objection still stands.</p>
Application Number:	P2022-049
Planner: Name, title & department	Gillian Williamson Principal Planner

	Planning and Investment Department
Land/Address:	L1 PS405650 V12102 F419 Parish of Strathbogie Main Street, Strathbogie VIC 3666
Zoning:	Township Zone
Overlays:	Bushfire Management Overlay Erosion Management Overlay
Is a CHMP required?	No - exempted under Reg 49 of the Heritage Regs
Is it within an Open Potable Catchment Area?	Yes Referrals to GMW required
Under what clause(s) is a permit required? (include description)	<p>Permit Triggers</p> <p><u>Township Zone</u> Pursuant to Clause 32.05-5 a permit is required to subdivide land. An application must meet the requirement of Clause 56. Each lot must be provided with reticulated sewerage if available and if not then the application must be accompanied by an LCA and a plan showing the building envelope and effluent disposal area for each lot.</p> <p><u>Erosion Management Overlay</u> Pursuant to Clause 44.01-2 a permit is required to carry out works (construction of crossovers). Pursuant to Clause 44.01-3 a permit required to remove, destroy or lop any vegetation. There is no exemption. Pursuant to Clause 44.01-5 a permit is required to subdivide land. An application is exempted from notice requirements and review rights under this overlay.</p> <p><u>Bushfire Management Overlay</u> Pursuant to Clause 44.06-2 a permit is required to subdivide land.</p> <p>Other Considerations</p> <p><u>Special Water Catchment and referral to GMW</u> Proposal is in the Special Water Catchment and therefore is referred to GMW pursuant to Clause 66.02-5</p> <p><u>Clause 53.01 Public Open Space Contribution and Subdivision</u> A person who proposes to subdivide land must make a contribution to the council for public open space.</p>
Restrictive covenants on the title?	No – Existing 173 Agreement applies (see below). Section 173 AS681200M – this was applied under P2017-069-1 which is a three lot subdivision and the

	<p>agreement requires management of wastewater and also exempts the need for a permit for a dwelling under the BMO on lots 1 and 2 as on the endorsed plans for P2017-069, which is now identified as Lot 3 on the new plan for endorsement under this current proposal. A planning permit would now be triggered for a dwelling under the BMO as well as other triggers.</p> <p>The parties involved in this Agreement have been notified through the referral process. GMW have required another Section 173 Agreement to be applied. CFA have not given any comment on this Agreement and did not give conditions for any new permit to issue.</p>
Current use and development:	Vacant
Adjacent to the Principal Road Network	No
Status of Road on Road Register	Local council
Adjacent to Public Land	Yes

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 checked="" 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. P2022-049 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, that it would have issued a **Notice of Decision to Grant a Permit** under the provisions of the Strathbogie Planning Scheme in respect of the land known as (L1 PS405650 V12102 F419 Parish of Strathbogie), **Main Street, Strathbogie VIC 3666**, for the **Three Lot Subdivision and Associated Works (including construction of crossovers and native vegetation removal under the Erosion Management Overlay)**, 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 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:
 - transport of materials, goods or commodities to or from the land;
 - appearance of any building, works or materials;
 - emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - presence of vermin; and
 - others as appropriate.

Public Open Space Contribution:

3. 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.

Telecommunications:

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

Environmental Health:

6. Prior to the issue of the statement of compliance, the owner must enter into an agreement with the Responsible Authority, pursuant to Section 173 of the Planning and Environment Act 1987. This agreement must be registered on the title to the land pursuant to Section 181 of the Planning and Environment Act 1987. The owner must

pay the costs of the preparation, execution and registration of the Section 173 Agreement. The agreement must provide for the following:

- Prior to the commencement of works for a single dwelling on each allotment the owner must lodge with the Council an Application for a Permit to Install an On-site Wastewater Management System. The application shall be in accordance with the Environment Protection Regulations 2021, the EPA Code of Practice – Onsite Wastewater Management, Publication 891.4, July 2016 and the Land Capability Assessment (LCA) prepared by A.C. Geotechnical, Andrew Craig, Report No. 22076, dated 26/03/2022.
- As indicated in the current Section 173 agreement, all wastewater from any dwelling must be treated to a standard of at least 20mg/L BOD and 30mg/L suspended solids using a package treatment plant or equivalent. The system must be installed, operated and maintained in accordance with the EPA Code of Practice – Onsite Wastewater Management, Publication 891.4, July 2016 and must have a Certificate of Conformity.
- The wastewater disposal land application area for each allotment must be located in accordance with the requirements of Table 5 of the EPA Code of Practice– Onsite Wastewater Management, Publication 891.4, July 2016 and specifically as recommended in the LCA set back a minimum of 100m from the Seven Creeks.

Engineering:

7. Prior to the issue of statement of compliance for the subdivision the Applicant/ Owner must obtain a vehicle crossing permit from the responsible authority for each lot and construct the vehicle crossing in accordance with the requirements. The 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. Final location of vehicle crossing must be approved by Responsible Authority via vehicle crossing permit.
8. All stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge drains to the satisfaction of the Responsible Authority/Goulburn Murray Water. No effluent or polluted water of any type may be allowed to enter the stormwater drainage system.
9. Appropriate steps must be taken to retain all silt and sediment on site during the construction phase to the satisfaction of the Responsible Authority, in accordance with the sediment control principles outlined in Construction Techniques for Sediment Pollution Control (EPA, 1991) and to the satisfaction of the Responsible Authority.
10. Any damage to the Responsible Authority's assets (i.e. sealed roads, kerb& channel, trees, nature strip etc), and boundary fences, must be repaired at the cost of the applicant all to the satisfaction of Responsible Authority.

AusNet Electricity Services:

11. 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 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.
- 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.

Goulburn Valley Water:

12. The following is required -

- 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 one water tapping per each 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;
- c) Provision of easements over existing water mains located within private property as per existing title.
- d) 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. The plan of subdivision will also require a notation stating "due to the lack of water pressure, all lots on this plan will require Water By Agreements with Goulburn Valley Water".

Goulburn Murray Water:

13. The Plan of Subdivision submitted for Certification must show wastewater disposal exclusion zones on newly created lots at least 100m from Seven Creeks and any other waterways, 40m from any drainage lines, 60m from any dams and 20m from any bores.

14. Prior to the Statement of Compliance being issued, the owner must enter into an agreement with the Responsible Authority and Goulburn-Murray Water under Section 173 of the Planning and Environment Act requiring that:

- a) If a community effluent disposal system or reticulated sewerage system becomes available, each lot in the subdivision must be connected to the system and all on-site treatment and disposal systems must be decommissioned.
- b) The owner shall meet the cost of the registration of the agreement on the title of the land.
- c) This agreement is cancelled if (a) above is satisfied.

15. The owner must provide evidence of registration of the 173 Agreement to Goulburn-Murray Water within three months of this occurring.

Permit Expiry:

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

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

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

Planning Notes:

- This Permit does not authorise the construction of a new access way/crossover without application for a Works Within A Road Reserve Permit.

Goulburn Valley Water

- Please note due to the lack of water supply pressure Water by Agreements will be required for each lot.

End of Conditions

- Advise the Victorian Civil and Administrative Tribunal and relevant parties of its position on planning permit application P2022-049

Proposal

The proposal is to subdivide residential zoned land into three lots in the settlement of Strathbogie, construct crossovers and remove native vegetation to do so.

Each lot will have access from Main Street.

Each lot has identified an area for a potential dwelling with an area for an effluent field in an accompanying Land Capability Assessment.

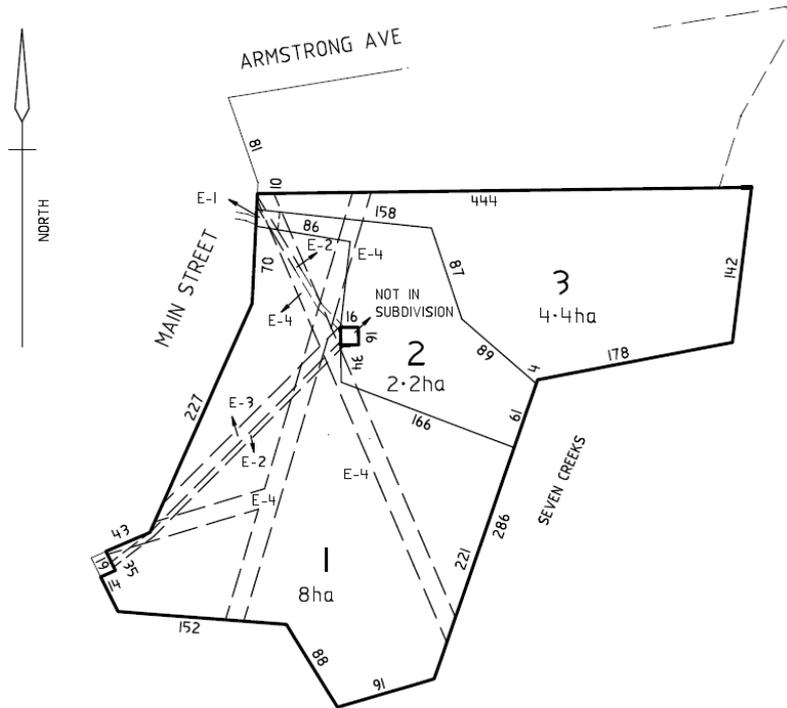
Lot 1 will measure 8 hectares.

Lot 2 will measure 2.2 hectares.

Lot 3 will measure 4.4 hectares.

An existing Section 173 Agreement, that was required by Goulburn Murray Water, and applies the mandatory requirements under the Bushfire Management Overlay, under planning permit P2017-069-1, will still apply. GMW have required a further Section 173 due to the further subdivision. Country Fire Authority have no concerns given they consider no dwelling is likely to be proposed in the small area of BMO applied to only Lot 3.

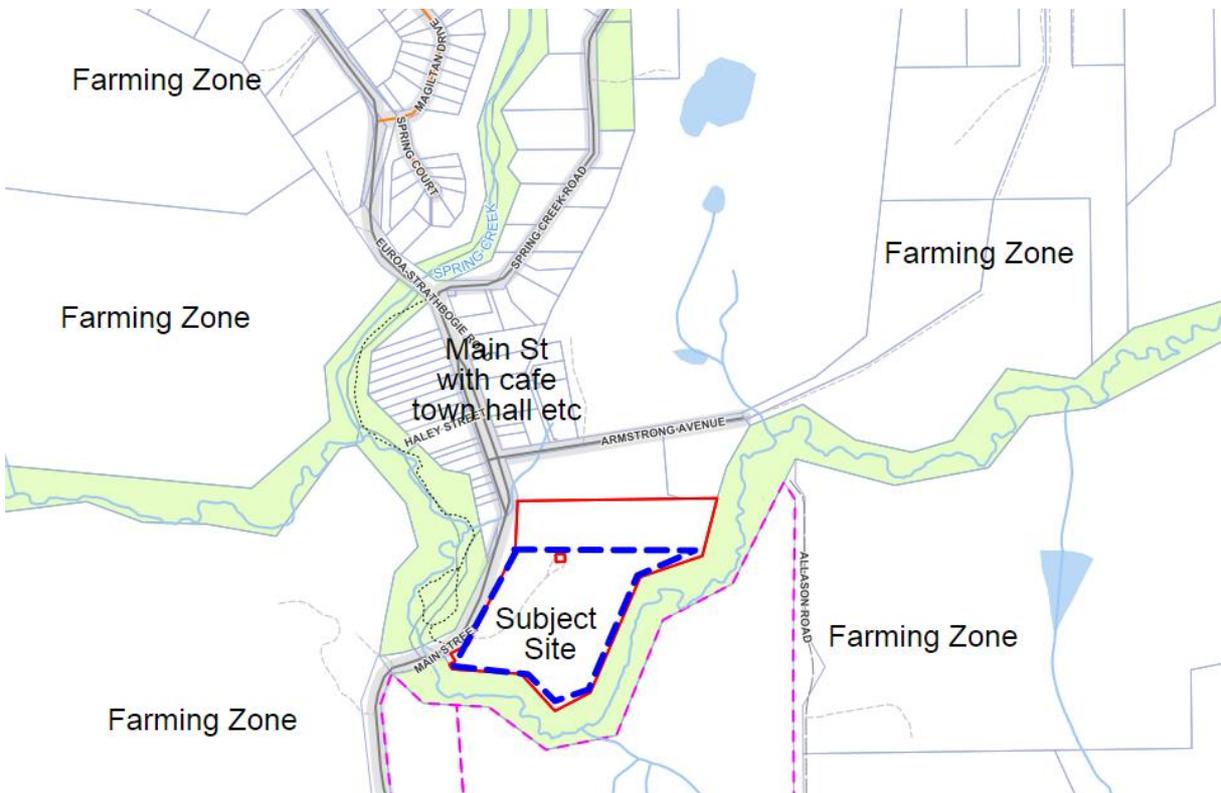
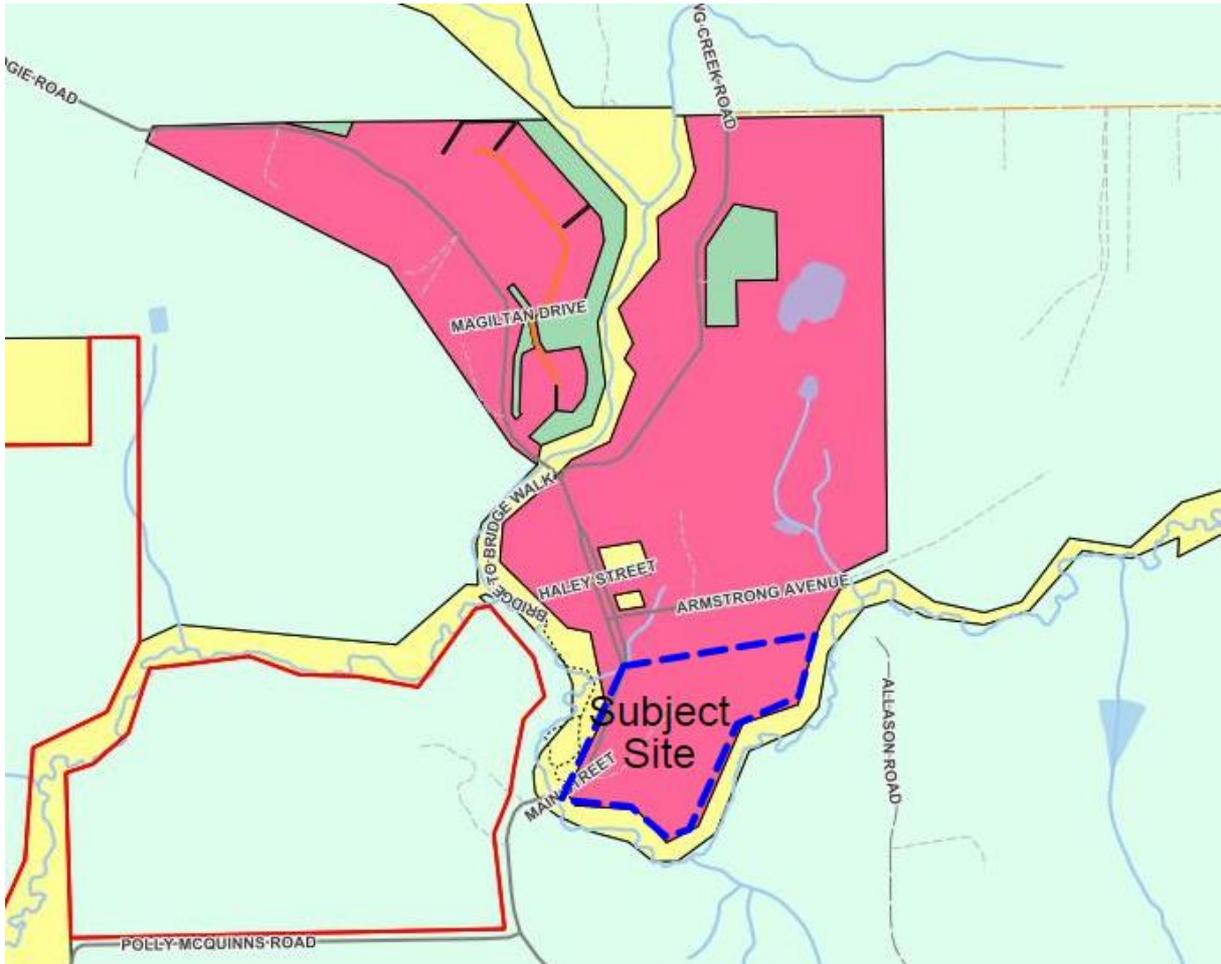
Below is the proposed three lot subdivision -

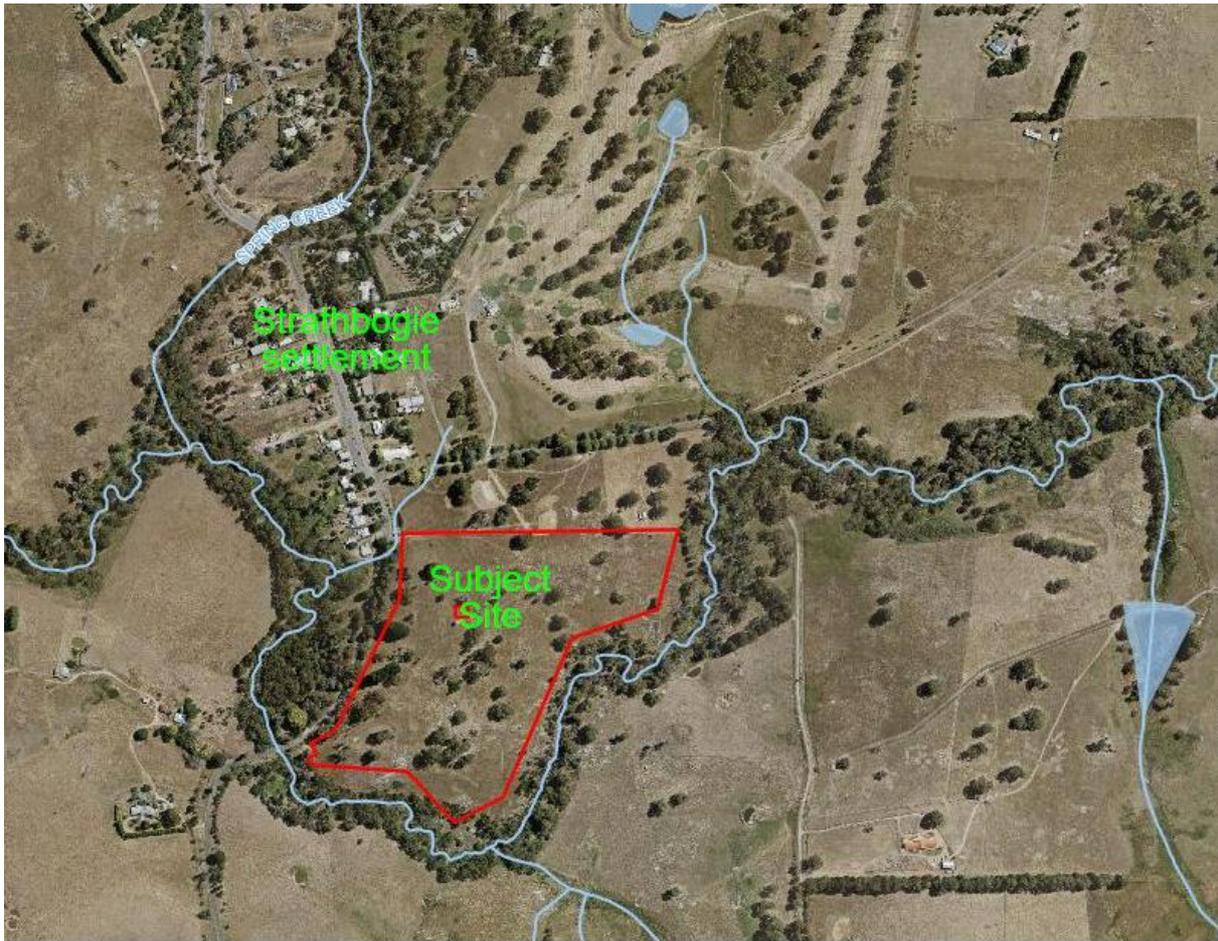


Subject site & locality

Inspection date/s: Week of 10 th April 2022	Officer: Gill Williamson	Notes: The access will have to be approved by Assets
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The subject site is located within the settlement of Strathbogie with access from Main Street. It creates large residential lots that reflect the existing neighbourhood character (although there is no strategy or control to identify this). The town has one street that for a portion has a row of smaller lots with commercial uses and dwellings and then the lots become larger with single dwellings and gardens and areas that allow for hobby farming and food production at a small scale. This proposal is infill for residential development zoned appropriately as Township Zone and at the edge of a current settlement boundary set by the zone application.





Permit/Site History

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

P2017-069 and -1 – Three Lot Subdivision – Granted

Further Information

Further Information Required:		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
What was requested?			
FI Requested:		FI Received:	

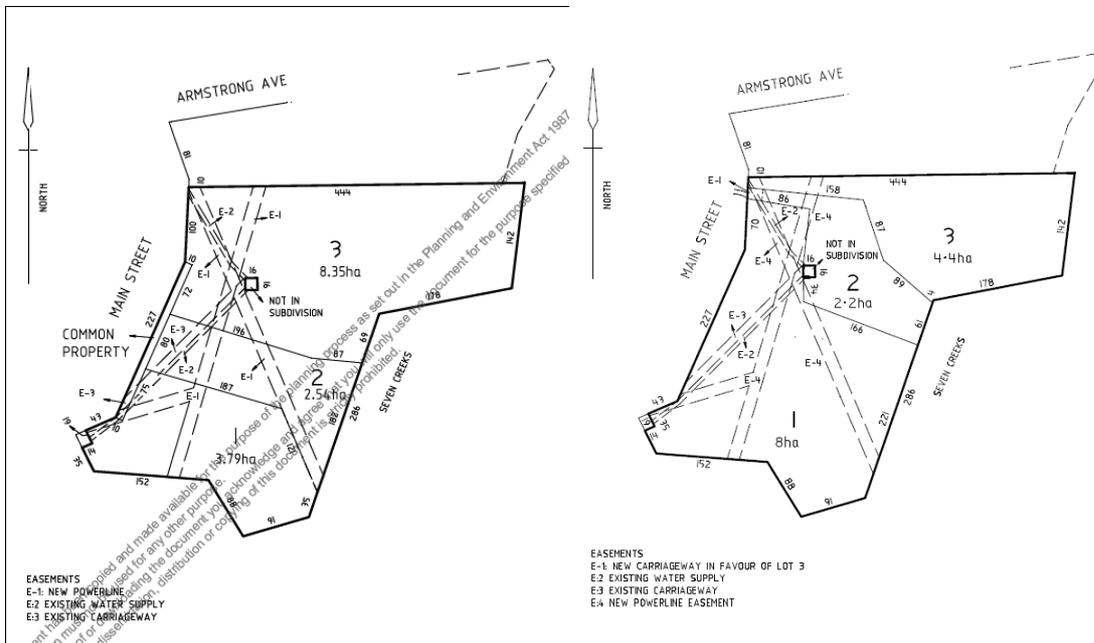
Advertising/Public Notification

21/7/2022 PLEASE RE ADVERTISE - using document ID 797533 and letters to same folk as before and on our website.

28/07/2022 sent combined document to website Doc ID 798649 – advertising completes 18 August 2022.

The proposal was originally advertised, and during the process between requesting advertising and referrals by the Assessing Officer, the applicant revised the plan of

subdivision. Subsequently the Plan of Subdivision that was displayed to the public was slightly different to the revised plan. The common property was removed and the lot sizes were altered. In entering into correspondence with the objector the revised plan was sent out. The applicant requested that Council go to full advertising again.



The original plan

The revised plan

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"/> Documents for advertising		12/05/2022 Sent combined watermark documents to website Doc 784187	
		<input type="checkbox"/> Advertising list			
Add Instructions on Spear		<input type="checkbox"/> Yes		<input checked="" type="checkbox"/> No	
Letters: Yes	Signs: No	Paper: No	Website: Yes	Sent: 12/05/2022	Completed 2 June 2022
Objections received?		<input checked="" type="checkbox"/> Yes		<input type="checkbox"/> No	
		Number: 1 The objections remain the same after re advertising			

First Notice

One objection was received to Council in response to the first notice.

The objection is from two people who live at the same address and the concerns raised are –

- Any dwelling on the ridgeline will compromise the idyllic rural vistas.

Officer Response

Development is not being considered at this time.

Second Notice

The original objector remains the only objector and has re submitted an objection that is extended to cover the following matters –

- Overlooking and loss of privacy
- Water run off and erosion
- Driveway
- Land Application Area (LAA) located within 10m of the objectors LAA
- Incorrect information regarding driveways
- Driveway access incorrect information provided.

Officer Response

The revised objection has been passed to the applicant to review and respond to.

Objection	Response
Overlooking and loss of privacy	This is not a matter that is being assessed under the subdivision, however to address this a building enveloped could be applied by the developer.
Driveway water run off and erosion Lot 3	This is not a matter that is being assessed under the subdivision as driveways have not been proposed on the plans to assess. The EMO will pick up this in any application for a development. A standard condition on permit currently proposed requires all stormwater and surface water discharging from the site to be conveyed to a legal point of discharge.
Shared Driveway Lot 2	This appears to be about the access point and crossover. This will have to be approved by council under a Works Within a Road Reserve Permit.
LCA matters	The LCA has been assessed by council's EHO and conditions have been applied to any permit to issue.
Incorrect information regarding existing driveways	This appears to be about the access point and crossover. This will have to be approved by council under a Works Within a Road Reserve Permit.

Consultation

Correspondence was undertaken with the objector.
The applicant also entered into communications with the objector.

Referrals

External Referrals/Notices required by the Planning Scheme:

REFERRALS					
Add instructions on SPEAR:				<input checked="" type="checkbox"/> Yes completed by Gill 7/5	<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 - Recommending	Clause 66.03 - Other State Standard Provisions			No objection No conditions Mandatory condition is not required CFA No referral under S8 required as consent given for cert and soc
GMW	Section 55 - Determining	Clause 66.02-5 - Special Waer Supply Catchment			Conditional consent
GVW	Section 52 notice And Section 55 Determining	Subdivision into 3 lots Clause 66.01	GVW has infrastructure on this site with a carriageway and infrastructure easement and also this is a 3 lot subdivision		Conditional consent

AusNet	Section 55 Determining	Subdivision into 3 lots Clause 66.01			Conditional consent
APA	Section 55 Determining	Subdivision into 3 lots Clause 66.01	Known no gas available in this area but referral required		No objection No conditions No required for referral under S8 and consent given for cert and soc

HEALTH	Internal referral		LCA and check against S173 and P2017-069- 1		Conditions
ENGINEER	Internal referral				Standard conditions apply and reflect those on P2017-069

Assessment

The zoning of the land and any relevant overlay provisions

Township Zone

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

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

An application must meet the requirement of Clause 56.

Each lot must be provided with reticulated sewerage if available and if not then the application must be accompanied by an LCA and a plan showing the building envelope and effluent disposal area for each lot.

Appropriate decision guidelines are considered to be –

- The Municipal Planning Strategy and the Planning Policy Framework.
- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of Clause 56.

Officer Response

This proposal is for a three lot subdivision in an appropriate residential zone that creates lots that are considered to respect the existing neighbourhood character given they are large enough to resemble rural living lots which suits this hamlet at this time. The proposal has met the requirements of Clause 56 as discussed later in the report. Access will be from a constructed road.

A Land Capability Assessment (LCA) prepared by A.C. Geotechnical, Andrew Craig, Report No. 22076, dated 26/03/2022 was provided in support of the application.

Erosion Management Overlay

The purpose is to protect areas prone to erosion and landslip or other land degradation processes by minimising land disturbance and inappropriate development.

Pursuant to Clause 44.01-2 a permit is required to carry out works (construction of crossovers). Pursuant to Clause 44.01-3 a permit required to remove, destroy or lop any vegetation. There is no exemption.

Pursuant to Clause 44.01-5 a permit is required to subdivide land.

An application is exempted from notice requirements and review rights under this overlay.

Appropriate decision guidelines are considered to be –

- Regional Catchment Strategy (*Catchment and Land Protection Act 1994*).
- Control of Erosion on Construction Sites, Soil Conservation Authority.
- Any proposed measures to manage concentrated runoff and site drainage.
- Any proposed measures to minimise the extent of soil disturbance.
- Whether the removal of vegetation will increase the possibility of erosion, the susceptibility to landslip or other land degradation processes, and whether such removal is consistent with sustainable land management.
- The need to stabilise disturbed areas by engineering works or revegetation.
- Whether the land is capable of providing a building envelope which is not subject to high or severe erosion concern.
- Whether access and servicing of the site or building envelope is likely to result in erosion or landslip.
- Any technical information or reports required to be provided by a schedule to this overlay.

Officer Response

This proposal intends to remove vegetation to create a crossover to each lot from the council road to each lot boundary. The vegetation to be removed is limited to some small saplings and the pruning of branched on existing trees. The access points along the boundaries exist but the crossovers needs to be constructed and involve the removal of native vegetation on council land. This is not triggered by Clause 52.17 which exempts this. Consent is required from council to remove the vegetation and construct the crossovers from Main Street. Construction of the crossovers in this location will avoid the removal of any large trees. Assets will determine what is required and this will be conditioned and / or noted on any permit issued. It has been decided not to request a Geotech Report at this stage given one will be required for any proposed development on site along with a planning permit application.

Bushfire Management Overlay

Pursuant to Clause 44.06-2 a permit is required to subdivide land.

A proposal should meet the requirements of Clause 53.02.

The Responsible Authority can waiver the requirements.

Officer Response

In this instance, after CFA consultation, the requirements were waived and CFA responded that there were no conditions to apply and the mandatory condition did not need to be applied.

Municipal Planning Strategy and Planning Policy Framework

Clause 02.02 Vision – The vision means supporting investment for population growth, facilitating the provision of infrastructure and sustainable economic and community development; as well as planning for the long term sustainability in settlement patterns, environment, services, economic development and growth.

Clause 02.03-1 Settlement – Strathbogie has a population of approximately 300 and is located on an elevated plateau in the Strathbogie Ranges.

Clause 02.03-2 Environmental Values and Biodiversity - Council's strategic directions for environment and biodiversity are to protect roadside vegetation.

Clause 02.03-3 Environmental Risk – this policy directs planning to encourage development to be responsive to potential environmental risks and discourage development particularly in areas of bushfire risk.

Clause 02.03-4 Natural Resource Management – Council's strategic direction for water is to protect proclaimed water supply catchments and water quality from development that would compromise.

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. The strategy for Strathbogie at this time is to maintain the village character.

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

Clause 13 Environmental risks and amenity – Planning should ensure development and risk mitigation does not detrimentally interfere with important natural processes.

Clause 13.02 Bushfire – the objective is to strengthen the resilience of settlements and communities to bushfire through risk based planning that prioritises the protection of human life.

Clause 13.04 Soil Degradation – the objective is to protect areas prone to erosion, landslip and other land degradation processes.

Clause 14.02 Water – the objective is to assist the protection and restoration of catchments, waterways, estuaries, bays, water bodies, groundwater and the marine environment.

Officer Response

This proposal supports investment for population growth by providing residential land for future development, within an established rural settlement, in an identified area of high demand for rural living opportunities. The location and size of lots provides opportunity to retain the village character of the area as they are large and to the outskirts of town, which reflects an existing pattern.

The risks from erosion and landslide along with bushfire have been assessed as appropriate. The Erosion Management Overlay will trigger the need for a planning permit for development and a Geotechnical Report will be required at that time. The Bushfire Management Overlay applies to a small portion of one lot only and the CFA have considered it unlikely that a dwelling will be constructed within it. If it is proposed, an application will have to assess the risk and CFA will be required to review that at the time.

The site is located within a Water Catchment Area and GMW have reviewed the proposal and given condition consent that protects the water health in the catchment.

The vegetation to be removed is to create access points to each lot and as it is exempted under Clause 52.17 no Biodiversity Report was required. It is considered that the minimum amount only will be removed to provide access and this also has to gain consent from Council, which will control the removal and creation of a crossover for each lot.

Relevant Particular Provisions

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*.

The proposal is not exempted from the requirements and no evidence of previous POS can be found.

Officer Response

A requirement of five per cent has been made in a condition to apply to any permit to issue.

Clause 56 Subdivision

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

The requirements of Clause 56 must be met.

3 – 15 lots

Clauses 56.03-5, 56.04-2 to 56.04-5, 56.05-1, 56.06-2, 56.06-4, 56.06-5, 56.06-7 and 56.06-8 to 56.09-4.

The purpose is to create liveable and sustainable neighbourhoods.

Clause 56.03-5 Neighbourhood Character	Strathbogie is a small township with low buildings that sit in the hilly landscape surrounded by vegetation. Lots vary in size, with smaller lots along the Main Street opening up to larger lots with single dwellings in large gardens that are also used for hobby style
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	farms with a small number of grazing animals and food production as you move out from the main street towards the edge of town. This proposal reflects the larger, rural lot sizes with single dwellings and gardens to the outskirts of town.
Clause 56.04-2 Building Envelopes	The lot sizes can accommodate a dwelling and outbuildings and wastewater management. An LCA has provided information as such with effluent fields and suggested dwelling locations.
Clause 56.04-3 Solar Orientation	The lots are of a size that a dwelling can be suitably orientated for good solar access.
Clause 56.04-4 Street Orientation	All lots have street frontage.
Clause 56.04-5 Common Area	No common property is required.
Clause 56.05-1 Integrated Urban Landscape	Not applicable
Clause 56.06-2 Walking and Cycling Network	Not applicable
Clause 56.06-4 Neighbourhood Street Network	Not applicable
Clause 56.06-5	Not applicable
Clause 56.07 Integrated Water Management	There is no reticulated potable water or sewerage.
Clause 56.08 Site Management	A condition on permit controls how the construction is managed
Clause 56.09 Utilities	The only reticulated will be power.

The proposal has been assessed against Clause 56 and it is considered to meet the objectives.

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 is zoned for residential subdivision and development. It is therefore considered suitable for subdivision.
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The existing use and possible future development of the land and nearby land.	This subject site is within the small township of Strathbogrie and is residential in nature.
The availability of subdivided land in the locality, and the need for the creation of further lots.	There is not much land available in this area. Strategic direction will guide into the future.
The effect of development on the use or development of other land which has a common means of drainage.	Drainage will be addressed as required by conditions.
The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.	The only vegetation to be removed is to create access points and that is exempted from a planning permit under Clause 52.17. The only trigger is the EMO.
The density of the proposed development.	Large rural lots in the Township Zone which is not unusual in regional locations.
The area and dimensions of each lot in the subdivision.	As in the report.
The layout of roads having regard to their function and relationship to existing roads.	Each lot has access to a sealed road.
The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.	Not applicable.
The provision and location of reserves for public open space and other community facilities.	POS has been required.
The staging of the subdivision.	Not applicable.
The design and siting of buildings having regard to safety and the risk of spread of fire.	Not applicable.
The provision of off-street parking.	Each lot will be able to accommodate off street parking.
The provision and location of common property.	No common property is proposed.
The functions of any body corporate.	Not required.
The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.	Electricity will be provided.
If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.	An LCA has been provided and a plan showing building locations and effluent fields and has been assessed by GMW and Council's EHO.
Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.	The only trees to be removed are to create access to two lots and these are exempted from the requirements

	of a planning permit under Clause 52.17.
The impact the development will have on the current and future development and operation of the transport system.	The proposal creates three lots and therefore there is potential for three families into the area. It is considered that any travel they will make will be accommodated into the existing transport system.

The proposal when assessed against the decision guidelines at Clause 65.2 is considered to be weighted in favour of support.

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

Hume Regional Growth Plan 2014

Relevant incorporated, reference or adopted documents

Nil

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

- Subdivision in the Township Zone and Clause 56
- Erosion Risk for creation of crossovers from Main Street to lot boundaries
- Bushfire Risk
- Water Catchment Area
- Consent from Council to remove vegetation for the creation of crossovers

Officer Response:

The proposal is to allow for infill residential development on a lot that is zoned for residential purposes and creates lots of a size that respect the existing neighbourhood character of this rural settlement that requires retention of its village character. The lots provide a choice of size and can each be developed with a dwelling that allows for a garden to be established and to complement the existing rural feel of the settlement. The proposal meets the objectives of Clause 56.

The risk of erosion and landslide will be considered fully at the time of any development proposal.

The CFA have reviewed the proposal and have considered no conditions are required and the mandatory condition does not need to be applied. It is considered the risk is low.

Goulburn Murray Water have provided conditional consent to protect the Water Catchment Area allowing the proposal to go ahead.

Further consent for the removal of vegetation and construction of the crossovers is required from Council via a Works Within a Road Reserve Permit.

It is considered that overall the proposal accords with the relevant policy in the planning scheme weighing in favour of support.

Conclusion

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

Decision:

Delegate Report <input type="checkbox"/>	Council Report Yes September 2022
Determination: Choose an item.	Determination Date:

Endorsed Plans:

Date:	Plan Numbers:

Declaration:

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

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

Attachments

Plans for endorsement

Assessing Officer: G Williamson Principal Planner Reviewing Officer: Trish Hall

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RL

Signature: *G Williamson*

Signature:

Date: 12 July 2022

Date: 20/07/2022

Copy of permit to:

GMW

APA

AusNet

GVW

CFA

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