

Attachment 1

Officer Report

Application Details:

Application is for:	Multi lot subdivision and the creation of sewer and drainage easements and the removal of native vegetation
Applicant's/Owner's Name:	Cameron Ross T & C Developments
Date Received:	23 June 2021 21 September 2022 Amended Plan received for final consideration
Statutory Days:	More than 60 days
Application Number:	P2021-107
Planner: Name, title & department	Trish Kubeil Senior Planner Planning and Investment Department
Land/Address:	Lot 5 on Plan of Subdivision 748655B Certificate of Title Volume 12032 Folio 918 12 Orchid Street, Violet Town VIC 3669
Zoning:	General Residential Zone
Overlays:	No Overlay
Is a CHMP required?	Yes The subject site is within an area of Cultural Sensitivity. Refer to Plan 17692, prepared by Tech Duinn Pty Ltd on the 25 May 2021 Approved as Plan 17692, under the Aboriginal Heritage Act 2006 on the 25 May 2021
Is it within an Open Potable Catchment Area?	No The subject site is not within an Open Potable Catchment Area.
Under what clause(s) is a permit required? (include description)	<p>This proposal has been assessed against Clause 32.08, Clause 52.02, Clause 52.17, Clause 52.29, Clause 53.01 and Clause 56, Municipal Planning Strategy and Planning Policy Framework.</p> <p><u>General Residential Zone</u></p> <p>Pursuant to 32.08-3 a permit is required to subdivide land. A proposal must meet the requirements of Clause 56.</p> <p>An application to subdivide land, must meet the requirements of Clause 56. An application of more than 16 Lots and less than 59 Lots must meet all of Clause 56 except for Clause 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.</p>

	<p><u>Easements, Restrictions and Reserves</u> Pursuant to Clause 52.02 Easements, Restrictions and Reserves A planning permit is required to create a sewer and drainage easement.</p> <p><u>Native Vegetation</u> Pursuant to Clause 52.17 – Proposed lots less than 0.4 Hectares, which creates a Site Area exemption. Native Vegetation is Deemed lost.</p> <p><u>Principal road Network</u> Pursuant to Clause 52.29 – Land adjacent to the Principal Road Network A planning permit is required to:</p> <ul style="list-style-type: none"> • Create or alter access to: <ul style="list-style-type: none"> ○ A road in a Transport Zone 2. • Subdivide land adjacent to: <ul style="list-style-type: none"> ○ A road in a Transport Zone 2
Restrictive covenants on the title?	<p>Yes Section 173 Agreement AR125182A</p> <ul style="list-style-type: none"> - Onsite-site detention for stormwater - Water Sensitive Urban Design <p>Caveat AA4522 Doc Id 773146 – no longer appears on Title</p> <p>The registered proprietor or proprietors for the time being of any lot on Plan of Subdivision No. PS 748655B and every part or parts thereof with the intent that the benefits of these covenants shall be annexed to and run at law and in equity with each and every lot on the said Plan of Subdivision covenant that they shall not:</p> <p>(a) Build, construct, erect or re-erect or allow to remain on any lot of the said Plan of Subdivision:</p> <ol style="list-style-type: none"> Any dwelling or part of a dwelling that does not comply with current best practice sustainability principles of passive design, sustainable building materials, energy and water usage; Any dwelling or part of a dwelling that has been previously erected on any other land, save for a new modular home constructed in a factory; Any shedding with a floor area in excess of 100m²; Any dwelling or outbuilding including roofs of any material other than of new materials or high-quality materials; Any advertising signs, displays or boards larger than 1m²; Any solid fencing between the lots greater than 1200mm high. <p>(b) Furthermore the Transferee shall not permit or allow:</p> <ol style="list-style-type: none"> The verge plantings of native vegetation along the creek boundaries to be removed, damaged or not properly maintained; Cats to roam free outside the dwelling at any time unless within an enclosed run according to RSPCA standards; Storage of any unused or derelict vehicles, machinery or equipment other than in an enclosed shed or shelter; Frequent or prolonged use of any recreational vehicle or vehicles on the land which constitutes an annoyance, nuisance or disturbance.
Current use and development:	Vacant
Adjacent to the Principal Road Network	Yes Murchison-Violet Town Road Transport Road Zone 2 – Principal Road Network
Status of Road on Road Register	Orchid Street - R-2 Road - sealed dual carriageway Murchison-Violet Town Road Transport Road Zone 2 – Principal Road Network - sealed dual carriageway

Adjacent to Public Land	No
-------------------------	----

Application Checklist:

Application form	Title enclosed dated 23/6/21	Fee paid \$1318.10 on 23/6/21
Site Plan <input checked="" type="checkbox"/>	Plans of Proposal <input checked="" type="checkbox"/>	Planning Report <input checked="" type="checkbox"/>
Supporting Information	Effluent Disposal	Other

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. P2021-107 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme

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 Clause 32.08, Clause 52.02, Clause 52.17, Clause 52.29, Clause 53.01 and Clause 56, Municipal Planning Strategy and Planning Policy Framework of the Strathbogie Planning Scheme in respect of the land known as Lot 5 on Plan of Subdivision 748655B, Certificate of Title Volume 12032 Folio 918 12 Orchid Street, Violet Town VIC 3669 for a Multi Lot subdivision and the creation of sewer and drainage easements and the removal of native vegetation,, in accordance with endorsed plans, subject to the following conditions:

Endorsed Plan Subdivision:

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

Section 173 Agreement:

2. Prior to the issue of Statement of Compliance, a Section 173 Agreement must be entered into that provides for the following requirements:
 - a) Must not permit any dwelling without separate 10,000 litre rainwater storage tanks and any dwelling or associated buildings not plumbed to supply re-use water for toilets and garden.
 - b) Native trees on Lots 10 and 11 must not be removed without prior consent from the Responsible Authority. (This does not include the trees marked for removal on the plan of subdivision).
 - c) Any works undertaken on or around the Avenue of Remembrance/Honour must obtain prior consent from the Responsible Authority.
This includes but not limited to:
 - Construction of crossovers
 - Pruning

- d) No secondary access will be permitted on lots 11,12,13,14,15,16,17,19.
- e) 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.
- f) 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).
- g) 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
- h) 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.
- i) 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.

The Owner will pay for all the costs associated with the preparation of the Section 173 Agreement. The Section 173 Agreement must be prepared by Council's solicitors, to the satisfaction of the Responsible Authority and must be recorded on the folio of the Register to the subject land pursuant to Section 181 of the Planning and Environment Act 1987.

Avenue of Remembrance/Honour

- 3. Works within an area of greater than 10% of the Tree Protection Zone of any tree require a tree root investigation to determine the actual location and extent of tree roots by a qualified person to the satisfaction of the Responsible Authority.
- 4. Development plans should then be made to avoid significant root damage to the subject tree.
- 5. Any required pruning is performed by qualified Arborists to comply with AS 4373 2007 - Australian Standard: Pruning of Amenity Trees.

Tree Protection Specifications

- 6. The following tree protection specifications must be met:
 - a) A "Tree Maintenance Program" shall be implemented before, during, and after construction to increase and maintain the health of the tree/s.
 - b) A "Tree Protection Zone" is to be established around the tree/s. Chain-mesh fencing (at least 1.6 meters high) should be installed no closer to the trunk of the tree/s than the "Tree Protection Zone" measurement for the relevant tree, as specified in this document, or by a qualified Arborist.
 - c) This fencing should be installed before construction works commence. The fencing shall contain signage with the words "KEEP OUT - TREE PROTECTION ZONE".

- d) The surface of the Tree Protection Zone shall be covered to a depth of approximately 150mm with coarse woodchips, mulch, or similar matter. This shall be replenished as required.
- e) No such material should be applied within 50mm of the trunk of any tree to be retained.
- f) The Tree Protection Zone shall be irrigated regularly where required, as directed by the Consulting Arborist.
- g) The relevant tree/s shall be pruned to remove any deadwood and stumps greater than 25mm in diameter from the tree canopy prior to the commencement of construction. Some live branches may also need to be removed for clearance and/or access.
- h) Connected roots greater than 25mm in diameter should not be torn from the ground by machinery. Any encountered root greater than 25mm in diameter shall be severed cleanly with sharp secateurs or a sharp hand saw. Any damaged areas of root should be removed.
- i) A suitably qualified Arborist shall perform all pruning works to meet or exceed the Australian Standard for the Pruning of Amenity Trees (AS 4373-1996).
- j) Grade changes are prohibited within the Tree Protection Zone. The existing soil levels within the Tree Protection Zone are to be maintained.
- k) Any digging within the Tree Protection Zone is prohibited without the written consent of the Consulting Arborist. This includes hand-dug trenches.
- l) Where the installation of utilities/services through the Tree Protection Zone is unavoidable, they shall be bored below the trees root system at a depth to be determined by the Consulting Arborist.
- m) Multiple installations shall be organised to use a common route.
- n) No equipment of any sort shall be attached to the tree/s in any way.
- o) The Consulting Arborist shall be notified when the tree/s incur damage of any sort.
- p) Storm water run-off paths and water table levels and their respective effects on tree health should be considered in the planning phase of the development.
- q) No material, equipment, or waste should be deposited, stored, or parked within the Tree Protection Zone during the period of construction.
- r) A suitably qualified Arborist should inspect and monitor the tree/s frequently during construction, and every 6-12 months thereafter.

Engineering Conditions:

Street/Road Name Allocation

- 7. Before the plan of subdivision is certified under the Subdivision Act 1988, the applicant must lodge an application to the Council's Street Naming Committee for the approval of any street names and street numbers on the proposed plan of subdivision.
- 8. Prior to the Certification under the Subdivision Act 1988, any easements for the purpose of draining lots to the legal point of discharge or ensuring continued vehicle access in maintained must be created.

Construction Management Plan

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

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

Site Environment Management Plan

10. Prior to the commencement of works, a Site Environment Management Plan (SEMP), must be submitted to and approved by the responsible authority and, where relevant, other authorities. When approved, the plan will be endorsed and form part of this planning permit.
11. The approved SEMP must be implemented to the satisfaction of the Responsible Authority.

Traffic Management Plan

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

Stormwater Management Plan

13. Prior to works commencing and Certification being issued, a properly prepared Stormwater Management Plan with an Overland Flow Analysis, with computations to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The information submitted must show the details listed in the council's Infrastructure Design Manual (IDM) and be designed in accordance with the requirements of that manual. The information and plans must include:
 - a) how all storm-water deposited upon, and transferred through, the developed site during a minor 20% AEP rainfall event is collected and conveyed by underground pipes to a legal point of discharge nominated by the Responsible Authority;
 - b) how all storm-water runoff originating from, or currently flowing through, the developed site in a major 1% AEP rainfall event is collected and conveyed by secure overland and/or underground flood pathways to a legal point of discharge identified by the Responsible Authority;
 - c) computations including total energy line and hydraulic grade line for the existing and proposed drainage as directed by Responsible Authority;

- d) independent drainage for each lot (for subdivisions only);
- e) location of the overland flow paths within the development;
- f) each proposed lot having a stormwater property drain inlet point, constructed in underground pipes extending from the legal point of discharge to within its property boundary
- g) measures to enhance stormwater discharge quality from the site and protect downstream waterways Including the expected discharge quality emanating from the development (output from MUSIC or similar) and design calculation summaries of the treatment elements;
- h) a maximum discharge rate from the site is to be determined by computation to the satisfaction of the Responsible Authority;
- i) documentation demonstrating approval from the relevant authority for the legal point of discharge;
- j) all roof water from buildings and surface water from hard paved areas will be collected and conveyed to a Legal Point of Discharge so as to prevent stormwater nuisance to adjoining land.
- k) that the development makes provision for upstream stormwater inflows

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

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

15. The final design parameters for the roadways and pathways must be based on Council's Infrastructure Design Manual (IDM) as modified from time to time, all to the satisfaction of the Responsible Authority. All works shall conform to plans and specifications prepared by a qualified engineer at Owner's expense and approved by the Responsible authority. A list of specific details and requirements are as follows: -
 - a) Pram crossings must be provided at all intersections to the satisfaction of the responsible authority.
 - b) Include in the design plans recommendations resulting from any required Traffic Impact Assessment.
 - c) A pavement design must be submitted for the entire road network by a suitably qualified engineer in accordance with clause 12.7 of the IDM. Irrespective of such design a minimum pavement depth of 250mm must be provided in an approved material. Council requires that the pavement wearing course be in accordance with Clause 12.7.16.

- d) Design of roads and footpath must be accessible to people with disabilities and include tactile ground surface indicators, and kerb ramps required for the safe movement of people with disabilities as per relevant Australian Standards.
 - e) Subsoil drainage installed for all kerb and channel.
16. Prior to certification of the plan of subdivision the owner must complete and duly sign a Statutory Declaration agreeing to the allocation of street numbers.
 17. 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.
 18. Prior to the issue of Statement of Compliance, the subdivider must construct/provide vehicle crossing to each and every lot and/or reserves within the subdivision development in accordance with Council's Infrastructure Design Manual. Alternatively, vehicle crossings are not required to be constructed where mountable (SM2-M) kerb and channel is used.

Landscaping

19. Prior to the issue of Statement of Compliance, the subdivider must provide Street trees as shown on the Endorsed Plan(s) and must include the planting of one (1) MATURE (2 – 3 metres high) street tree per lot (of an approved species and location), or to such higher standards by agreement and must be selected and planted by a qualified Horticulturist / Arborist. Unless otherwise agreed in writing, the Authority will only approve plans and specifications complying with council's Infrastructure Design Manual standards and /or any approved landscaping management plans as appropriate.
20. Prior to Certification being issued, a detailed landscape plan, for the whole of the site, must be prepared and implemented. The detailed landscape plan must be to the satisfaction of the responsible authority and must be submitted and assessed against the construction plans by the responsible authority. The landscape plan must be drawn to scale with dimensions and must show:
 - a) Detailed planting schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.
 - b) Soil quality and planting techniques in medium or verge tree planting zones along arterial roads (including service road nature strips) that will support full growth of medium to large trees.
 - c) Details of boundary fencing and/or other treatments such as landscaping along the Murchison Violet Town Road and Orchid Street frontages the land that includes a range of fencing styles so as not to create a solid fencing treatment along these boundaries.
 - d) Details of the removal of any approved street trees in the road reserves. \$660 including GST must be paid to Council for replacement. (Native trees may require additional approval and fees)
21. 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.
22. Prior to the issue of a Statement of Compliance all landscaping works (including street trees and fencing) 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.

23. 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.

Engineering Plans

24. 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.
25. Prior to issuing the Statement of Compliance for the subdivision the owner or developer must submit the following –
- a) An assets statement for each street.
 - b) 'As Constructed' information for the entire work in each development and stage, detailing information as listed in the Infrastructure Design Manual.
 - c) A certified plan showing the extent and depth of fill in excess of 300mm placed on any of the allotments.
 - d) 'As Constructed' drainage information provided in D Spec format to Council's satisfaction.

Road Upgrading

26. Prior to the issue of Statement of Compliance, the developer must construct the proposed roadway in accordance with plans and specifications submitted to and approved by the responsible authority. Specific details are as follows:
- a) underground drainage;
 - b) underground conduits for water, gas, electricity and telephone;
 - c) appropriate intersection and traffic measures;
 - d) appropriate street lighting and signage,
 - e) high stability permanent survey marks
 - f) any CFA requirements including hydrants.

Street Lighting

27. 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

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

Site Management During Construction

29. 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).
30. In the event of mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, appropriate measures must be implemented to minimise the problem to the satisfaction of the Responsible Authority.

31. 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.
32. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the Responsible Authority.
33. 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.
34. 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

35. 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.
36. 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.
37. 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

38. 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.

Fencing:

39. Prior to Certification being consented to, a 1.8 metre Colourbond fence is to be erected along the full length and to ground level, of the common boundary with 4437 Murchison-Violet Town Road.

Ausnet:

The applicant must –

40. Enter in an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for supply of electricity to each lot on the endorsed plan.

41. Enter into an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for the rearrangement of the existing electricity supply system.
42. 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.
43. 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.
44. Obtain for the use of AUSNET ELECTRICITY SERVICES PTY LTD any other easement required to service the lots.
45. 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.
46. Set aside on the plan of subdivision Reserves for the use of AUSNET ELECTRICITY SERVICES PTY LTD for electric substations.
47. Provide survey plans for any electric substations required by AUSNET ELECTRICITY SERVICES PTY LTD and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. AUSNET ELECTRICITY SERVICES PTY LTD requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.
48. 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.
49. Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by AUSNET ELECTRICITY SERVICES PTY LTD. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
50. Ensure that all necessary auditing is completed to the satisfaction of AUSNET ELECTRICITY SERVICES PTY LTD to allow the new network assets to be safely connected to the distribution network.

Country Fire Authority:

Hydrants

51. Prior to the issue of a 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.

Department of Environment Land Water and Planning:

Notification of permit conditions

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

Protection of native vegetation to be retained

53. Before works start, a native vegetation protection fence must be erected around all native vegetation to be retained within 15 metres of the works area. This fence must be erected at:
- a) A radius of 12 times the diameter of the tree trunk at a height of 1.4 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the tree; and
 - b) Around the patch(es) of native vegetation at a minimum distance of 2 metres from retained native vegetation.

The fence must be constructed of star pickets and paraweb or similar to the satisfaction of the responsible authority.

54. Except with the written consent of the responsible authority, within the area of native vegetation to be retained and any tree 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) construction of entry and exit pits for underground services; or
 - e) any other actions or activities that may result in adverse impacts to retained native vegetation.

Native vegetation offsets

55. The total area of native vegetation permitted to be removed is 0.161 hectares, comprised of:
- a) 1 patch of native vegetation comprised of 5 small trees;
 - b) One (1) large scattered tree; and
 - c) One (1) small scattered tree.
56. To offset the removal of 0.161 hectares of native vegetation the permit holder must secure a native vegetation offset(s) that meets all the following:
- A general offset of 0.060 general habitat units located within the Goulburn Broken Catchment Management Authority boundary or Strathbogie Shire municipal district;
 - have a Strategic Biodiversity Value score of at least 0.271;
 - provide protection for at least One (1) large tree;
 - must be in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017).

Offset evidence

57. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority. This must include:
- a) a security agreement signed by both parties, and

- b) a management plan detailing the 10-year management actions and ongoing management of the site

Every year, for ten years, after the responsible authority has approved the offset management plan, the applicant must provide notification of the management actions undertaken towards implementing the offset management plan, to the department. An offset site condition statement, including photographs must be included in this notification.
and/or

- 58. credit extract(s) allocated to meet the requirements of the permit from the Native Vegetation Credit Register.

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

- 59. Within 30 days of endorsement of the offset evidence by the responsible authority, the permit holder must provide a copy of the endorsed offset evidence to the Department of Environment, Land, Water and Planning at p&a.north@delwp.vic.gov.au.

Department of Transport:

- 60. Only two accesses will be permitted from the subject land to the Murchison-Violet Town Road to the satisfaction of the Responsible Authority and Head, Transport Victoria.
- 61. Prior to the release of statement of compliance, both the accesses must be constructed and sealed to the satisfaction of the Responsible Authority and at no cost to Head, Transport for Victoria.
- 62. The driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (e.g. by spilling gravel onto the roadway).

Goulburn Murray Water:

- 63. Any Plan of Subdivision lodged for certification must be referred to Goulburn-Murray Rural Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.
- 64. Each lot must be provided with connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.
- 65. All stormwater discharged from the site must meet the urban run-off objectives and Standard C25 as specified in Clause 56.07-4 of the Victorian Planning Provisions. All infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority.
- 66. All works within the subdivision must be done in accordance with EPA Publication 960 "Doing It Right on Subdivisions, Temporary Environmental Protection Measures for Subdivision Construction Sites", September 2004.

Goulburn Valley Water:

- 67. Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;
- 68. 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; downstream augmentation works may be required at the developer's expense.

69. Provision of one water tapping per lot at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation;
70. Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;
71. 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;
72. Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property;
73. 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;
74. 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.
75. The land to be included in an extension of the Sewer and Water Supply District and the owner agree to contribute to the actual cost to extend the District Boundary necessary to provide reticulated sewer and water to this development. Such amount being determined by the Authority at the time of payment;

General Amenity:

76. The subdivision and building and works hereby permitted must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a) transport of materials, goods or commodities to or from the land;
 - b) appearance of any building, works or materials;
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d) presence of vermin; and
 - e) others as appropriate.
77. The site shall at all times be kept in a neat and tidy condition to the satisfaction of the Responsible Authority. Any litter shall be immediately removed from the site and surrounding area at the direction of the Responsible Authority.

Telecommunications:

78. 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.

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

Subdivision Conditions:

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

Easements:

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

Referral Under Section 8 of the Subdivision Act 1988:

82. 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:

83. Before the Statement of Compliance is issued under the Subdivision Act 1988, the owner must pay to the responsible authority five per cent of the site value of all the land in the subdivision.

The owners must advise Council, in writing, to undertake the property valuation and must pay the Council's reasonable costs and expenses to provide such a valuation for payment in lieu of the public open space contribution.

Permit Expiry:

Subdivision:

84. This permit will expire if one of the following circumstances applies:
- a) the subdivision is not started (Certification) within two (2) years of the date of this permit;
 - b) the subdivision is not completed (Statement of Compliance) within five (5) years of the date of Certification under the Subdivision Act 1988.

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

Expiry of Permit – Native Vegetation:

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

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

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

Planning Notes:

- This Permit does not authorise the creation of a new access way/crossover. Before any such development may commence, the Applicant must apply for and obtain appropriate approval from Council.
- This Permit does not authorise the commencement of any building construction works. Before any such development may commence, the Applicant must apply for and obtain appropriate Building approval.
- This proposal has been assessed against Clause 32.08, Clause 52.02, Clause 52.17, Clause 52.29, Clause 53.01, Clause 56, Municipal Planning Strategy and Planning Policy Framework.
- Consent to Work within Road Reserve: Prior to works commencing on public land or roads, the applicant must obtain a permit from the relevant authority giving Consent to Work within a Road Reserve.

Country Fire Authority Notes:

- CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA web site (www.cfa.vic.gov.au)
- CFA does NOT consent under Section 9 of the Subdivision Act to the Certification of the Plan of Subdivision. CFA does require the Plan of Subdivision for this planning permit application to be referred under Section 8 of the Subdivision Act.
- CFA does NOT consent to the Statement of Compliance for Subdivision at this stage.

Department of Transport Notes

- Separate consent for works within the road reserve and the specifications of these works may be required under the Road Management Act.
- Please note that Amendment VC205 was gazetted on 20 January 2022. The amendment introduced the Transport Zone and deletes the Road Zone. The Head, Transport for Victoria recommends that the permit preamble be updated to reflect this change.

Goulburn Murray Water Notes:

- The subject property is located within an area of Cultural Heritage Sensitivity. Should the activity associated with proposed development require a Cultural Heritage Management Plan (CHMP), planning permits, licences and work authorities cannot be issued unless a CHMP has been approved for the activity.

Ausnet Notes:

- It is recommended that, at an early date the applicant commences negotiations with Ausnet Electricity Services Pty Ltd for a supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued without delay (the release to the municipality enabling a Statement of Compliance with the conditions to be issued).
- Arrangements for the supply will be subject to obtaining the agreement of other Authorities and any landowners affected by routes of the electric power lines required to supply the lots and for any tree clearing.

- Prospective purchasers of lots on this plan should contact this office to determine the availability of a supply of electricity. Financial contributions may be required.

Goulburn Valley Water Notes:

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

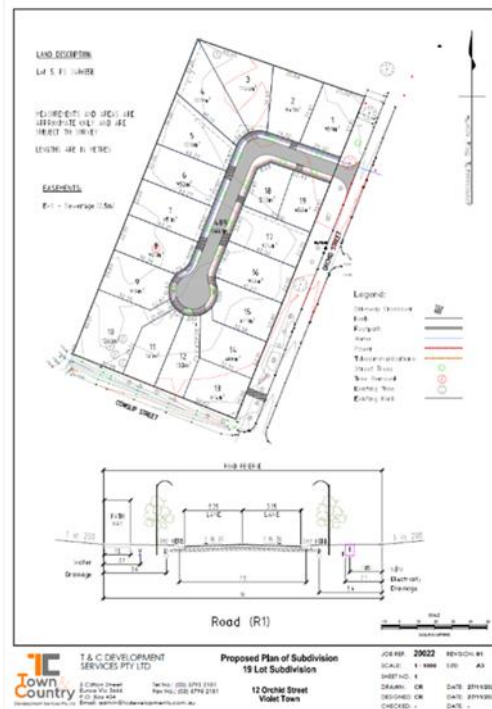
Proposal

The application proposes a Multi Lot Subdivision and the creation of sewer and drainage easements and the removal of native vegetation on Lot 5 on Plan of Subdivision 748655B Certificate of Title Volume 12032 Folio 918 12 Orchid Street, Violet Town VIC 3669.

Due to the complexities of the application the Plan of Subdivision has undergone several amendments.

The original application proposed nineteen lots, the two following plans proposed twenty lots. These proposed the installation of five (5) crossovers adjacent to 16 memorial trees. A detailed assessment was undertaken against the Strathbogie Planning Scheme. Officers were unable to support the proposed Crossovers shown below.





In order to protect the avenue of Remembrance/Honour after detailed consultation the final plan submitted to Council for consideration proposes:

- Nineteen lots
- No access within the Avenue of Honour
- New road from Orchid Street outside of the Avenue
- One double crossover from Murchison-Violet Town Road

20022 Revision 05 – Proposes 19 Lots

Lot 1- 939 Square metres

Lot 2- 947 Square metres

Lot 3- 1144 Square metres

Lot 4- 1023 Square metres

Lot 5- 1018 Square metres

Lot 6- 953 Square metres

Lot 7- 951 Square metres

Lot 8- 930 Square metres

Lot 9- 868 Square metres

Lot 10- 935 Square metres

Lot 11- 835 Square metres

Lot 12- 879 Square metres

Lot 13- 1216 Square metres

Lot 14- 808 Square metres

Lot 15- 807 Square metres

Lot 16- 928 Square metres
 Lot 17- 924 Square metres
 Lot 18- 573 Square metres
 Lot 19- 653 Square metres

LAND DESCRIPTION

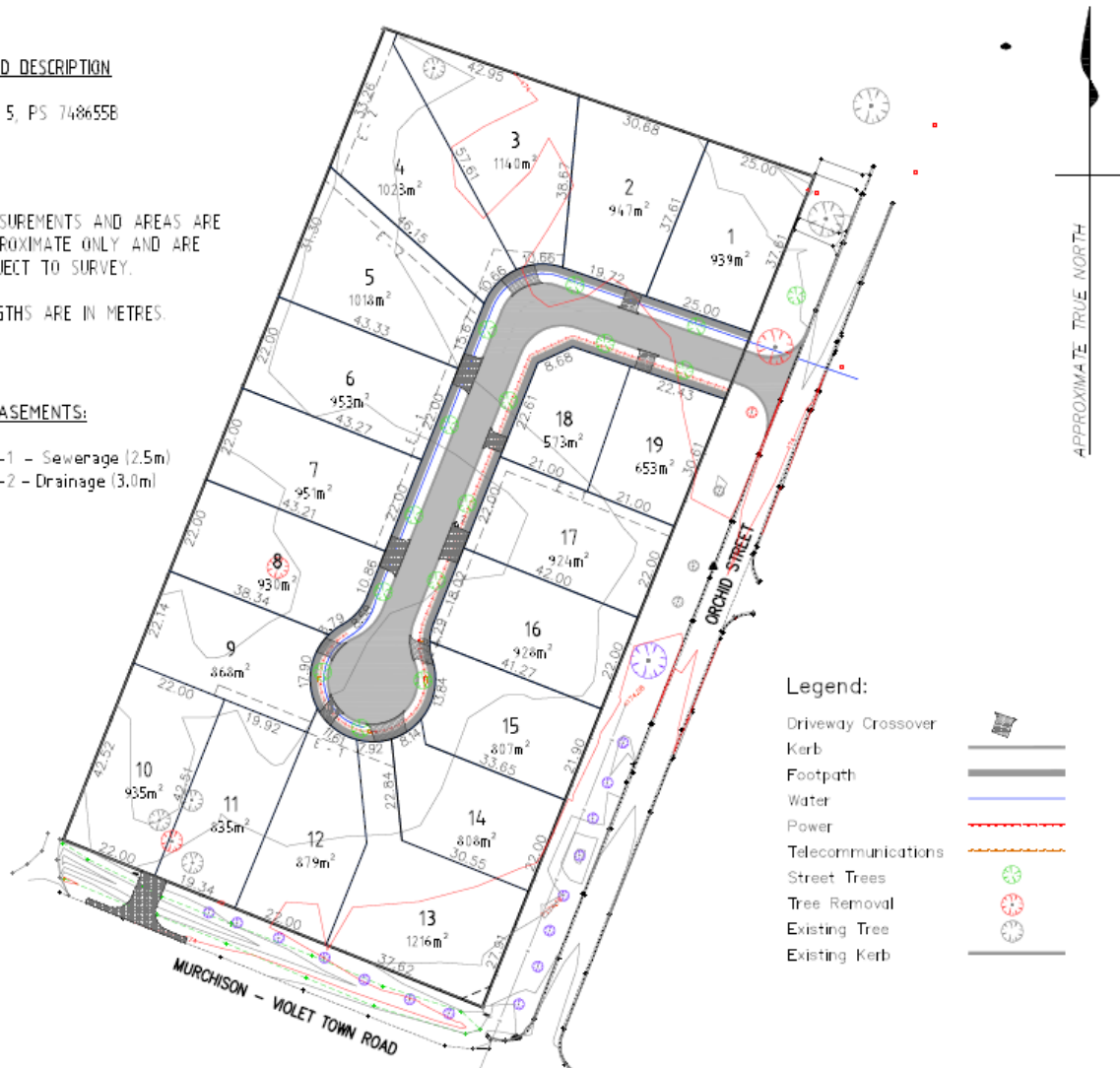
Lot 5, PS 748655B

MEASUREMENTS AND AREAS ARE
 APPROXIMATE ONLY AND ARE
 SUBJECT TO SURVEY.

LENGTHS ARE IN METRES.

EASEMENTS:

E-1 - Sewerage (2.5m)
 E-2 - Drainage (3.0m)



The applicant will be required to submit a landscaping plan, which must provide details of boundary fencing and/or other treatments such as landscaping along the Murchison Violet Town Road and Orchid Street frontages of the land to the satisfaction of the Responsible Authority.

Native Vegetation Removal

Remnant indigenous vegetation includes six *Eucalyptus camaldulensis* trees (red gums), four which form a small patch of native vegetation, one is isolated and the other dead. All of these trees require a planning permit for their possible removal due to proposed lot sizes less than 0.4 hectares and an offset if a planning permit is granted. If a planning permit is granted a third-party offset will be purchased. These trees are considered consequentially lost.

Only the Sugar Gum (*Eucalyptus cladocalyx*), located on the Orchid Street road reserve can be removed without the requirement of an offset, as it is planted.



Waypoint 1: dead tree

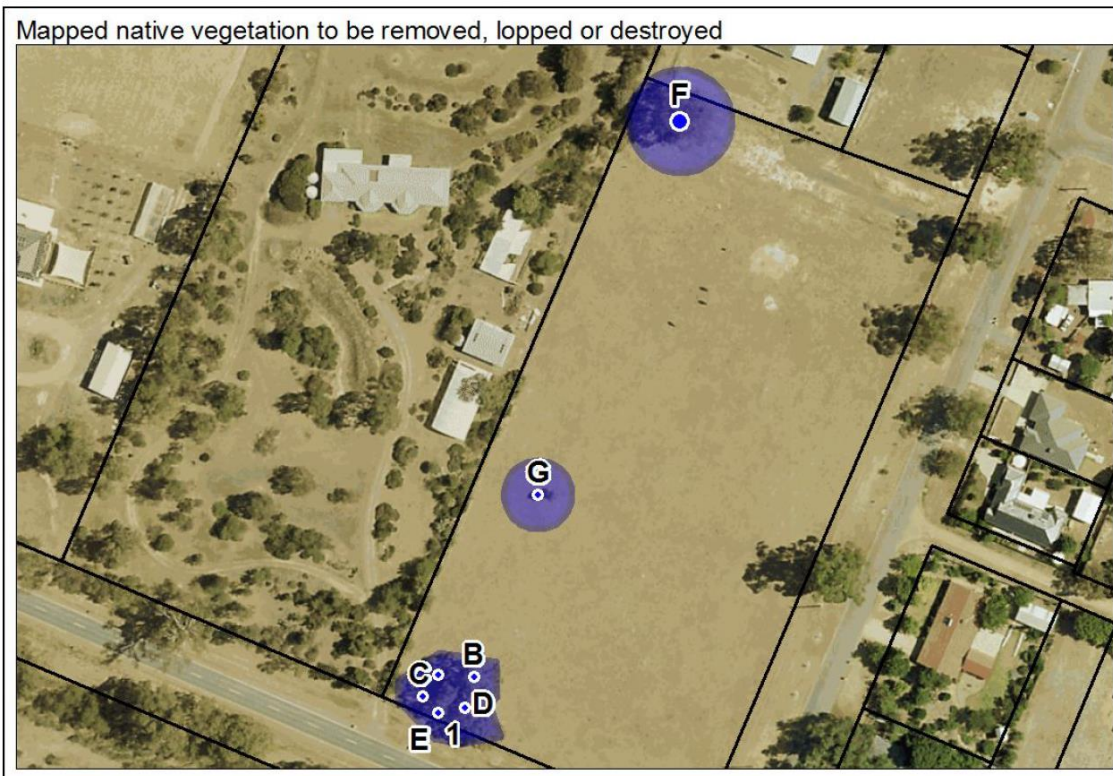


Patch of *Eucalyptus camaldulensis* trees: waypoint 3,4,5,6,& 7 trees.

A Vegetation Quality Assessment has been carried out by the applicant and it has been determined the total area of native vegetation proposed to be lost totals 0.161 hectares, comprised of:

- a) 1 patch of native vegetation comprised of 5 small trees;
- b) One (1) large scattered tree; and
- c) One (1) small scattered tree.

Figure 1 – Map of native vegetation to be removed, destroyed or lopped



Subject site & locality

Inspection date/s: 26 July 2021 Desktop Analysis 3 August 2021 Site Meeting 25 February 2022 Mediation on site	Officer: Trish Kubeil	Area of land: 19748.5 square metres
--	------------------------------	--

Subject site

The subject site is known as and formally identified as Lot 5 on Plan of Subdivision 748655B Certificate of Title Volume 12032 Folio 918 also known as 12 Orchid Street, Violet Town VIC 3669.

The lot is a corner allotment and adjoins Orchid Street to the east and Murchison-Violet Town Road to the south. The subject site has an area of 19748.5 square metres and is generally flat.



The site is located on the north-western fringe of the Violet Town township.



The site is grassed and contains four (4) redgums in the south-western corner of the site. Another redgum is located towards the centre of the site near the western boundary. One dead tree is in the north-western corner in close proximity to the fence line.

The site is positioned between Lambing Gunyah Creek to the south and Honey Suckle Creek to the north.



The parcel of land is in the General Residential Zone and not affected by any Overlays.

Orchid Street is a R-2 Road, it is a sealed dual carriageway road with kerb and chanel.



Murchison-Violet Town Road is a Transport Road Zone 2 and is part of the Principal Road Network which is managed by Department of Transport. The road is sealed and dual carriageway. The road leads out of Violet Town to the west. Murchison-Violet Town Road has a swale drain.



Along the Orchid Street, road reserve there are three large Sugar Gums (*Eucalyptus cladocalyx*) and plantings of exotic trees. Memorial plaques are at the base of the exotic trees and one of the Sugar Gums.

Surrounding Land

Land to the south and west is within the Farming Zone and land to the east is in the Township Zone.



The site is within the township of Violet Town.

The site is approximately:

- 160 Metres from the Violet Town Bush Nursing Centre and Violet Town Clinic
- 395 Metres from the Police Station
- 430 metres from the supermarket
- 480 metres from the shopping precinct
- 570 metres from Violet Town Recreation Reserve (Park)
- 500 metres from Peranbin Primary School
- 620 metres from Violet Town Swimming Pool, Violet Town Recreation Reserve.
- 760 metres from the Maternal Child Health and kindergarten.
- 820 metres from the Railway Station

Permit/Site History

A search of Council's planning electronic records showed the following planning permits being issued for the site.

- P2016-048
Five (5) lot subdivision
- Planning Scheme Amendment C070
January 2016 formal notification was received from the Minister of Planning regarding the rezoning of land from Farming Zone to General Residential Zone

Further Information

Further Information Required: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No What was requested?	
FI Requested: 27 July 2021 27 July 2022 Requested permission to include amended plans Condition	FI Received: 29 September 2021

Advertising/Public Notification

Is notification/advertisement required under section 52? Yes No Exempt Please provide comment				
Advertised by:		Council		Applicant
Site plan selected:		Site plan selected		Doc ID: 748359
Website Doc Id 741047 Attachment 3 4, and 5 29/10/2021 Website documents sent to community member as per previous notes.				Advertising Map 748350 Advertising List 748354 Please include the two community members as per previous notes in Open Office
Add Instructions on Spear		Yes		No
Letters: Yes	Signs: 2 One on Murchison-Violet Town Road and one on Orchid Street	Paper: 0	Sent: 01/11/2021	Stat Dec Rec: 18/11/2021
Amended Plan 20022 Revision 05 – Proposes 19 Lots readvertised to neighbours and Objectors and on Website for 14 days	2 One on Murchison-Violet Town Road and one on Orchid Street	Nil	13/09/2022	Stat Dec Rec: Received 20/09/2022
Objections/submissions received?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Number: 13 (12 objections and one submission) 2 objector and 1 submission withdrawn.

Note: The amended plan for a nineteen (19) Lot subdivision was further advertised, one (10) objection was withdrawn.

The proposal is still for a multi lot subdivision. The number of lots will be reduced and some of the lots sizes will be increased as per objection requests. Any permit issued will require a Landscaping Plan which will include:

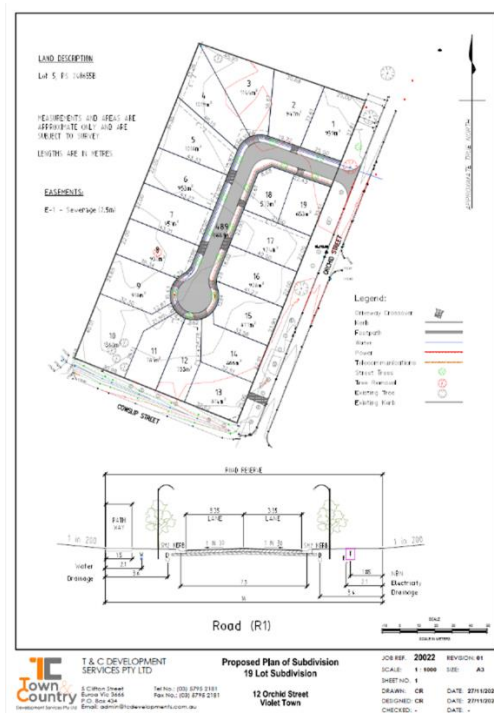
- Details of boundary fencing and/or other treatments such as landscaping along the Murchison Violet Town Road and Orchid Street frontages of the land to be completed to the satisfaction of the Responsible Authority.

Changes to the proposal will result in protection of the Avenue of Remembrance/Honour as detailed in most of the objections received. Objectors have been informed of these changes.

Consultation & Discussion on Grounds of Objection

23 June 2021

Application received nineteen (19) lot subdivision, including application form, planning submission, title, tile plan, Clause 56, site context, part fee and CHMP.



28 June 2021

Application acknowledged

13 July 2021

Doc Id 723741- Vegetation Quality Assessment Report received

27 July 2021

Further Information request

1. Clause 56.04-04, not addressed
2. Demonstrate location of Fire Hydrants

3. Remainder of fee
4. Copy of 173 Agreement AR125182A

2 August 2021

173 Agreement provided and request for meeting from applicant.

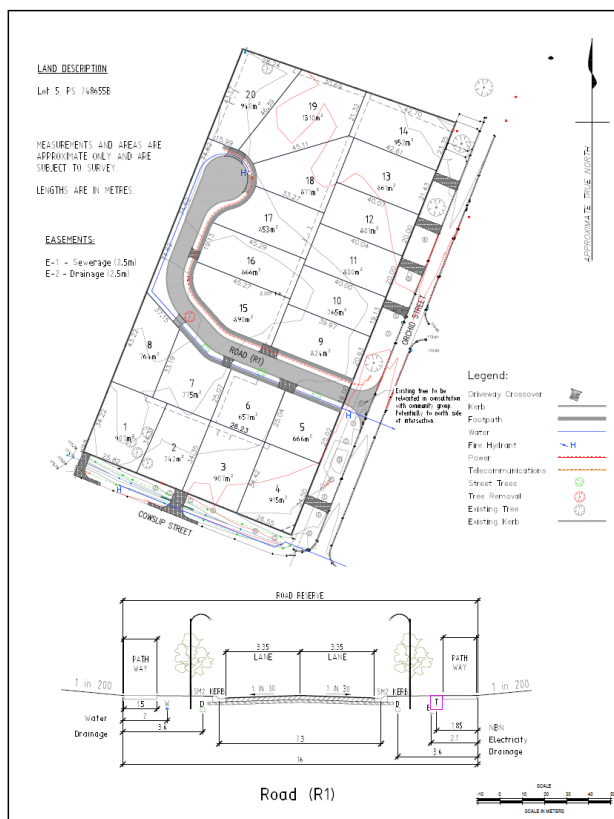
3 August 2021

Site Meeting attendees included:

- Council
- Senior Town Planner
- Principal Planner
- Applicant and representatives

6 August 2021

Doc Id – 729530 Amended Submission – Twenty (20) lot subdivision including Clause 56, plan of subdivision. Site context plan, planning submission, application form, title.



18 August 2021

Remaining Fee received.

29 August 2021

Request from community member who became a party of an objection received for details of application, Council advised the application is not yet on notice.

10 September 2021

The applicant requested relocation of selected memorial trees in order to facilitate the implementation of crossovers to the proposed lots.

16 September 2021

Council consulted with the RSL.
RSL do not consent to relocation of any memorial trees.
Consent was not granted.

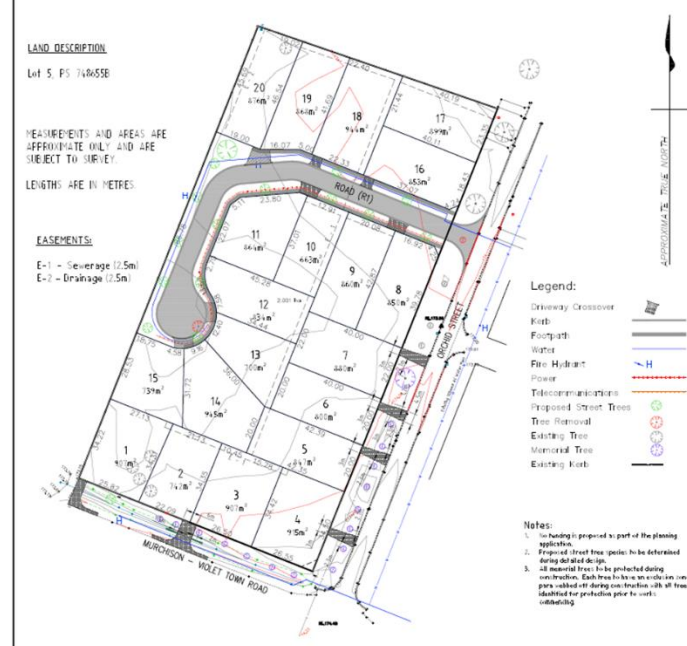
27 September 2021

Applicant advised they request additional time to provide further information request and will be amending plan to avoid removal of any memorial trees.

29 September 2021

Doc Id 741047

Amended application received for a Twenty (20) lot subdivision – includes Clause 56, site context plan and planning submission.



27 October 2021

Applicant requesting update on progression of application.

1st and 4th November 2021

Plan advertised to neighbours and on the website.

12 November 2021

Doc Id 751469 – **Objection 6** received

Submission regarding:

- easements proposed & drainage,
- storm water drains discharging into the Honeysuckle Creek.

Reply provided 12 November 2021 (Doc Id 751565).

Added to submission to Object on 19 November 2021 Doc Id 753216

- Urban run-off, discharge and flow rates should be less after development,
- Additional traffic movements, in particular Mitchell Street,
- No Traffic Management Plan,
- Proposal abuts rural land uses.

Acknowledged on November 2, 2021 - Doc Id 753580

Doc Id 754062, 753721 - Further correspondence received reiterating the above and requesting advice on community consultation on site 23 November 2021.

Doc Id 758605 Applicants response sent to Objector 13 December 2021.

Doc Id 758675 Objector advised objection stands 14 December 2021.

Doc Id 759862 Notice of Withdrawal of objection subject to Conditions (*Urban Drainage – Works- Drainage Discharge Plan*) 20 December 2021.

Doc Id 760283, 760285, 760293 Acknowledged withdrawal of Objection 21 December 2021.

Doc Id 760474 Advice have not formally withdrawn objection 22 December 2021.

Doc Id 760549 Advice will withdraw only if Conditions (*Drainage Discharge Plan*) is Conditioned 22 December 2021.

Doc Id 762892 – Advice to objector that Council is in the process of preparing mediation session January 12, 2022.

Doc Id 763446 – Council will keep updated any draft Conditions and the applicant has advised they will not attend mediation 17 January 2022.

Doc Id 769431– Advice requested and given on the 21 February 2022 regarding mediation. Council staff will meet any attendees at 9.30 am on the corner of Murchison-Violet Town Road & Orchid Street. Council will not have an arborist in attendance. The meeting will be with Council staff (Planning and engineer) only and is an opportunity to further discuss the Avenue of Remembrance/Honour and other concerns raised in the objections submitted to Council.

Doc Id 770566 – Objector can't attend site meeting.

12 November 2021

Doc Id – 751623 – **Objection 1** Received

Concerns included:

- impact on life, economic standing and social consequences of an entire local community,
- high density living, too many proposed lots, no other blocks in this vicinity are this small – neighbourhood character,
- there is no viable work in Violet Town for future residents and no market for their construction,
- the current available blocks need to be built on before more valuable land is subdivided,
- open spaces,
- climate change,
- the developers will remove the topsoil from the land,
- impact that destroying grazing pasture has on the environment,
- Violet Town has no other area with street lighting and footpaths and this not needed in a small rural town,
- power outages and have an electricity network that needs upgrading,
- poor internet connection,
- impact on Avenue of Remembrance/Honour trees,
- noise levels before and after construction,
- no monitoring of the size of future houses,
- traffic.

Doc Id 753532 Acknowledged on November 2, 2021

Doc Id 753710 Request regarding community consultation/council questions received on 3 November 2021.

Doc Id 757055 Response sent on 6 December 2021

Doc Id 758605 Applicants response to objection sent to Objector on 13 December 2021.

Doc Id 758657 Objector advised objection stands on 14 December 2021.

Doc Id 760040 Council acknowledged the above on 20 December 2021

15 November 2021

Doc Id 751623 – **Objection 2** received

Concerns included:

- sized of land blocks not consistent with neighbourhood character,
- there is no other current court bowl style streets in the town,
- traffic - noise and safety,
- storm water infrastructure causing flooding,
- footpaths leading out of the subdivision would lead to nowhere and have no connections,
- impact my choice of country lifestyle living,
- future flooding.

Acknowledged on November 2, 2022 - Doc Id 753540

18 November 2021

Doc Id 752844, 754445 – **Objection 7** received

Concerns included:

- lot sizes not in keeping with area,
- traffic,
- loss of village atmosphere.

Acknowledged on November 2, 2022 - Doc Id 753593

19 November 2021

Doc Id 753063, 753113 – **Objection 5** received

Concerns included:

- Destruction of 5 redgums

Acknowledged on November 2, 2022 - Doc Id 753568

Doc Id 753111 – **Objection 4** received

Concerns included:

- lot sizes are too small,
- there must be a height restriction to avoid privacy and overshadowing concerns,
- drainage and impact on Honeysuckle Creek and wildlife,
- need for a retardation basin,
- no land set aside for recreational use,
- on street parking, parking on Murchison-Violet Town Road and vehicles reversing out onto the road.
- acoustic nuisance during and after construction,
- flooding,
- insurance rise due to flooding and crime, property devaluation,
- loss of peace and enjoyment.

Acknowledged on November 2, 2022 - Doc Id 753558

21 November 2021

Doc Id 753604, 753421 – **Objection 3** received

Concerns included:

- building envelopes and/or legal agreements preventing future subdivision into smaller land parcels, which could be sold as vacant lots, or have multiple dwellings on the one lot,
- building envelopes on lots 1 and 2 should be used to protect the 4 native trees,
- public open space,
- permit condition that requires each lot to include a rainwater tank of at least 10,000L to use in toilets and the garden,
- construction Management Plan (CMP) or Site Environmental Management Plan (SEMP),
- open space and natural environment of township development,
- loss of villages due to subdivisions that were approved in the last decade have been allowed to further segment into smaller allotments,
- density that goes against the traditional neighbourhood character,
- a purchaser of one of the 20 blocks in the new Violet Town subdivision could potentially apply to divide the block further and/or apply to build a multi-dwelling development of 2, 3 or 4 units.

Doc Id 753545 - Acknowledged on November 2, 2021

Doc Id 778680 - Correspondence regarding request for Biodiversity Report and Council meeting time from Objector.

Doc Id 779073 - Response provided on 11 April 2022

Doc Id 769429 – Combined watermark docs and Arborist Report provided to Objector 21 February 2022

Doc Id 779073 - VQA and NVR provided to objector as requested on 12 April 2022.

Doc Id 788714 – Objector requesting copy of arborist per review, notified this is still underway - 6 June 2022

Doc Id 789937 – Further objection detailed assessment received 13 June 2022

Doc Id 793467 - Further above objection acknowledged and sent to applicant (Doc Id 793492) 1 July 2022.

Doc Id 796949 - advice 19 July 2022 Objector wishes to modify statements so that they better align with 'Violet Town Neighbourhood Character Study.

Doc Id 797293 – Further objection with detailed assessment received on 21 July 2022.

22 November 2021

Doc Id 753632 – Objections sent to Applicant

24 November 2021

Doc Id 754170 – **Objection 8** received

These concerns include:

- Avenue of Remembrance/Honour,
- inadequate consultation between the Council and the applicant with the RSL,
- long-term effect on the trees,
- what guarantees are there that the future adjoining owners would not interfere with

- the trees,
- the Avenue of Remembrance/Honour does not have any protection by the Council under its planning scheme or other statutory means.

Doc Id 7568656 - Acknowledged on December 2021.

Doc Id 75898615 - Objection sent to applicant December 2021.

Doc Id 761211 - Advice from objector that they will participate in meditation session and re-enforced the above concerns on 4 January 2022.

Doc Id 762891 - The above sent to applicant 12 January 2021.

Doc Id 777432 - Correspondence requesting DOT response from Objector received on 5 April 2022.

Doc Id 763166 – Objector requested information regarding Council records on the Avenue of Remembrance/Honour.

Included the following statements:

We have noted that the Violet Town Strategic Plan 2010 identified that the land which is proposed to be subdivided as being suitable for residential expansion of the town and the reinstatement of the Avenue at the current spacing may compromise both the future of the Avenue and the viability of the subdivision.

We believe that the long-term maintenance of the Avenue should not be compromised by the subdivision of the land as proposed.

Doc Id 770482 - Further comments received on 25 February 2022 (This was sent to applicant):

Included the following statements:

The arborist assessment report has been considered by the RSL, further comments:

- it is disappointing that the report does not acknowledge the significance of the Avenue to the Community,
- we believe that the scope of the study is inadequate,
- report makes no comments about the protection of the Avenue during building activities. This is when building materials are delivered to the sites multi vehicles crowd the site and nature strip. What provision is made for the protection of the trees? How would any protection measures be implemented?
- report makes no comments nor recommendations in regard to any long-term protection measures required or management matters that would ensure the protection and long-term maintenance of the Avenue in a developing residential environment including.
 - Parking of private vehicles near the trees (off the paved driveway entrances)
 - Management of requests to alter, change or widen driveways provided by the developer by the new or subsequent owners.
- The need for driveway provided by the developers to be widened or relocated by owners to achieve energy requirements, amenity values, design requirements, accommodation of vehicles of multi car households, and caravans or boats.

Doc Id 776608 – Further details to objection 31 March 2022.

Included the following statements:

- That the proposed subdivision would compromise the long-term viability of the Avenue of Remembrance/Honour due to the provision of access ways to residential properties bisecting the Avenue of Remembrance/Honour.
- That the proposed subdivision does not take regard to the cultural importance.

- That any subdivision of land and any development of land is undertaken in such a way to deny access across and through the Avenue of Remembrance/Honour by both physical and legal means. This could be achieved by the creation of tree reserves or similar to deny access to the subject land from the roads abutting the land in the vicinity of the trees which form the 1917 Avenue of Remembrance/Honour.

It is noted that a copy of the correspondence from VicRoads to the Shire consenting to the provision of access to Murchison-Violet Town Road has not yet been received as promised by the Shire at the meeting. We wish to advise that we will be writing to VicRoads to ask them to review that decision.

Doc Id 779082 - Provided DOT response to Objector 12 April 2022

Doc Id 779787- Further details provided on 31 March 2022, acknowledged on 14 April 2022

Doc Id 779787 – Further advice received from Objector 8 July 2022.

The two arborist reports do not address the Cultural significance of the Avenue to the Town and District and make no comment on the effect that the proposed subdivision would have on the integrity of Avenue in the long term which is a great disappointment.

I believe that the RSL would support the issue of a permit for the subdivision and development of the land if the plan of subdivision was modified to ensure that no allotment had legal access across the Avenue of Remembrance/Honour to either Orchid St or Murchison Road. This would be best achieved by the establishment of a tree reserve along the road frontage. The rear boundary of the allotments being fenced with an appropriate attractive fence supported by appropriate vegetation planted and established by the applicant and maintained by the Shire as if it was on the Road Reserve. All such works to be appropriately designed to enhance the Avenue of Remembrance/Honour.

We have already indicated that the RSL will lodge an application with the Shire to have the two Avenues of Honour included in the Shire of Strathbogie Planning Scheme to provide protection to the trees forming the avenues. We were hoping that the two arborist reports would address the level of significance.

We are currently working with RSL Victoria to undertake an investigation to support such an application.

11 October 2022

Objection withdrawn providing measures are put in place to prevent crossovers in the Avenue and protection measures in place.

24 November 2021

Doc Id 754443– **Objection 9** Received

Concerns are:

- noise, dust and constant sound of machinery and vehicles coming and going during the construction of the road, sewerage and drainage,
- lights from the proposed street at night,

We propose the construction of a 1.8m high fence by the developers would help reduce the impact of the development on us but it would need to be constructed before the major works proceed.

Doc Id 757045 Acknowledged on 6 December 2021.

Doc Id 760002 Request for mediation, applicant did not satisfy their objection 20 December 2021.

Doc Id 754445 – **Objection 12** Received

Concerns are:

- Avenue of Remembrance/Honour,
- the proposed development should not have access to the Murchison - Violet Town Road,
- significant disturbance for our farming activities. In particular we are concerned about the risk to our sheep from domestic dogs, excessive noise, excessive traffic movement, dust and light spill.

Doc Id 757059 - Acknowledged on 6 December 2021.

Doc Id 774726 – Further to Objection

- There is a no buffer zone between the proposed subdivision and us in the farming zone. What is proposed is high density for Violet Town.
- We believe Council cannot accept the subdivision without a solid fence along the west boundary.

Doc Id 779491 – Further Objection Acknowledged 13 April 2022

Doc Id 779505 - Further Objection sent to Applicant 13 April 2022

Doc Id 780387 - Applicant advised on 21 April 2022.

Both parties agreed a Colourbond fence is to be erected along the full length of the boundary with 4437 Murchison-Violet Town Road which is Farming Zone land and the developer would pay for the cost of this fence. We agree this be added as a planning permit condition as it is reasonable because it's also the zone boundary between Farming and General Residential.

Doc Id 780614 - Council Advised applicant they will require an email from the Objector to verify the above and that Council is awaiting peer review of the Arborist report 21 April 2022.

Doc Id 781414 – Notification the Objector has withdrawn subject to Condition regarding fencing, this will be included on any planning permit issued.

Doc Id 783039 - Withdrawal Acknowledged 5 May 2022.

26 November 2021

Doc Id 754978 – **Objection 10** Received

Concerns include:

- climate change,
- sustainability principles,
- Avenue of Remembrance/Honour,
- parking or gardening on the nature strip,
- NBN connectivity.

Doc Id 757066 Acknowledged on 6 December 2021.

Doc Id 769423 Advice regarding mediation attendance 21 February 2022

29 November 2021

Office of MP Steph Ryan requesting advice regarding application
Response given on 30 November 2021.

2 December 2021

Quote for Vegetation Credits provided by applicant

3 December 2021

Doc Id 756769 – Applicants Response to Objections received.

Doc Id 756634 - Concerned Neighbour provided copy of Caveat AA4522 Doc Id 773146 – no longer appears on Title

13 December 2021

Doc Id 756769 – Applicants Response to Objection

13 December 2021 Doc Id 758605 – Applicants response sent to Objectors

17th December Doc Id 759521 – Objections sent to Applicant

20th December 2021 Meeting with Council - Assets, Manager of Planning and Investment and Senior Town Planner

Solutions which were tabled that may or may not resolve concerns regarding the Avenue of Remembrance/Honour include:

- A redesign of plan of Subdivision to include a service road to minimise the number of crossovers.
- An Arborist report detailing any impact the proposed crossovers would have on the current and future (Considering the size of the tree at its expected full maturity) canopy and root Zones of the trees.

Please advise Council if you would like to proceed.

31 January 2022

Applicant provided Arborist Report by Oldmeadow Arboriculture.

- no expected detrimental impacts on the health of the trees with proposed design

1 February 2022

Council asked if the applicant would like to be part of any further mediation, - they advised they would not like to participate at this stage.

7th February 2022

Doc Id 766981, 766982 – **Submission 11** received regarding planting of Avenue of Remembrance/Honour, related newspaper article.

Doc Id 768227 – above acknowledged and sent to applicant (Doc Id 768238) 14 February 2022

15 February 2022

Doc Id 768381 Applicants Arborist report (Oldmeadow Arboriculture Report Code 2051 orch0122_AIA Site Assessment 19 January 2022 Report Date 31 January 2022)

Doc Id 768309, 768389 Mediation Session Information

Doc Id 768435 Above emailed to objectors and submitters

25 February 2022 Mediation Session on site between 9.30am and 10.30am.

Doc Id 772980, 773144 – Minutes from meeting.

- Objectors/submitters raised concerns regarding the unknown development issues and timeframes if the subdivision was to be approved. Planning department is only considering the application for Subdivision. Any newly created lots would not require planning permit for a single dwelling on each lot. The dwellings would be required to meet the building code and appropriate building permits.
- Concerns regarding connectivity and the availability of footpaths along the site (Violet Town Murchison Road and Orchid Street) and in the broader context to provide linkages to facilities within the township. Planning permit conditions may address footpaths for the site, however in the broader context these issues should be taken up with Council outside of the planning process.
- Questions were raised regarding Public Open Space Requirements from Council. Should this be the standard 5% contribution, or provision of park or reserve within the subdivision – Officers will take this issue on board for consideration and evaluation.
- Management of trees during and after subdivision, including short- and long-term maintenance and security – discussed the possibility for the protection of the trees via a 173 Agreement issued on any planning permit was discussed, the Applicant and objectors/submitters may be amendable to this and it is worth further discussion.
- Arborist report was provided to objectors/submitters on the 15 February 2022. Cultural Importance of trees and long term impacts was left out of the provided arborist report. Council is having the arborist report peer reviewed.
- Concerns raised regarding the ability for a buffer area and or fencing treatment between the subject site and property in the Farming Zone to the north – will discuss with the applicant for further comment and will re-check the Covenant and any local policy and Zone requirements.
- Fencing standards between the subject site and properties adjoining in the General Residential Zone will discuss with the applicant for further comment and will re-check the Covenant and any local policy and Zone requirements.
- Concerns regarding the density of the development and neighbourhood character – reference made to the Violet Town Neighbourhood Character Study 2010 – Officers will refer to the General Residential Zone and any strategic documents in completing their assessment.
- Concerns regarding connections to services in particular - NBN Connection
- Objectors/submitters raised questions about the existing Covenant – this will be provided to all objector/submitters for information.
- General discussion and information passed on regarding Covenants and who implements them. In particular can a Covenant restrict the following:
 - Type of development
 - No further Subdivision
 - Fencing

Covenants are not implemented by Council. It would be the developer or landowner that may decide to implement a Covenant over titles.

Action Items

- Council to have the application documents back up on Website – documents put back on website for viewing with an open date until decision is made to ensure documents remain available for all parties until a decision is made.
- Send Covenant to all objector/submitters – admin to include with a copy of the minutes to all parties

- Place Covenant and Arborist report on website for viewing – in progress
- Peer review of Arborist Report currently being undertaken

Any draft Conditions will be distributed to objection/submitters if a recommendation is made in support of the application as part of the mediation process.

28 February 2022

Request for interested parties in Peer review of Arborist Report.

11 March 2022

Doc Id 773159 – Caveat and minutes provided to Objectors.

18 March 2022

Doc Id 774150 - request for Quote

13 April 2022

Applicant happy for Conditions regarding fencing to the farming Zone and a 173 Agreement to highlight importance and significance of the Avenue of Remembrance/Honour.

6 June 2022

Council following up requesting receipt of peer review of arborist report.

16 June 2022

Applicant advised they have received peer review of arborist report and wish to proceed with application.

28 June 2022

Doc Id 792891 - Applicants and councils arborist Report forwarded to objectors.

8 July 2022

It is noted that an additional objection has been received and this has been noted in the Council report meaning that 13 objections have now been received. This objection does not raise any new grounds of concern.

26 July 2022

Officers rang and emailed applicant regarding placing an amended Plan Condition on any planning permit issued.

Officers acknowledge Council stated previously that the plan identified in the amended Plans Condition does not meet Clause 56 - Street Orientation Objective. However, officers consider with the right landscaping and fencing plan the objectives are achievable.

9 September 2022

Amended Plan Received 20022 Revision 5

- power outages and have an electricity network that needs upgrading,
- dust,
- noise during and after any construction on site,
- easements proposed & drainage, including storm water draining into the Honeysuckle Creek - storm water infrastructure causing flooding,
- urban run-off, discharge and flow rates should be less after development,
- proposal abuts rural land uses- significant disturbance for our farming activities. In particular we are concerned about the risk to our sheep from domestic dogs, excessive noise, excessive traffic movement, dust and light spill,
- impact on life, economic standing and social consequences of an entire local community,
- there is no viable work in Violet Town for future residents and no market for their construction,
- the current available blocks need to be built on before more valuable land is subdivided,
- open spaces,
- the developers will remove the topsoil from the land,
- impact that destroying grazing pasture has on the environment,
- destruction of 5 redgums,
- building envelopes and/or legal agreements preventing future subdivision into smaller land parcels, which could be sold as vacant lots, or have multiple dwellings on the one lot, no monitoring of the size of future houses, a purchaser of one of the 20 blocks in the new Violet Town subdivision could potentially apply to divide the block further and/or apply to build a multi-dwelling development of 2, 3 or 4 unit
- building envelopes on lots 1 and 2 should be used to protect the 4 native trees,
- public open space,
- permit condition that requires each lot to include a rainwater tank of at least 10,000L to use in toilets and the garden,
- Construction Management Plan (CMP) or Site Environmental Management Plan (SEMP)
- Neighbourhood character

Avenue of Remembrance/Honour

- inadequate consultation between the Council and the applicant with the RSL,
- long-term effect on the trees,
- what guarantees are there that the future adjoining owners would not interfere with the trees,
- the Avenue of Honour does not have any protection by the Council under its planning scheme or other statutory means,
- that the proposed subdivision would compromise the long-term viability of the Avenue of Remembrance/Honour due to the provision of access ways to residential properties bisecting the Avenue of Remembrance/Honour,
- that the proposed subdivision does not take regard to the cultural importance,
- that any subdivision of land and any development of land is undertaken in such a way to deny access across and through the Avenue of Remembrance/Honour by both physical and legal means. This could be achieved by the creation of tree reserves or similar to deny access to the subject land from the roads abutting the land in the vicinity of the trees which form the 1917 Avenue of Remembrance/Honour.

Avenue of Remembrance/Honour

The reconstruction of the Avenue in the period between 2013-2015 was undertaken via the reinstatement and re-dedication of the Avenue. The works were undertaken by the RSL and the Shire and part-funded by a State Government grant of \$10,000.00. The original Avenue

of Remembrance was planted in 1917 and onward on the western entrance to the town to remember the contribution made by the community to the First World War.

Memorial trees have been located along the eastern and southern boundary of the subject site.

Kerb and channelling on Orchid Street will minimise parking near the Memorial trees.

Officers have not located any agreements made between the RSL and the Council regarding the care and maintenance of these trees.

It is considered the land is suitable for residential expansion of the town, however the reinstatement of the Avenue including the spacing between the trees may compromise both the future viability and the Cultural Significance of the Avenue of Remembrance/Honour, should vehicle crossovers be located between any of the trees.

Officers did approach the applicant regarding a redesign of plan of Subdivision.

Suggestions included a service road to minimise the number of crossovers.

Officers completing final assessment against the Strathbogie Planning Scheme; including consultation with our Asset team have concerns regarding vehicle access for the application and the risks of these access points impacting on the Avenue of Honour trees.

Council's strategic directions for managing environmental risks, including the potential impact on significant roadside vegetation is to:

- Protect sites of distinctive character as well as a cultural identity and sense of place.
- Encourage development to be responsive to potential any environmental risks.
- Protect medium to high-quality roadside vegetation.

In addition, the installation of five (5) crossovers adjacent to sixteen (16) memorial trees not supported by the Planning Policy Framework.

Officers were unable to support the proposed crossovers shown below.

Crossovers are proposed within the existing Avenue of Remembrance/Honour



In order to protect the Avenue of Remembrance/Honour and in Consultation with the applicant an amended plan has been received and advertised to the objectors and neighbours. No access is proposed within the Avenue of Honour.

The proposal is still for a multi-lot subdivision. The number of lots will be reduced and lots sizes will be increased as per objection requests. Council received no objections based on type of fencing along Orchid Street and Murchison-Violet Town Road. Any permit issued will require a Landscaping Plan which will include:

- Details of boundary fencing and/or other treatments such as landscaping along the Murchison-Violet Town Road and Orchid Street frontages of the land to be completed to the satisfaction of the Responsible Authority.

Even though the Avenue of Remembrance/Honour, is not directly recognised within the Strathbogie Planning Scheme, or listed on the Victorian Heritage Register; and or the National Trust of Australia it is considered to have cultural significance within the township of Violet Town.

Officers have met on several occasions with the applicant, RSL and objectors/submitters over the course of the application.

Changes to the proposed plan and Conditions will result in protection of the Avenue of Remembrance/Honour as detailed in most of the objections received. Objectors will be informed of these changes.

The applicant did provide an Arborist report from Oldmeadow Arboriculture Report Code 2051 orch0122_AIA. A site visit was conducted by the Arborists on 19 January 2022.

The report identified possible impacts to assessed trees from proposed works as described below.:

- Tree 1 – **Moderate impact. Two crossovers are proposed with the TPZ of this tree and will have a combined, major encroachment of 21.9%.**
Despite this encroachment, the crossovers can be installed on grade and impacts are expected to be minimal.
- Trees 7-8 and 14-15 – Low impact. Proposed crossovers within the vicinity of these trees will have a minor encroachment into their TPZs of less than 10%. These young, healthy trees are expected to tolerate this degree impact without any detrimental impact to health and useful life expectancy.

2.3 Site map



2051 orch0122_AIA www.oldmeadow-arboriculture.com.au | rhys@oldarb.com.au | 0412 199 628

Page 7 of 20

Recommendations from Oldmeadow Arboriculture:

- Tree 1
Install crossover above grade, ensure only minimal site scrape of vegetative matter.
- Tree 7-8
Install crossover above grade, ensure only minimal site scrape of vegetative matter.
- Trees 14-15
Install crossover above grade, ensure only minimal site scrape of vegetative matter. Will require installation of a culvert and fill material to achieve grade.

General recommendations:

TPZ fencing -Install TPZ surrounding all trees as per the site plan to protect from construction related impacts in accordance with 2051 orch0122_AIA.

Underground services – Ensure underground services/utilities are routed outside of TPZs. If they must pass through a TPZ, utilise low impact methods (hand tools, air spade/hydro) for the installation, ensuring larger roots are protected from cutting or damage.

To assess the long-term viability of the 1917 Avenue of Remembrance/Honour due to the provision of access ways Council undertook a peer review of the above.

The peer review identified the following:

- The trees forming part of an Avenue of Honour are **considered to be of cultural significance and should be protected as best as practical.**

The recommendations of the peer review included:

- **Any impact on the Tree Protection Zones (TPZs) of the subject trees should be avoided.**
- **Failure to sufficiently protect the tree protection zones, structural root zones, and canopies of these trees is likely to adversely impact the health and/or structure of these trees.**

It was also recommended that conditions be included on any planning permit issued to ensure to short-and-long term protection of the Avenue of Remembrance/Honour, these include:

- Tree Protection Zones are fenced, as described in APPENDIX 1: Tree Protection Specifications. Where works are to be performed within the TPZ, the fence shall be installed as far away from the tree trunk as possible, and a minimum of 90% of the area of the TPZ shall be fenced, plus an additional, adjoining area equal to the unfenced area of the TPZ.
- Tree Protection Zones and fenced areas are mulched, wherever possible, to a depth of approximately 150mm with coarse woodchips, mulch, or similar matter, as described in APPENDIX 1: Tree Protection Specifications.
- Trees requiring works within an area of greater than 10% of the Tree Protection Zone require a tree root investigation to determine the actual location and extent of tree roots. Development plans should then be made to avoid significant root damage to the subject tree.
- Any required pruning is performed by qualified Arborists to comply with AS 4373-2007 - Australian Standard: Pruning of Amenity Trees.
- APPENDIX 1: Tree Protection Specifications are followed within Tree Protection Zones.

It is reasonable to expect land zoned for residential development with residential street frontage be allowed to have access to allotments fronting that street. This is common practice throughout Victoria and has also occurred with other development. However, in this instance the site is unique, and it is considered that the plantings are closer together than what one would expect to see for street tree plantings. Due to the above it is considered the number and location of the crossovers is inappropriate.

Officers have given the Avenue of Remembrance/Honour a great deal of consideration and understand the cultural significance and the RSL and communities concerns over the memorial trees short and long-term health. Officers have taken steps to protect as best as practical by including appropriate tree protection.

Other planning matters:

- high density living, size of proposed lots, and Court bowl road construction not consistent with neighbourhood character and country lifestyle living,
- climate change,
- sustainability principles,
- Traffic including traffic management plan, safety, parking or gardening on the nature strip,
- Violet Town has no other area with street lighting and footpaths. and this not needed in a small rural town, footpaths leading out of the subdivision would lead to nowhere and have no connections,
- NBN connectivity,

- power outages and have an electricity network that needs upgrading,
- dust,
- noise during and after any construction on site,
- easements proposed & drainage, including storm water draining into the Honeysuckle Creek - storm water infrastructure causing flooding,
- urban run-off, discharge and flow rates should be less after development,
- proposal abuts rural land uses- significant disturbance for our farming activities. In particular we are concerned about the risk to our sheep from domestic dogs, excessive noise, excessive traffic movement, dust and light spill,
- impact on life, economic standing and social consequences of an entire local community,
- there is no viable work in Violet Town for future residents and no market for their construction,
- the current available blocks need to be built on before more valuable land is subdivided,
- open spaces,
- the developers will remove the topsoil from the land,
- impact that destroying grazing pasture has on the environment,
- destruction of 5 redgums,
- building envelopes and/or legal agreements preventing future subdivision into smaller land parcels, which could be sold as vacant lots, or have multiple dwellings on the one lot, no monitoring of the size of future houses, a purchaser of one of the 20 blocks in the new Violet Town subdivision could potentially apply to divide the block further and/or apply to build a multi-dwelling development of 2, 3 or 4 unit
- building envelopes on lots 1 and 2 should be used to protect the 4 native trees,
- public open space,

If a planning permit is granted the following Conditions will be included:

- *Public Open Space contribution*
- *a Section 173 Agreement requiring:*
 - *the provision of rainwater tank of at least 10,000L to use in toilets and the garden.*
 - *Native vegetation on Lots 10 and 11 must not be removed without consent from the Responsible Authority.*
- Traffic Management Plan,
- Construction Management Plan (CMP) or Site Environmental Management Plan (SEMP) to the satisfaction of the Responsible Authority,
- Prior to Certification a 1.8 metre Colourbond fence must be erected along the full length of the common boundary with 4437 Murchison-Violet Town Road.
- Conditions regarding drainage and retention of sediment and silt.
- Conditions regarding amenity

High density living, size of proposed lots, and Court bowl road construction not consistent with neighbourhood character and country lifestyle living

It is considered the lots are not high density for the area.

The proposed lots vary from 573 square metres to 1216 square metres. Lots within the area within Violet Town vary from approximately 387 square metres to 2085 square metres.

It is considered the number of proposed lots and lot sizes are appropriate for the General Residential Zone and Violet Town's future sustainability as a vibrant township, encouraging growth and community diversity. The planning Scheme allows blocks in the General Residential Zone to be much smaller.

The land is within the General Residential Zone and therefore suitable for infill development.

The township of Violet Town has a varied neighbourhood character, and whilst the development achieves the objectives of the relevant provisions of the Strathbogie Planning Scheme.

Violet Town has no other area with street lighting and footpaths. and this is not needed in a small rural town, footpaths leading out of the subdivision would lead to nowhere and have no connections

Any planning permit issued will include Conditions requiring the construction of footpaths to the satisfaction of the Responsible Authority. The subject site is located on the north-western fringe of the township. Violet-Town Murchison Road is within the principal road network. The construction of any footpaths will allow for safer connections in the future. The developer can only be held accountable for the footpath within the subdivision and abutting the site. Future upgrades beyond the site will be the responsibility of Council.

NBN connectivity

Standard Conditions regarding connection to telecommunications will be included on any planning permit issued.

Power outages and have an electricity network that needs upgrading

The proposal was referred to Ausnet, who have consented subject to Conditions.

Dust, noise during and after any construction on site

The following Conditions will be included on any planning permit issued.

The subdivision and building and works hereby permitted must be managed so that the amenity of the area is not detrimentally affected, through the:

- a) transport of materials, goods or commodities to or from the land;
- b) appearance of any building, works or materials;
- c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
- d) presence of vermin; and
- e) others as appropriate.

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.

Easements proposed & drainage, including storm water draining into the Honeysuckle Creek - storm water infrastructure causing flooding

Appropriate Conditions regarding easements, drainage and stormwater will be included on any planning permit issued

Urban run-off, discharge and flow rates should be less after development

Stormwater detention will be provided on individual properties via Conditions including a Section 173 Agreement. The stormwater management system must be designed in accordance with the Shire of Strathbogie Infrastructure Design Manual as part of the detailed design of the development. A Condition regarding tanks will also be included on any planning permit issued.

Proposal abuts rural land uses- significant disturbance for our farming activities

The land is zoned General Residential Zone and is nestled between Township Zone and Farming Zone. The proposal abuts rural land uses. A Condition will be included on any planning permit issued requiring fencing, to protect the rural lot to the west. A 1.8 metres

Colourbond fence is to be erected along the full length of the boundary with 4437 Murchison-Violet Town Road.

Standard amenity Conditions will also be included.

Impact on life, economic standing and social consequences of an entire local community

It is considered the proposal will not have a detrimental impact on life, economic standing and social consequences of an entire local community.

No viable work in Violet Town for future residents and no market for their construction

Violet Town is appropriately located and service by road networks to allow people to access jobs and services from Benalla, Shepparton and Euroa.

Current available blocks need to be built on before more valuable land is subdivided

The land is zoned General Residential Zone and therefore is considered appropriate for infill development at this time. Assessment Clause 56 and Clause 32.08 has been carried out please refer further in this report.

Open spaces

The proposal has good access to open spaces. The Violet Town Recreation Reserve is located in close proximity to the land.

The developer will be required to make a public open space contribution.

In this instance this contribution is considered appropriate rather than the offering of land due to:

- the number of lots
- large open space available nearby for these proposed lots to access
- smaller parks can become neglected and are difficult for Council to manage and can a negative impact on the amenity of the area.

Impact that destroying grazing pasture has on the environment

The land has already been rezoned to General Residential Zone and therefore it is considered the grazing pasture is already lost. It is considered the land is suitable for infill development.

Destruction of 5 redgums

The native vegetation located in the south-west corner of the property has been considered when designing the development layout. There is opportunity for any future owners to retain the vegetation while still constructing a dwelling.

A 173 Agreement will be included on any Planning permit issued requiring that native vegetation on Lots 10 and 11 must not be removed without consent from the Responsible Authority.

Building envelopes and/or legal agreements preventing future subdivision into smaller land parcels, which could be sold as vacant lots, or have multiple dwellings on the one lot, no monitoring of the size of future houses, a purchaser of one of the 20 blocks in the new Violet Town subdivision could potentially apply to divide the block further and/or apply to build a multi-dwelling development of 2, 3 or 4 unit

The planning Scheme does not allow for the implementation of a 173 Agreement to prevent further subdivision. The land is within the General Residential Zone and allows for application for subdivision. Any future application will be considered against the Scheme at the time.

However, it is noted due to the Avenue of Remembrance/Honour and other site constraints, it could be unlikely that this would be supported.

Any future unit or multi dwelling development proposed on the lots will require planning permission and will go out on notice and be assessed against the relevant provisions of the Scheme.

The proposal does not include any development the application is for subdivision. Any future dwellings will be required to be constructed in accordance with the Building Code.

Each lot to include a rainwater tank of at least 10,000L to use in toilets and the garden
The above will be Conditioned on any planning permit issued via a 173 Agreement.

Construction Management Plan (CMP) or Site Environmental Management Plan (SEMP)

The above will be Conditioned on any planning permit issued and reviewed by Strathbogie engineers.

Referrals

REFERRALS					
Add-instructions-on-SPEAR:			<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Referrals Authority	Type-of-Referral	Referral-Clause-and-Description	Date-sent	Date-received	Comment
APA	Section 55 Determining	Clause 66.01	1/11/2021 Doc-748824 Re-referral-sent-01/12/2021 Doc-755841	15/11/2021	No-objection APT does not require the plan to be forwarded under Section 8 of the Subdivision Act 1988, and consents to the issue of a statement of compliance at the appropriate time.
GMW	Section 52 Recommending	Clause 66.01 -- Subdivision Referral	18/11/2021 Doc-755849 Re-referral-sent-01/12/2021 Doc-755860	7/12/2021	No-objection-subject-to-conditions
CFA	Section 55 -- Determining	Clause 66.01 -- Subdivision Referrals	1/11/2021 Doc-748827 Re-referral-sent-01/12/2021 Doc-755878	4/11/2021 29/12/2021	No-objection-subject-to-conditions Conditional-consent-to-grant-a-permit-however-certification-and-compliance-required
DELWP	Section 55 -- Determining	Clause 66.01 -- Subdivision Referral	1/11/2021 Doc-748834 Re-referral-sent Doc-755870	3/12/2021 Both-referral-and-re-referral-received-by-DELWP	No-objection-Recommendations
GVW	Section 55 --	Clause	1/11/2021		

	Determining	66.01-- Subdivision Referrals	Doc- 748837 Re-referral- sent Doc- 755864	8/12/2021	No objection- subject to- conditions
AusNet Electricity	Section 55-- Determining	Clause- 66.01-- Subdivision Referrals	1/11/2021 Doc- 748822 01/12/2021- Doc- 755841	26 July- 2022	Conditional- Consent
DOT	Section 55-- Determining	Clause- 66.03-- Other State- Standard- Provisions	1/11/2021 Doc- 748863 01/12/2021- Doc- 755863 Rereferred- for change- to- Condition- wording- 27/7/2022	26/11/2021 10/02/2022 Response- with- wording- change- 27/7/2022	No objections- subject to- conditions No objections- subject to- conditions
ENGINEER	For Referral		Sent via- internal- workflow- Doc- 719237		Conditional- Consent- Based on- Amended- Plans
Addressing/Road Naming	For Referral		Sent via- internal- workflow- Doc- 719237		No Comment- Street- Naming- Condition- included

Note: The application is for a Multi Lot Subdivision. The application referred showed a Twenty (20) Lot subdivision. The Nineteen (19) Lot subdivision was not further referred as the proposal is still for a multi lot subdivision. The number of lots will be reduced by one. The proposed Nineteen (19) Lot subdivision will not be in breach on Conditions provided from the Referral Authorities. Council contacted DOT on the 27 July 2022 who revised their Condition 1 to allow for only two accesses to be permitted from the subject land to the Murchison-Violet Town Road as shown on the plan appended to the application to read "Only two accesses will be permitted from the subject land to the Murchison-Violet Town Road to the satisfaction of the Responsible Authority and Head, Transport Victoria."

Assessment

Clause 32.08 GENERAL RESIDENTIAL ZONE

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.

- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

Officers Response:

The proposal is for a multi lot subdivision. A planning permit is required under Clause 32.08-3 to subdivide land.

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

All proposed lots are more than 400 square metres.

An application to subdivide land, must meet the requirements of Clause 56. An application of more than 16 Lots and less than 59 Lots must meet all of Clause 56 except for Clause 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.

Standard subdivision conditions have been included to ensure all lots will have access to reticulated sewerage and other services. The subdivision will facilitate infill residential development in an appropriate location. The proposal will enable the provision of lots for diverse housing opportunities which offer good access to services and transport in accordance with the purpose of the General Residential Zone.

The proposed lots vary from 573 square metres to 1216 square metres. Lots within the area within Violet Town vary from approximately 387 square metres to 2085 square metres, therefore the lot sizes are considered in accordance with the character of the area.

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

Decision Guideline	Response
<i>The Municipal Planning Strategy and the Planning Policy Framework.</i>	The application is consistent with the Municipal Planning Strategy and the Planning Policy Framework.
<i>The purpose of this zone.</i>	The application provides for additional opportunities for residential development in Violet Town. The application has been assessed against Clause 56. It is considered the application is in keeping with the General Residential Zone.
<i>The objectives set out in a schedule to this zone.</i>	None specified.
<i>Any other decision guidelines specified in a schedule to this zone.</i>	None specified.
<i>The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.</i>	The proposed nineteen (19) lots vary from 573 square metres to 1216 square metres. Some of the larger lots are located on the northern side of the site and these have ample opportunity to be developed away from any existing development. In addition, the existing solar rooftop solar energy system on the dwellings to the north are on the northern side away from any future development.
<i>The pattern of subdivision and its effect on the spacing of buildings.</i>	The proposed lots vary 573 square metres to 1216 square metres, this is considered consistent

	with the pattern of subdivision. Lots within the area within Violet Town vary from approximately 387 square metres to 2085 square metres.
<i>For subdivision of land for residential development, the objectives and standards of Clause 56.</i>	The subdivision has been assessed under Clause 56 as detailed further below.

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

Municipal Planning Strategy and Planning Policy Framework

The Municipal Planning Strategy

Clause 02.03 Strategic Directions

Clause 02.03-1 Settlement

Strathbogie's principal towns are Euroa, Nagambie, Avenel and Violet Town. Other smaller townships and settlements include Longwood, Ruffy and Strathbogie.

***Violet Town** is a compact, sustainable community, located near the Strathbogie ranges and amongst a wider district of rural and farming uses. The town has wide streets and historic buildings with a range of diverse community facilities.*

Officers Response:

The application will help to facilitate the sustainable growth of Violet Town through infill development which maintains the current zoning of the area. The subdivision will create varied lots that will allow for residential development adding diversity and choice of housing in the area. The proposed lots vary from 573 square metres to 1216 square metres. This is in keeping with lots within the area within Violet Town vary from approximately 387 square metres to 2085 square metres.

Clause 02.03-2 Environmental values and biodiversity

- *Protect medium to high-quality roadside vegetation.*

Clause 02.03-3 Environmental Risk

The catchments of the various rivers and streams within the Shire also include areas of flood prone land, where flooding has historically caused substantial damage to the natural and built environment.

Areas of the Shire are identified as being prone to bushfires, particularly the Strathbogie Ranges.

Council's strategic directions for environmental risks are to:

- *Encourage development to be responsive to potential environmental risks.*

Clause 02.03-5 Built Environment and Heritage

Heritage

The Shire has a number of places of heritage significance. Heritage places range from bridges, buildings, historic mining sites and riparian areas. The Shire's heritage gives its towns and regions a distinctive character as well as a cultural identity and sense of place.

Officers Response:

The subject trees in the road reserve are largely a mixture of young and semi-mature trees of a relatively small size, except for Tree Number 1, which is a moderate sized Sugar Gum.

These trees are of Cultural significance, as they form part of an Avenue of Honour which was originally planted in 1917-18. Many of the trees were replaced in 2015.

“The Avenue of Remembrance was originally planted in 1917 to commemorate 65 district men and women who served in World War One. Further tree plantings took place in 1918.

It stretches westwards on both sides of Cowslip Street (Violet Town-Murchison Road) from the police station to 125 metres west of McDiamards Road & Orchid Street intersection, and 100 metres along both side roads.

All plaques were removed in 2014 and refurbished, and old trees were removed and new ones planted. The Avenue was rededicated on 22 March 2015.”

(<https://monumentaustralia.org.au/themes/conflict/ww1/display/106765-anzac-avenue-of-remembrance>)

Officers completing final assessment against the Strathbogie Planning Scheme; including consultation with our Asset team had concerns regarding vehicle access for the application and the risks of these access points impacting on the Avenue of Honour Trees.

Council’s strategic directions for environmental risks are to:

- Protect sites of distinctive character as well as a cultural identity and sense of place.
- Encourage development to be responsive to potential any environmental risks.
- Protect medium to high-quality roadside vegetation.

There is a plausible inherent risk to the Avenue of Honour. Given this, the installation of five (5) crossovers adjacent to sixteen (16) memorial trees is not supported.

In order to protect the Avenue of Remembrance/Honour and in Consultation with the applicant and RSL Council received an and amended plan demonstrating the removal of crossovers within the Avenue of Honour.

A Landscaping Plan will be required detailing boundary fencing and/or other treatments such as landscaping along the Murchison Violet Town Road and Orchid Street frontages of the land to the satisfaction of the Responsible authority.

Clause 02.03-8 Transport

The Shire has limited public transport options and a lack of walking and bicycle infrastructure.

- *Encourage more pedestrian connections and walking tracks within towns, especially between key areas such as town centres, health care facilities, schools, train stations and sporting facilities.*

Officers Response:

Any planning permit issued will include Conditions requiring the construction of footpaths to the satisfaction of the Responsible Authority. The subject site is located on the north-western fringe of the township. Violet-Town Murchison Road is within the principal road network. The construction of any footpaths will allow for safer connections in the future. The developer can only be held accountable for the footpath within the subdivision and abutting the site. Future upgrades beyond the site will be the responsibility of Council.

Clause 02.03-9 Infrastructure

The Shire covers an immense area of different terrain, has four main towns and other smaller villages which all have significant infrastructure requirements. Infrastructure within the Shire is aging and will need replacing in the near future. Most settlements have poor drainage.

Council seeks to leverage sustainable infrastructure for the community using clear and consistent guidelines.

Council's strategic directions for infrastructure are to:

- Encourage a consistent approach to the design and construction of infrastructure across the municipality.

Officers Response:

Any planning permit issued will have appropriate Conditions included to ensure upgrade to drainage for the site in accordance with the IDM.

The Planning Policy Framework (PPF)

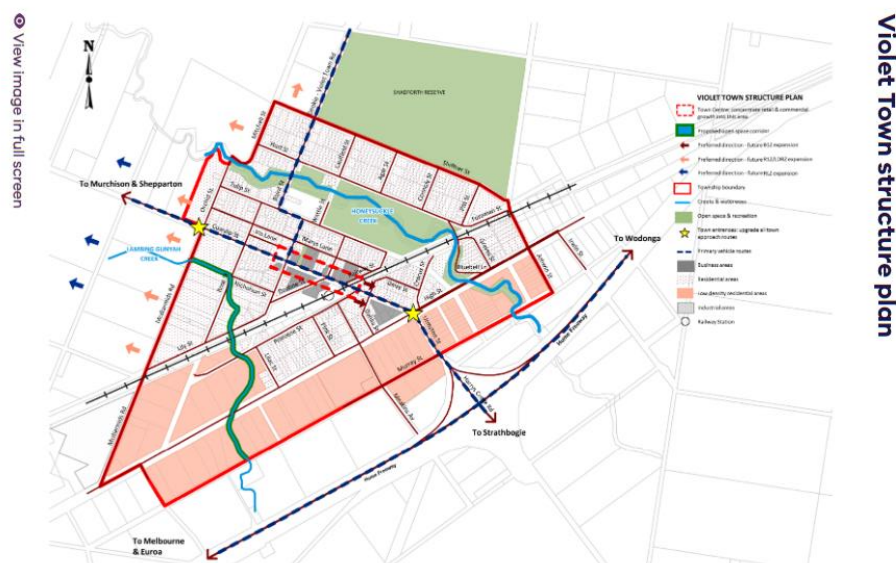
Clause 11.01 Victoria

Clause 11.01-1L-06 Violet Town

Strategies

- Encourage the retention of the mix of retail and community uses within the town centre.
- Encourage the expansion of the town centre along Cowslip Street and High Street.
- Design new buildings in Violet Town to complement the existing character in both residential and commercial areas.
- Ensure footpaths are included as part of any new development.
- Design new buildings in the town centre along Cowslip Street to abut the front and side boundaries of the lot to create a continuous frontage along the footpath.
- Encourage the retention and enhancement of the existing verandas in the town centre along cowslip street.

Violet Town Structure Plan



Officers Response:

The site on Orchid Street is identified in the Violet Town Structure Plan as an area for residential development and is zoned General Residential Zone.

Conditions on any planning permit issued will ensure footpaths are included as part of the development in accordance with the IDM.

The land is near the town entrance from west.

The land abuts Farming Zone to the west and appropriate fencing Conditions will be included on any planning permit issued to limit an adverse impact on the neighbouring farming land.

The application will help to facilitate the sustainable growth of Violet Town through infill development.

Clause 11.02-1S Supply of urban land

Objective

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

Officers Response:

The subdivision will contribute additional land within an existing General Residential Zone for future residential buildings. The proposed subdivision is considered appropriate within the surrounding area. The subdivision allows for access to the surrounding road networks. Lots within the area within Violet Town vary from approximately 387 square metres to 2085 square metres. The subject site is located in close proximity to recreation areas, primary school, kindergarten, shopping district, and railway station.

Clause 11.03-5S Distinctive areas and landscapes

Objective

To recognise the importance of distinctive areas and landscapes to the people of Victoria and protect and enhance the valued attributes of identified or declared distinctive areas and landscapes.

Strategies

- *Recognise the unique features and special characteristics of these areas and landscapes.*
- *Protect the identified key values and activities of these areas.*
- *Enhance conservation of the environment, including the unique habitats, ecosystems and biodiversity of these areas.*
- *Support use and development where it enhances the valued characteristics of these areas.*
- *Avoid use and development that could undermine the long-term natural or non-urban use of land in these areas.*

Clause 12.05-2S Landscapes

Objective

- *To protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.*
- *Strategies*
- *Ensure development does not detract from the natural qualities of significant landscape areas.*
- *Improve the landscape qualities, open space linkages and environmental performance in significant landscapes and open spaces, including green wedges, conservation areas and non-urban areas.*

Clause 13 Environmental Risk and Amenity

Planning should strengthen the resilience and safety of communities by adopting a best practice environmental management and risk management approach.

Planning should identify, prevent and minimise the risk of harm to the environment, human health, and amenity through:

- *Land use and development compatibility.*
- *Effective controls to prevent or mitigate significant impacts.*

- *Planning should identify and manage the potential for the environment and environmental changes to impact on the economic, environmental or social wellbeing of society.*
- *Planning should ensure development and risk mitigation does not detrimentally interfere with important natural processes.*
- *Planning should prepare for and respond to the impacts of climate change.*

Officers Response:

The site has unique features and special characteristics being the Avenue of Honour. Officers have undertaken practicable measures to protect the memorial including environmental management and risk management (see further detail in report). Council supports the proposal providing it enhances the valued characteristics of the area by limiting crossovers between the Avenue of Honour and provides an appropriate fence and landscaping abutting the road reserve that contributes to the character and identity of the Avenue of Honour.

Appropriate conditions have been included to avoid use and development that could undermine the long-term natural use of land in this area.

Clause 12.01-2S Native vegetation management

Objective

- *To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.*

Strategies

Ensure decisions that involve, or will lead to, the removal, destruction or lopping of native vegetation, apply the three-step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017):

- *Avoid the removal, destruction or lopping of native vegetation.*
- *Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.*
- *Provide an offset to compensate for the biodiversity impact from the removal, destruction or lopping of native vegetation.*

Officers Response:

The site is more than 1.9 hectares.

All the proposed lots are less than 0.4 hectares in size; the lots vary from 573 square metres to 1216 square metres.

A Vegetation Quality Assessment has been completed.

Remnant indigenous vegetation includes six Eucalyptus camaldulensis trees, four which form a small patch of native vegetation, one is isolated and the other dead. All of these trees require a permit for their removal and an offset if a permit is granted. If a permit is granted a third-party offset will be purchased.

Only the Sugar Gum (Eucalyptus cladocalyx), located on the Orchid Street road reserve can be removed without the requirement of an offset, as it is planted.

Approximately 0.161 hectares of native vegetation, the total area of native vegetation permitted to be removed are assumed lost to the proposed subdivision as all the proposed lots are less than 0.4 hectares in size. Any native vegetation remaining on small lots has a reduced environmental value.

The application was referred to DELWP.

An intermediate assessment pathway survey was required in a location 2 category because the historic EVC occurring on the property has a bioregional conservation status of being endangered.

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

The total area of native vegetation permitted to be removed is 0.161 hectares, comprised of:

- c) 1 patch of native vegetation comprised of 5 small trees;
- f) One (1) large scattered tree; and
- g) One (1) small scattered tree.

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

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

Offsets Conditions will be included on any planning permit issued:

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

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

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

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

In addition a 173 Agreement condition will be included on any planning permit issued; That native vegetation on newly created Lots 10 and 11 must not be removed from the land without consent from the responsible authority. (This does not include the two trees in red identified on any approved plan of subdivision).

Clause 13.02-1S, Bushfire Planning

Objective

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

Officers Response:

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

Clause 13.03-1S, Floodplain management

Objective

To assist the protection of:

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

Officers Response:

The subject site is not affected by the Land Subject to Inundation Overlay.

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

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

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

Clause 15.01-1S Urban design

Objective

- *To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.*

Strategies

- ***Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.***
- *Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.*
- *Ensure the interface between the private and public realm protects and enhances personal safety.*
- *Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.*
- *Ensure that the design and location of publicly accessible private spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.*
- *Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.*
- ***Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.***
- *Promote good urban design along and abutting transport corridors.*

Clause 15.01-3S Subdivision design

Objective

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

Clause 15.01-5S Neighbourhood character

Objective

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

Clause 15.03-1S Heritage conservation

Objective

- *To ensure the conservation of places of heritage significance.*

Strategies

- *Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.*
- *Provide for the protection of natural heritage sites and man-made resources.*
- *Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.*
- *Encourage appropriate development that respects places with identified heritage values.*
- ***Retain those elements that contribute to the importance of the heritage place.***
- ***Encourage the conservation and restoration of contributory elements of a heritage place.***
- ***Ensure an appropriate setting and context for heritage places is maintained or enhanced.***
- *Support adaptive reuse of heritage buildings where their use has become redundant.*

Officers Response:

It is considered the proposal is appropriate for the area and General Residential Zone. The subdivision will allow for future infill development.

The proposed lots vary from 573 square metres to 1216 square metres. Lots within the area within Violet Town vary from approximately 387 square metres to 2085 square metres.

It is considered the number of proposed lots and lot sizes are appropriate for Violet Town's future sustainability as a vibrant township and will encourage growth and community diversity. The Nineteen lots are consistent with the recommendations made (lots between 10-20 lots) in the Planning Panel recommendations for C070.

The proposed lots will be serviced by Orchid Street, Violet Town-Murchison Road and Cowslip Street.

The township of Violet Town has a varied neighbourhood character, and whilst the development achieves the objectives of the relevant provisions of the Strathbogie Planning Scheme, appropriate conditions will be included on any planning permit issued.

These Conditions will ensure:

- that development minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.
- the recognition, support and protection neighbourhood character, cultural identity, and sense of place.
- provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.
- encourage appropriate development that respects places with identified heritage values.
- retain those elements that contribute to the importance of the heritage place.
- encourage the conservation and restoration of contributory elements of a heritage place.
- appropriate setting and context for heritage places is maintained or enhanced.

In order to protect the Avenue of Remembrance/Honour and in Consultation with the applicant and RSL Council received an amended plan demonstrating no access within the Avenue of Honour.

A Landscaping Plan will be required detailing boundary fencing and/or other treatments such as landscaping along the Murchison Violet Town Road and Orchid Street frontages of the land to the satisfaction of the Responsible authority.

Clause 16.01-2S Location of residential development

Objective:

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

Officers Response:

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

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

Relevant Particular Provisions

Clause 52.02 Easements, Restrictions and Reserves

Officers Response:

A planning permit is required to create a sewer and drainage easement. Appropriate conditions will be included on any planning permit issued.

Clause 52.17 Native Vegetation

Purpose

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

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

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

Officers Response:

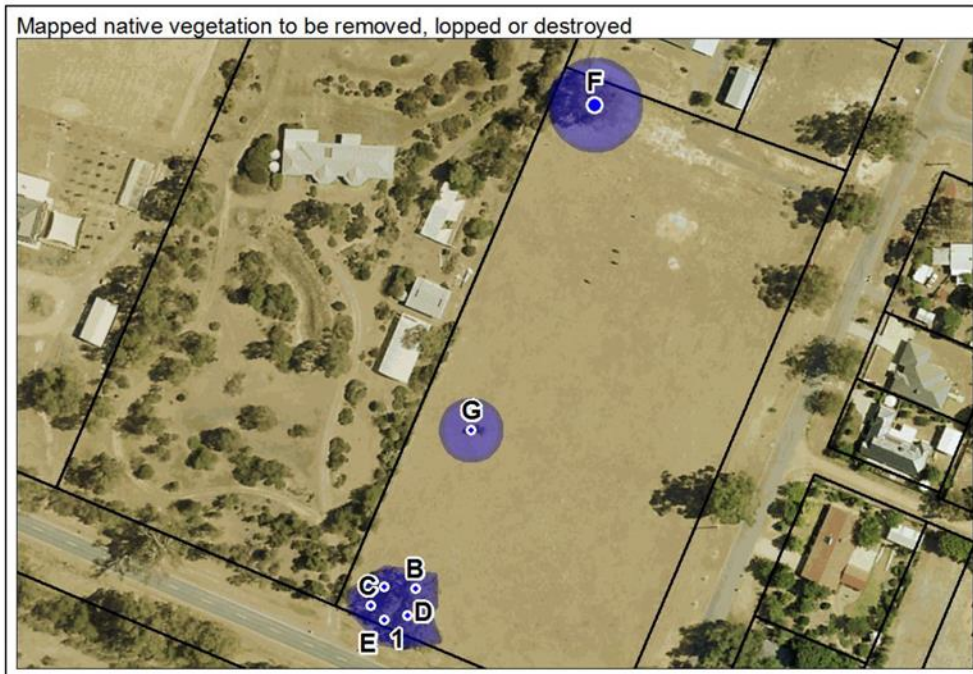
The site is more than 1.9 hectares.

All the proposed lots are less than 0.4 hectares in size; the lots vary from 573 square metres to 1216 square metres.

A Vegetation Quality Assessment has been completed.

All that remains of the indigenous vegetation are six *Eucalyptus camaldulensis* trees, four which form a small patch of native vegetation, one is isolated and the other dead. All of these trees require a permit for their removal and an offset if a permit is granted. If a permit is granted a third-party offset will be purchased.

Figure 1 – Map of native vegetation to be removed, destroyed or lopped



Only the Sugar Gum (*Eucalyptus cladocalyx*), located on the Orchid Street road reserve can be removed without the requirement of an offset, as it is planted.

Approximately 0.161 hectares of native vegetation, the total area of native vegetation permitted to be removed is assumed lost to the proposed subdivision as all the proposed lots are less the 0.4 hectares in size. Any native vegetation remaining on small lots has a reduced environmental value and therefore is assumed lost.

The application was referred to DELWP.

An intermediate assessment pathway survey was required in a location 2 category because the historic EVC occurring on the property has a bioregional conservation status of being endangered.

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

The total area of native vegetation permitted to be removed is 0.161 hectares, comprised of:

- b) 1 patch of native vegetation comprised of 5 small trees;
- d) One (1) large scattered tree; and
- e) One (1) small scattered tree.

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

DELWP is satisfied that the applicant has taken adequate steps to avoid and minimise the proposed native vegetation removal. The Native Vegetation Report supplied with the

application adequately describes the native vegetation to be removed and the offset requirements, should clearing be approved.

Offsets Conditions will be included on any planning permit issued:

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

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

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

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

vegetationlink

Our reference: VLQ-7602

Your reference: 12 Orchid St,
Violet Town

2 December 2021

Cameron Ross
T & C Development Services
Cameron.Ross@tcdevelopments.com.au

Dear Cameron

RE: Quotation for the supply of native vegetation credits

Vegetation Link is an accredited offset provider with the Department of Environment, Land, Water & Planning (DELWP). We offer a specialised brokerage service to enable permit holders and developers to identify suitable native vegetation credits to meet their planning permit offset requirements.

Based on the information you have provided, I understand you require the following native vegetation offset:

Offset type	Vicinity	General habitat units (GHU)	Min. strategic biodiversity value (SBV)	Large trees
General	Goulburn Broken CMA	0.060	0.271	1

To meet your offset requirements, you can purchase native vegetation credits from a third party as per the option quoted below¹. This quotation is valid for 14 days, subject to credit availability and landholder pricing.

CTA pathway – offset site located in the Strathbogie Shire area (approx. 2-5 week turnaround from acceptance of quote)	
Cost of native vegetation credits – invoiced by DELWP	\$5,892.00
Transaction fees – invoiced by Vegetation Link	\$1,020.00
Total (ex. GST)	\$6,912.00
Total (inc. GST)	\$7,603.20

If you would like to purchase credits, let us know that you accept the quote and return the attached purchaser details form by email. Upon receipt of the form, we will begin the trade process. Further details of the process for credit allocation is in the FAQ below.

Should you have any queries, please do not hesitate to contact us on 1300 VEG LINK (1300 834 546) or email offsets@vegetationlink.com.au.

Sincerely,



Tesha Mahoney
Biodiversity Offset Broker

¹ Note that the transaction fee includes DELWP NVOR transfer and allocation fees and a Vegetation Link fee

Clause 52.29 – Land adjacent to the Principal Road Network Purpose

- To ensure appropriate access to the Principal Road Network or land planned to form part of the Principal Road Network.

- *To ensure appropriate subdivision of land adjacent to Principal Road Network or land planned to form part of the Principal Road Network.*

Officers Response:

A planning permit is required to:

- Create or alter access to:
 - A road in a Transport Zone 2.
- Subdivide land adjacent to:
 - A road in a Transport Zone 2

The application was referred to Department of Transport who do not object subject to Conditions, these will be included on any planning permit issued.

Clause 53.01 Public Open Space Contribution and Subdivision

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

Officers Response:

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

Clause 56 – Residential Subdivision

Purpose

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

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

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

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

To ensure residential subdivision design appropriately provides for:

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


ASSESSMENT AGAINST CLAUSE 56 – RESIDENTIAL SUBDIVISION

16-59 LOTS SUBDIVISION

All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.

APPLICATION NUMBER
P2021-107
DEVELOPMENT ADDRESS
12 Orchid Street, Violet Town
PROPOSAL

Nineteen (19) Lot subdivision; Creation of sewer and drainage easements and the removal of native vegetation

Clause 56.01 – Site and Context Description and Design Response		
Objective	Applicant Comment	Council Comment
<p>The site and context description may use a site plan, photographs or other techniques and must accurately describe:</p> <ul style="list-style-type: none"> In relation to the site: <ul style="list-style-type: none"> Site shape, size, dimension and orientation. Levels and contours of the site. Natural features including trees and other significant vegetation, drainage lines, water courses, wetlands, ridgelines and hill tops. The siting and use of existing buildings and structures. Street frontage features such as poles, street trees and kerb crossovers Access points Location of drainage and other utilities Easements Any identified natural or cultural features of the site. Significant views to and from the site Noise and odour sources or other external influences Soil conditions, including any land affected by contamination, erosion, salinity, acid sulphate soils or fill Any other notable features or characteristics of the site. Adjacent uses. Any other factor affecting the capacity to develop the site including whether the site is affected by inundation. An application for subdivision of 3 or more must also describe in relation to the surrounding area: <ul style="list-style-type: none"> The pattern of subdivision. Existing land uses. The location and use of existing buildings on adjacent land. Abutting street and path widths, materials and detailing. The location and type of significant vegetation. 	<p>360m to State Primary School 60m to Hospital 725m to Post Office 820m to Railway Station 500m to Main Street Shopping Strip 600m to Recreation Reserve 420m to Police Station</p> <p>Medium density sized lots</p> 	<p>✓ Complies The site is approximately:</p> <ul style="list-style-type: none"> 160 Metres from the Violet Town Bush Nursing Centre and Violet Town Clinic 395 Metres from the Police Station 430 metres from the supermarket 480 metres from the shopping precinct 570 metres from Violet Town Recreation Reserve (Park) 500 metres from Peranbin Primary School 620 metres from Violet Town Swimming Pool, Violet Town Recreation Reserve. 760 metres from the Maternal Child

56.01-01		Health and kindergarten. • 820 metres from the railway station
<p>Design response</p> <ul style="list-style-type: none"> The design response must explain how the proposed design: <ul style="list-style-type: none"> - Derives from and responds to the site and context description - Responds to any site and context features for the area identified in a local planning policy or a Neighbourhood Character Overlay. - Responds to any relevant objective, policy, strategy or plan set out for the area in this scheme. <p>Meets the relevant objectives of Clause 56</p>	Nineteen lots are proposed to be created in this subdivision. An assessment addressing the required clauses are provided	✓ Complies

Clause 56.02 – Policy Implementation

Objective	Applicant Comment	Council Comment
To ensure that the layout and design of a subdivision is consistent with and implements any objective, policy, strategy or plan for the area set out in this scheme. Standard C1	The proposed subdivision location is consistent with the objectives of the Violet Town Structure Plan.	✓ Complies

Clause 56.03-4 – Built environment objective

Objective	Applicant Comment	Council Comment
<p>To create urban places with identity and character. Standard C5</p> <p>The built environment should:</p> <ul style="list-style-type: none"> Implement any relevant urban design strategy, plan or policy for the area set out in this scheme. Provide living and working environments that are functional, safe and attractive. Provide an integrated layout, built form and urban landscape. Contribute to a sense of place and cultural identity. <p>An application should describe the identity and character to be achieved and the elements that contribute to that identity and character.</p>	<p>The proposed subdivision contributes a well-designed layout that represents the future needs of a variety of different family types that is accessible. The location and walkability to key town facilities gives the site a positive outlook, and the ability to be developed with dwellings that suit people currently living in Violet Town and for people moving to the area. The subdivision proposes to be open to visitors through creating a roadway and large property frontages. Overall, the character reflects township qualities already established within the town, on lots that are considered to be large in comparison with lot size averages in Melbourne</p>	✓ Complies

		land to the satisfaction of the Responsible Authority. Further detail in the body of this report
<p>Common areas objectives</p> <ul style="list-style-type: none"> To identify common areas and the purpose for which the area is commonly held. To ensure the provision of common area is appropriate and that necessary management arrangements are in place. To maintain direct public access throughout the neighbourhood street network. <p>56.04-05 Standard C11</p>	Common property will not be included.	✓ Complies

Clause 56.06 – Access and Mobility Management (56.06-1 to 56.06-3 not required C14, C15, C16))		
Objective	Applicant Comment	Council Comment
<p>Walking and cycling network objectives</p> <ul style="list-style-type: none"> To contribute to community health and wellbeing by encouraging walking and cycling as part of the daily lives of residents, employees and visitors. To provide safe and direct movement through and between neighbourhoods by pedestrians and cyclists. To reduce car use, greenhouse gas emissions and air pollution. <p>56.06-02 Standard C15</p>	<p>The Violet Town residential areas are not well linked by formal pedestrian access to the central activity area in Cowslip Street. This subdivision will provide formal pedestrian access to Orchid Street through the construction of concrete footpaths on either side of proposed roadways. Also, a roadway will be constructed to 16m wide which will provide shared access for motor vehicles and bicycles. Cowslip Street will likely be used by pedestrians and cyclists to access the central business area in Cowslip Street.</p>	✓ Complies
<p>Neighbourhood street network objective</p> <ul style="list-style-type: none"> To provide for direct, safe and easy movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood street network. <p>56.06-04 Standard C17</p>	<p>The new roadway to be created in this subdivision will support pedestrian, bicycle and motor vehicle access. The street will connect with Orchid Street which is a collector street that links to Cowslip Street (Road Zone Category 1 – Violet Town – Murchison Road) and also the main street. The will contain street trees, street lighting, kerb and channeling and footpaths which is physically different to the arterial road network nearby which does not provide all of this infrastructure. The street design ensures low speed for motor</p>	✓ Complies

	<p>vehicles through the use of 90 degree corners and a court bowl. The subdivision does not propose to connect to additional areas or future subdivisions by road network, and therefore freight vehicles will not use these streets to access activity centres. All lots within the subdivision will be accessible by fire trucks, ambulance and State Emergency vehicles. The street width proposed for the subdivision will allow safe movement of all vehicles. The neighbourhood street network has been designed to address all of these points</p>	
<p>Walking and cycling network detail objectives</p> <ul style="list-style-type: none"> To design and construct footpaths, shared path and cycle path networks that are safe, comfortable, well-constructed and accessible for people with disabilities. To design footpaths to accommodate wheelchairs, prams, scooters and other footpath bound vehicles. <p>56.06-05 Standard C18</p>	<p>The proposed roadway construction has been designed to incorporate shared use by bicycles. The minimum pavement required is 6.0m, whilst this subdivision will provide 7.3m. The street contains a court bowl. The increased space will ensure that cyclists and motor vehicles can share the roadway. Footpaths will be constructed on both sides of all streets to 1.5m which is the standard width. The use of kerb crossing ramps will ensure the mobility for all people will be achievable throughout the subdivision. All access networks will be designed and constructed to discharge surface water</p>	<p>✓ Complies Footpaths provided on both sides of proposed street</p>
<p>Public transport network detail To provide for the safe, efficient operation of public transport and the comfort and convenience of public transport users. To provide public transport stops that are accessible to people with disabilities. Standard C19</p>	<p>The street widths proposed accord with the requirement for bus movement throughout the subdivision. It is unlikely that public transport will be provided in the future as the roadway contains a court bowl. Access to future public transport collection points is achievable through providing footpaths throughout the subdivision.</p>	<p>✓ Complies</p>
<p>Neighbourhood street network detail objective</p> <ul style="list-style-type: none"> To design and construct street carriageways and verges so that the street geometry and traffic speed provide an accessible and safe neighbourhood street system for all users. <p>56.06-07 Standard C20</p>	<p>The proposed road widths comply with the requirements of Table C1. All street blocks are between 120m and 240m in length. They</p>	<p>✓ Complies To be reviewed by Engineering referral</p>

	<p>are all between 60m and 120m in width as required.</p> <p>All verges are designed to provide footpaths on each side of the streets, and the road width is greater than the minimum standard size. Street trees, light poles, signage and utility services will be accommodated. A drainage system will be incorporated as required.</p> <p>Appropriate street geometry has been incorporated to ensure that is a safer place for all users. This also assists in slowing traffic. 90 degree street corners assist in slowing traffic.</p> <p>The intersection will provide a Give Way Sign within the subdivision.</p> <p>Footpaths with kerb crossings will allow the safe movement of pedestrians across roads.</p> <p>The construction of the road will be to the required standard of the Responsible Authority, as defined within the Infrastructure Design Manual. Pavements and water discharge will be incorporated into the design and constructed to the correct standard.</p>	
<p>Lot access objective</p> <ul style="list-style-type: none"> To provide for safe vehicle access between roads and lots. <p>56.06-08 Standard C21</p>	<p>Each lot will be serviced with an appropriate concrete crossover to the satisfaction of the Responsible Authority.</p>	<p>✓ Complies To be reviewed by Engineering referral</p>

Clause 56.08 – Site Management

Objective	Applicant Comment	Council Comment
<p>Site management objectives</p> <ul style="list-style-type: none"> To protect drainage infrastructure and receiving waters from sedimentation and contamination. To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works. To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable. <p style="text-align: right;">Standard C26</p>	A Construction Management Plan (CMP) or Site Environmental Management Plan (SEMP) can be made available as a condition of the planning permit if required.	<p>✓ Complies</p> <p>A subdivision application must describe how the site will be managed prior to and during the construction period and may set out requirements for managing: Erosion and sediment. Dust. Run-off. Litter, concrete and other construction wastes. Chemical contamination. Vegetation and natural features planned for retention Ask up front for these??</p>

Clause 56.09 – Utilities

Objective	Applicant Comment	Council Comment
<p>Shared trenching objectives</p> <ul style="list-style-type: none"> To maximize the opportunities for shared trenching. To minimize constraints on landscaping within street reserves. <p>56.09-01 Standard C27</p>	Shared trenching will be used where available.	✓ Complies Sewer will need to be brought down from north eastern corner and water from across the road.
<p>Electricity, telecommunications and gas objectives</p> <ul style="list-style-type: none"> To provide public utilities to each lot in a timely, efficient and cost effective manner. To reduce greenhouse gas emissions by support generation and use of electricity from renewable sources. <p>56.09-02 Standard C28</p>	All sites will be connected to available services.	✓ Complies
<p>Fire hydrants objective</p> <ul style="list-style-type: none"> To provide fire hydrants and fire plugs in positions that enable fire fighters to access water safely, effectively and efficiently. <p>56.09-03 Standard C29</p>	Fire hydrants will be placed into the development in accordance with CFA guidance.	✓ Complies Condition
<p>Public Lighting objective</p> <ul style="list-style-type: none"> To provide public lighting to ensure the safety of pedestrians, cyclists and vehicles. To provide pedestrians with a sense of personal safety at night. 	Street lighting will be provided as required.	✓ Complies Condition

<ul style="list-style-type: none"> To contribute to reducing greenhouse gas emissions and to saving energy. 		
56.09-04	Standard C30	

The decision guidelines of Clause 65

Clause 65.01 approval of an Application or Plan

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

The matters set out in section 60 of the Act.	The application complies with Section 60 of the Act.
Any significant effects the environment, including the contamination of land, may have on the use or development.	<p>There is native vegetation on and offsite. Clause 52.17 Native Vegetation requirements have been assessed.</p> <ul style="list-style-type: none"> The site will be connected to town water and sewer. Appropriate Conditions regarding drainage will be included on any issued planning permit. <p>Avenue of Remembrance/Honour – has been addressed in detail in this report.</p>
The Municipal Planning Strategy and the Planning Policy Framework.	Relevant policies including drainage and any flooding have been addressed above in the report.
The purpose of the zone, overlay or other provision.	The proposal is within the General Residential Zone. The proposal creates infill development for residential purposes. The land is not within any Overlays.
Any matter required to be considered in the zone, overlay or other provision.	The proposal is within the General Residential Zone. Clause 56 has been addressed.
The orderly planning of the area.	The proposal is considered orderly and will not result in over development of the site.
The effect on the environment, human health and amenity of the area.	<p>Lots are of mixed sizes, and the proposal is consistent with surrounding development. There is native vegetation on and offsite and an Avenue of Honour in the road reserve.</p> <ul style="list-style-type: none"> The site will be connected to town water and sewer. Appropriate drainage Conditions will be included on any issued planning permit. Avenue of Remembrance/Honour – has been addressed in detail in this report. Native vegetation has been addressed under Clause 52.17.
The proximity of the land to any public land.	The site is not within proximity to any public land.
Factors likely to cause or contribute to land degradation, salinity or reduce water quality.	Appropriate drainage conditions will be included on any planning permit issued.

Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.	Drainage Conditions will be included.
The extent and character of native vegetation and the likelihood of its destruction.	Addressed under Clause 52.17. Avenue of Remembrance/Honour – has been addressed in detail in this report.
Whether native vegetation is to be or can be protected, planted or allowed to regenerate.	As above
The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.	The subject site is not within any flood or erosion overlay. Standard erosion prevention Conditions have been included. The site is not within the Bushfire Management Overlay, however it is within the Bushfire Prone Area. Conditions have been included regarding access and hydrants for CFA access requirements under the Construction plan requirements.
The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts	The proposal will not create any road safety impacts and road access and lot sizes will be adequate to facilitate any loading and unloading. The application has been referred to DOT and Strathbogie Asset Department who both consent subject to Conditions.

Clause 65.02

Approval of an application to Subdivide Land

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

The suitability of the land for subdivision.	<p>The land is within the General Residential Zone and is considered appropriate for infill development.</p> <p>The land is not subject to flood overlay controls, nor will it be once the proposed Strathbogie Planning Scheme Amendment C052 is adopted.</p> <p>Appropriate Conditions will be included regarding road construction, footpaths, drainage and kerb and channel.</p>
The existing use and possible future development of the land and nearby land.	The land is within the General Residential Zone of the Violet Town township and the surrounding lots contain residential development. It is considered the proposal will not impact future residential development.
The availability of subdivided land in the locality, and the need for the creation of further lots.	The lot has an area of 1.9 hectares and has been identified in strategic documents for infill development.
The effect of development on the use or development of other land which has a common means of drainage.	The vacant land will form a multi lot subdivision of mixed size the proposed lots are more than 500 square metres.

	Appropriate drainage Conditions in accordance with the IDM will be included on any issued planning permit.
The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.	<p>The site is more than 1.9 hectares. All the proposed lots are less than 0.4 hectares in size; with the lots varying from 573 square metres to 1126 square metres</p> <p>A Vegetation Quality Assessment has been completed.</p> <p>Approximately 0.161 hectares of native vegetation, the total area of native vegetation permitted to be removed is are assumed lost to the proposed subdivision as all the proposed lots are less the 0.4 hectares in size. Any native vegetation remaining on small lots has a reduced environmental value and therefore is assumed lost.</p> <p>The application was referred to DELWP. DELWP has assessed this application in accordance with the intermediate assessment pathway.</p> <p>The total area of native vegetation permitted to be removed is 0.161 hectares, comprised of:</p> <ul style="list-style-type: none"> • 1 patch of native vegetation comprised of 5 small trees; • One (1) large scattered tree; and • One (1) small scattered tree. <p>Avenue of Remembrance/Honour – has been addressed in detail in this report.</p> <p>This application has satisfied the information requirements of Clause 52.17 of the Strathbogie Planning Scheme.</p>
The density of the proposed development.	The proposed lots vary from 573 square metres to 1126 square metres. Lots within the area within Violet Town vary from approximately from 387 square metres to 2085 square metres and therefore this is considered in keeping with the character of the area.
The area and dimensions of each lot in the subdivision.	<p>Multi Lot subdivision</p> <p>Lot 1- 939 Square metres</p> <p>Lot 2- 947 Square metres</p> <p>Lot 3- 1144 Square metres</p> <p>Lot 4- 1023 Square metres</p>

	<p>Lot 5- 1018 Square metres</p> <p>Lot 6- 953 Square metres</p> <p>Lot 7- 951 Square metres</p> <p>Lot 8- 930 Square metres</p> <p>Lot 9- 868 Square metres</p> <p>Lot 10- 935 Square metres</p> <p>Lot 11- 835 Square metres</p> <p>Lot 12- 879 Square metres</p> <p>Lot 13- 1216 Square metres</p> <p>Lot 14- 808 Square metres</p> <p>Lot 15- 807 Square metres</p> <p>Lot 16- 928 Square metres</p> <p>Lot 17- 924 Square metres</p> <p>Lot 18- 573 Square metres</p> <p>Lot 19- 653 Square metres</p>
The layout of roads having regard to their function and relationship to existing roads.	<p>The two allotments form a corner block, bound by three road reserves.</p> <ul style="list-style-type: none"> • Orchid Street adjoins the eastern side of the subject site. It is dual carriageway and sealed, with kerb and channel, adjoining the lot. • Murchison Violet Town Road adjoins the southern side of the subject site. It is dual carriageway and sealed.
The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.	<p>Orchid Street No Footpath.</p> <p>Murchison Violet Town Road No Footpath</p> <p>New proposed road.</p> <p>Footpath construction requirements will be to the satisfaction of the Responsible Authority in accordance with the IDM.</p>
The provision and location of reserves for public open space and other community facilities.	The proposal is for multi lot subdivision and public open space requirements will be Conditioned on any planning permit issued.
The staging of the subdivision.	The subdivision is not proposed to be staged.

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

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

There are no relevant adopted State policies.

Relevant incorporated, reference or adopted documents

Infrastructure Design Manual

2010 Violet Town Character Study

Violet Town and District Strategic Development Plan

Precinct Structure Planning Guidelines (Victorian Planning Authority, 2021).

Panel Report Strathbogie Planning Scheme Amendment C70

VCAT 1421

Officers Response:

The subject site is located on the north-western fringe of the Violet Town Township. The site is located in an area where walking to local facilities and activity centres is achievable. Conditions will be included on any planning permit issued to ensure infrastructure associated with the subdivision is constructed to the IDM standards.

Panel Report Strathbogie Planning Scheme Amendment C70

Identified that there are no records that indicate that the land has been used for a purpose that would have caused contamination.

It was determined within the panel report that the land is suitable for 10-20 lot subdivision. It was not expected that the increase in traffic movements would adversely affect the movement of the traffic along Orchid Street. The Panel was satisfied that the Amendment is

strategically justified and that there are no planning reasons why the rezoning at the time should not proceed.

Conditions regarding traffic impacts will be included on any planning permit issued.

At the time of the Amendment the Avenue of Honour as it stands was not in place.

However, the above incorporated documents identify that the Avenue of Honour should receive formal recognition.

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

- The subject site is within the General Residential Zone and lends itself to future infill development.
- The subject site not affected by any Overlays including any Flood Overlay.
The Strathbogie Shire Council in association with the Goulburn Broken Catchment Management Authority, is preparing to amend the flood related planning overlay controls based on the findings of the Euroa Post Flood Mapping and Intelligence Study. This amendment is known as Strathbogie Planning Scheme Amendment C052. The abovementioned property will not be subject to flood overlay controls once the amendment is adopted.
- The subject site in within an area of Cultural Sensitivity.
Refer to Plan 17692, prepared by Tech Duinn Pty Ltd on the 25 May 2021
Approved Plan 17692, under the Aboriginal Heritage Act 2006 on the 25 May 2021
The land has an area of more than 1.9 hectares, proposed lots are less than 0.4 hectares. Clause 52.17 has been assessed. Consequential loss of Vegetation has been considered and addressed via Conditions and offset requirements as per DELWP recommendations.
- The proposed lots vary from 573 square metres to 1216 square metres. Lots within the area within Violet Town vary from approximately 387 square metres to 2085 square metres and therefore this is considered in keeping with the character of the area.
- The application complies with Clause 56 requirements.
- Council received thirteen (13) objections and one (1) submissions. Two (2) objections and one submission has been withdrawn. Another objector has advised they may withdraw their objection based on appropriate drainage Conditions.

Objections are in relation but not limited to:

- Avenue of Remembrance/Honour
- high density living, size of proposed lots, and Court bowl road construction not consistent with neighbourhood character and country lifestyle living,
- climate change,
- sustainability principles,
- traffic including traffic management plan, safety, parking or gardening on the nature strip,
- Violet Town has no other area with street lighting and footpaths. and this not needed in a small rural town, footpaths leading out of the subdivision would lead to nowhere and have no connections,
- NBN connectivity,
- power outages and have an electricity network that needs upgrading,
- dust,
- noise during and after any construction on site,
- easements proposed & drainage, including storm water draining into the Honeysuckle Creek - storm water infrastructure causing flooding,
- urban run-off, discharge and flow rates should be less after development,
- proposal abuts rural land uses- significant disturbance for our farming activities. In particular we are concerned about the risk to our sheep from domestic dogs, excessive noise, excessive traffic movement, dust and light spill,
- impact on life, economic standing and social consequences of an entire local community,
- there is no viable work in Violet Town for future residents and no market for their construction,
- the current available blocks need to be built on before more valuable land is subdivided,
- open spaces,
- the developers will remove the topsoil from the land,
- impact that destroying grazing pasture has on the environment,
- destruction of 5 redgums,
- building envelopes and/or legal agreements preventing future subdivision into smaller land parcels, which could be sold as vacant lots, or have multiple dwellings on the one lot, no monitoring of the size of future houses, a purchaser of one of the 20 blocks in the new Violet Town subdivision could potentially apply to divide the block further and/or apply to build a multi-dwelling development of 2, 3 or 4 unit
- building envelopes on lots 1 and 2 should be used to protect the 4 native trees,
- public open space,
- permit condition that requires each lot to include a rainwater tank of at least 10,000L to use in toilets and the garden,
- construction Management Plan (CMP) or Site Environmental Management Plan (SEMP)
- neighbourhood character

- Avenue of Honour

It is considered the number and location of the proposed crossovers on previous plans would be detrimental to the Avenue of Remembrance/Honour: The crossovers would overwhelm the site, effect the visual appearance and the character of the area. It is considered the streetscape is unique, the trees are planted close together and the Avenue of Remembrance/Honour has cultural significance.

However, an amended plan has been received which respects the Avenue of Honour and demonstrates that no access is within the Avenue of Honour.

The amended plan aligns the proposal with the relevant policies and objectives.

These concerns have been considered and addressed in this report. Appropriate Conditions regarding above issues will be included on any planning permit issued. It is considered the proposal is appropriate and has been against the Strathbogrie Planning Scheme and a recommendation for Notice of Decision to Grant a planning permit has been made by Council Officers.

Conclusion

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

Decision:

Delegate Report <input type="checkbox"/>	Committee Report <input type="checkbox"/>
Determination: Choose an item.	Determination Date:

Endorsed Plans:

Date:	Plan Numbers:

Declaration:

In making this decision as a delegated Officer, I declare that I have had regard to the decision-making requirements of the Strathbogrie 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) | ☒ |