

Planning Report

Application Details:

Application is for:	Multi Lot Residential Subdivision and Native Vegetation Removal		
Applicant's/Owner's Name:	CAF Consulting		
Date Received:	Received 19/7/2022 Notice was initiated from 15/9/2022 and included going into two local newspapers – notice closed 4/10/2022 Objections received		
Statutory Days:	More than 60 days		
Application Number:	P2022-098		
Planner: Name, title & department	Gillian Williamson Principal Planner Planning and Investment Department		
Land/Address:	CA1 Parish of Avenel and Lot 1 TP390206 3 Saleyard Road, Avenel VIC 3664		
Zoning:	Township Zone		
Overlays:	Airport Environs Overlay – part		
Is a CHMP required?	No there is no Area of Cultural Heritage Sensitivity that applies to the site		
Is it within an Open Potable Catchment Area?	No		
Under what clause(s) is a permit required? (include description)	<p>Permit Triggers</p> <p><u>Township Zone</u> Pursuant to Clause 32.05-5 a permit is required to subdivide land. An application must meet the requirements of Clause 56. Objectives and standards to be met are –</p> <table border="1"> <tr> <td>16 or more lots</td> <td>Clauses 56.02-1, 56.03-5, 56.04-2 to 56.04-5, 56.05-1, 56.05-2, 56.06-2, 56.06-4, 56.06-5, 56.06-7, 56.06-8 and 56.07-1 to 56.09-4.</td> </tr> </table> <p>Reticulated services are available. A proposal must be referred pursuant to Clause 66.01 to the utility authorities except gas as there is no gas in this area.</p> <p><u>Airport Environs Overlay Schedule 2</u> Pursuant to Clause 45.02-3 a permit is required to subdivide land. An application must be referred to the airport owners under Section 55. An application under this overlay is exempted from notice requirements and review rights.</p> <p><u>Native Vegetation</u></p>	16 or more lots	Clauses 56.02-1, 56.03-5, 56.04-2 to 56.04-5, 56.05-1, 56.05-2, 56.06-2, 56.06-4, 56.06-5, 56.06-7, 56.06-8 and 56.07-1 to 56.09-4.
16 or more lots	Clauses 56.02-1, 56.03-5, 56.04-2 to 56.04-5, 56.05-1, 56.05-2, 56.06-2, 56.06-4, 56.06-5, 56.06-7, 56.06-8 and 56.07-1 to 56.09-4.		

	<p>Pursuant to Clause 52.17-1 a permit is required to remove, destroy or lop native vegetation including dead vegetation. An application must comply with the requirements of the Guidelines.</p> <p>Other Matters</p> <p>Public Open Space – will be required pursuant to Clause 53.01</p> <p>Adjacent to the rail line TRZ1 – will be sent to VicTrack</p>
Restrictive covenants on the title?	Nil
Current use and development:	Vacant
Adjacent to the Principal Road Network	<p>Adjacent to TRZ1 rail line.</p> <p>This does not trigger a planning permit but will be referred under Section 52 to Vic Track.</p>
Status of Road on Road Register	Council road unconstructed
Adjacent to Public Land	

Application Checklist:

Application form <input type="checkbox"/>	Title enclosed <input type="checkbox"/>	Fee paid <input type="checkbox"/>
Site Plan <input type="checkbox"/>	Plans of Proposal <input type="checkbox"/>	Planning Report <input type="checkbox"/>
Supporting Information <input type="checkbox"/>	Effluent Disposal <input type="checkbox"/>	Other <input type="checkbox"/>

Disclosure of Conflicts of Interest in relation to advice provided in this report

After reading the definitions of a general or material conflict of interest as defined by the *Local Government Act 2020*, do you have a conflict of interest?

Yes ☐

(if YES, please complete a Conflict of Interest and Declaration Making Declaration form)

No ☒

Recommendation

That Council

- having caused notice of Planning Application No. P2022-098 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme;
- and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a **Notice of Decision to Grant a Permit** under the provisions of the Strathbogie Planning Scheme in respect of the land known as (Lot 1 TP390206 V4001 F170 Parish of Avenel and CA1 Parish of Avenel), **3 Saleyard Road, Avenel VIC 3664**, for a **Multi Lot Residential Subdivision and Native Vegetation Removal**, in accordance with endorsed plans, subject to the following conditions:

Conditions:

Endorsed Plan Subdivision:

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

Airport Environs Overlay Building Construction and Siting Requirements

Section 173 Agreement

2. Prior to the issue of Statement of Compliance for the first stage of the development, a Section 173 Agreement must be entered into that provides for the following requirements:
 - a) Any new building must be constructed so as to comply with any noise attenuation measures required by Section 3 of Australian Standard AS 2021-2015, Acoustics - Aircraft Noise Intrusion - Building Siting and Construction, issued by Standards Australia Limited. Please note - In Section 3 of Australian Standard AS 2021-2015, Table 3.3 refers to both building types and activities within those buildings. Each building type listed has its ordinary meaning and should not be interpreted as defined in this scheme.

General Amenity:

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

Telecommunications:

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

Referral Under Section 8 of the Subdivision Act 1988:

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

Public Open Space Contribution:

7. Before the statement of compliance is issued for Stage 1 of the development, the owner must pay to the responsible authority a sum, or land set aside, or a combination, equivalent to five per cent of the site value of all the land in the subdivision.
The owners must advise Council, in writing, to undertake the property valuation and must pay the Council's reasonable costs and expenses to provide such a valuation for payment in lieu of the public open space contribution.

Road Names:

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

Street Addressing:

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

Engineering:

10. *Prior to the Certification of the plan of subdivision for each stage, surveyor plans must be submitted for the approval of the Responsible Authority. The plan must show:*
 - a) *All bearings, distances, levels, street names, lot numbers, lot sizes, reserves, and easements.*
 - b) *Road Reserve, carriageway, and verge widths*
 - c) *Other information relevant to the land such as dams, wells, filled land, land subject to inundation, creeks, and natural water courses, etc.*
11. *Prior to the Certification of the plan of subdivision for stage one of the development, Traffic Management Strategy (TMS), Stormwater Management Strategy (SMS), and Outline Development Plan (ODS) must be submitted for the approval of the Responsible Authority.*
 - a) *The developer must provide a Traffic Management Strategy conforming with Clause 9 of the Council's Infrastructure Design Manual for consideration of the responsible Authority.*
 - b) *The developer must provide a stormwater management strategy conforming with clause 11 of the council Infrastructure Design Manual for consideration by the Responsible Authority and also Demonstrate how the catchment flows are to be conveyed to the LPOD (Hughes Creek).*

Road

12. *Prior to final design approval, detailed design plans for all proposed roadways and pathways must be submitted to and approved by the Responsible Authority. All the*

works must conform to plans and specifications prepared at the expense of the developer by a suitably qualified engineer and approved by the Responsible Authority prior to the commencement of construction. Unless otherwise agreed in writing, the Authority will only approve plans and specifications complying with the council's Infrastructure Design Manual's clause 12. In particular, the design plans must include:

- a) fully sealed road pavement with kerb and channel;*
- b) 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;*
- c) footpaths and shared paths as appropriate;*
- d) underground drainage;*
- e) appropriate intersection and traffic control/mitigation measures;*
- f) on-street parking (where applicable);*
- g) appropriate street lighting and signage;*
- h) high stability permanent survey marks;*
- i) provision of suitable traffic management measures to mitigate vehicles in the form of cars from entering the reserve and basin land where the road reservation abuts;*
- j) where stub roads remain at the conclusion of each stage, arrangements must be made to ensure temporary court bowls, secured by an easement of way or similar, are designed, constructed and fenced, and that the permanent sealed road surfaces are not damaged by traffic using these unsealed court bowl areas;*
- k) a certified plan showing the extent and depth of fill in excess of 300 mm placed on any allotment must be provided to the satisfaction of the Responsible Authority;*
- l) services and street lights.*

Road Upgrades

13. Prior to the construction the developer must upgrade the developer must upgrade Hovell Street, Saleyard Road, and Ewings Road, which must be upgraded in accordance with Endorsed Plan(s) approved plans by the Responsible Authority. The plans must also consider any recommendation from the Traffic Impact Assessment Report (TIAR). The plans must be drawn up by a suitably qualified engineer at the expense of the developer. Unless otherwise agreed in writing, the Responsible Authority will only approve plans and specifications complying with Council's Infrastructure Design Manual. The works must include:

- a) fully sealed pavement with kerb and channel;*
- b) footpaths and shared paths as appropriate;*
- c) underground drainage;*
- d) appropriate intersection and traffic control/mitigation measures;*
- e) appropriate street lighting and signage;*
- f) high stability permanent survey marks; and*
- g) all disused or redundant vehicle crossings must be removed and reinstated to the satisfaction of the Responsible Authority.*

Common Access

14. *Prior to approval of the final design, detailed design plans for any areas set aside for common access must be submitted for approval, to the satisfaction of the Responsible Authority. The plans must include the following in accordance with Council's adopted 'Infrastructure Design Manual':*
- a) Dimensioned common access roadway and verge*
 - b) Concrete pavement design (or equivalent) for the common access incorporating kerb and channel.*
 - c) Common area set aside for rubbish and mail collection.*
 - d) Drainage design.*
 - e) Vehicle crossing for each lot.*
 - f) Landscape plan.*
 - g) Treatments.*

Stormwater Management, Drainage, and Treatment

15. *Prior to approval of the final design, a properly prepared Drainage Discharge Plan with computations as per the Infrastructure Design Manual, must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions and a minimum of three copies must be provided. The Drainage infrastructure system design must incorporate and be capable of storage for a 100-year storm event in accordance with IDM clause 18. The location of any required storage capacity detention/retardation areas must be shown generally in accordance with stormwater management strategies and certified plans. The information and plans must include:*
- a) Details of how the works on the land are to be drained and/or retarded.*
 - b) Computations including total energy line and hydraulic grade line for the existing and proposed drainage as directed by Responsible Authority.*
 - c) Independent drainage for each lot.*
 - d) Underground pipe drains convey stormwater to the legal point of discharge for each allotment.*
 - e) Measures to provide required stormwater treatment from the site as per IDM clause 20 and protect waterways downstream of the development, Output from MUSIC, and design calculation summaries of the treatment elements is required.*
 - f) A maximum discharge rate from the site is to be determined by computation to the satisfaction of the council.*
 - g) Documentation demonstrating approval from the relevant authority for the legal point of discharge.*
 - h) The provision of gross pollutant and/or litter traps installed at the drainage outfall of the development to ensure that no effluent or polluted water of any type may be allowed to enter the council's stormwater drainage system.*

- i) *The details of the incorporation of water-sensitive urban design designed in accordance with “urban stormwater best practice environmental management guidelines” 1999.*
 - j) *The contours of the land, as shaped to cause drainage to the legal point of discharge.*
 - k) *The proposed finish surface level of each lot and the finished slope of each lot.*
 - l) *Indication of extent and depth of cut and/or fill to be carried out to the natural profile of the land.*
16. *All stormwater and surface water discharging from the site, buildings, and works must be conveyed to the legal point of discharge drains to the satisfaction of the Responsible Authority. No effluent or polluted water of any type may be allowed to enter the stormwater drainage system.*
17. *Drainage Basin is designed as a free draining and fully functioning treatment and retardation basin, providing for the following:*
- a) *meet the Objectives of Clause 18 (Retardation Basins) of the Council’s IDM.*
 - b) *designed in such a way to withstand and contain the 1% AEP flood event effects from the development site and any impacting effects from upstream catchments, including freeboard.*
 - c) *the area is made safe for public access, or by agreement, constructed in such a way to prohibit public access, with allowance for maintenance and emergency services.*

Landscape Plan

18. *Prior to the works commencing, a detailed landscape plan, for the whole of the site, must be prepared and implemented. The detailed landscape plan must be to the satisfaction of the responsible authority and must be submitted and assessed against the construction plans by the responsible authority. The landscape plan must be drawn to scale with dimensions and must show:*
- a) *A survey of all existing vegetation and natural features showing plants (greater than 1200mm diameter) to be removed.*
 - b) *Landscaping of any proposed retardation basin and its surrounds and other proposed public land within the subdivision.*
 - c) *Additional planting within the road reserve frontage of the land.*
 - d) *Details of the boundary fencing for the lots backing onto and abutting any proposed retardation basin and other reserves that includes a range of fencing styles so as not to create a solid fencing treatment along these boundaries.*
 - e) *Details of fencing of any proposed retardation basin.*
 - f) *Vehicle access points for each lot in the subdivision.*
 - g) *Details of all pathways linking parts of the development including the surface finishes.*
 - h) *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.*

- i) *The removal of all existing disused structures, foundations, pipelines or stockpiles and the eradication of weeds,*
 - j) *All trees planted as part of the landscape works shall have a minimum height of 2.0 to 3m at the time of planting.*
 - k) *The supply and spread of sufficient topsoil and sub soil if required on the proposed areas of open space to provide a stable, free draining surface and hydro-seeding of proposed grass areas (including within the drainage reserve),*
 - l) *Soil quality and planting techniques in median or verge tree planting zones along arterial roads (including service road nature strips) that will support full growth of medium to large trees.*
 - m) *Mechanisms for the exclusion of vehicles,*
 - n) *All proposed open space, streetscape embellishments such as installation of pathways, garden beds, seating, shelters, picnic facilities, boardwalks, tree planting, signage, drinking fountains, irrigation systems, playgrounds, artwork, retaining walls, protective fencing (temporary and permanent), wetlands and ornamental water bodies (including within the drainage reserve).*
 - o) *A planting schedule of all proposed trees, shrubs and ground cover, which will include the location, number of size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface materials as specified.*
19. *Street trees must be maintained for a period 24 months, or until the developer can demonstrate that the plantings have become established from the date of acceptance of the works to the satisfaction of the responsible authority. Any dead, dying or diseased trees are to be replaced within 24 months of the date of acceptance of the works.*
20. *Prior to the issue of a Statement of Compliance for each stage of the development, the nature-strip and all disturbed areas are to be topsoiled and seeded to establish grass cover. Alternative finishes may be approved by written agreement.*
21. *Prior to issue of Statement of Compliance for each stage of the development the developer or owner must fence at their own cost the boundary of the allotments abutting any areas to be reserved for public open space. Such fencing is to be constructed no higher than 1.5 metres without written consent from the Responsible Authority.*

Construction Management Plan

22. *Prior to the commencement of works, including demolition and excavation, a Construction Management Plan must be submitted to and endorsed by the Responsible Authority. No works are permitted to occur until the Plan has been approved by the Responsible Authority. The plan must 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, water and sediment laden runoff;*
 - c) *Measures to inform adjacent residents of work schedules, etc.*
 - 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) *A Traffic Management Plan showing truck routes to and from the site;*
 - g) *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;*
 - h) *A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;*
 - i) *Measures to ensure that sub-contractors / tradespersons operating on the site are aware of the contents of the Construction Management Plan;*
 - j) *Contact details of key construction site staff;*
 - k) *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; and*
 - l) *Any other relevant matters*
23. *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.*
24. *Prior to the Statement of Compliance for each stage of the development, all approved designs must be constructed as per approved plans to the satisfaction of the Responsible Authority.*

As- Constructed Plans

25. *Prior to the issue of a Statement of Compliance for each stage of the development, the developer must provide as-constructed information for all infrastructure created by this development, and passing into the ownership and control of the Council in accordance with the council's Infrastructure Design Manual, and be submitted to and accepted by the Responsible Authority. The following must be submitted:*
- a) *an assets statement for each street;*
 - b) *'as - constructed' information for the entire works area as per approved civil construction plans in each development stage detailing information as listed in the council's 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) *certified as-constructed information presented as being true and correct; and*
 - e) *information to be presented in pdf., dwg., D, and R SPEC formats, or unless otherwise agreed in writing by the Authority.*

Fees and Charges

26. *Before the Statement of Compliance for each stage of the development, the developer must make a payment comprising up to 2.5% of the value of the works, to the Responsible Authority, for supervising the works on the land.*
27. *Before the Statement of Compliance for each stage of the development, the developer must make a payment comprising of 0.75% of the value of the works to the Responsible Authority, for checking of the engineering design of the works.*
28. *Prior to the issue of a Statement of Compliance for each stage of the development, the developer must provide the Responsible Authority with a maintenance bond for the total costs of roads, drainage and landscaping works (excluding GST) and the calculated amount based on the priced Bill of Quantities and lodged with Council for the term of the Defect Liability Period. The Authority will hold the bond(s) until any and all defects notified to the developer before or during the liability period have been made good to the satisfaction of the authority. A request must be made to Council for their release and maintenance bond(s) shall be to the following value:*
 - a) *equal to 5% of roads, drainage, and hard landscaping-related infrastructure.*

Defect Liability

29. *Prior to the issue of the Statement of Compliance for each stage of the development all works must be constructed to the satisfaction of the Responsible Authority. All works are subject to a twelve-month liability period, as per IDM clause 8.*

General

30. *Prior to the Certification for each stage of the development, any easements for the purpose of draining lots to the legal point of discharge must be created.*
31. *Prior to the issue of the Statement of Compliance for each stage of the development, the subdivider developer must construct/provide vehicle crossing to each and every lot and/or reserve within the subdivision development in accordance with Council's Infrastructure Design Manual standards. Alternatively, vehicle crossings are not required to be constructed where a mountable kerb and channel (SM2-M) is used.*
32. *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: -Civil construction, building, and demolition guide (EPA publication No. 1834, November 2020); and*
33. *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.*
34. *The permit holder shall ensure that dust suppression is undertaken in the form of constant water spraying or another 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 surround properties to the satisfaction of the Responsible Authority. The development shall not have an adverse impact on existing or future air quality.*

35. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the Responsible Authority.
36. 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.
37. All earthworks and lot filling must be in accordance with Clause 15 (Earthworks and Lot filling) of the Council's Infrastructure Design Manual.
38. No excavated or construction materials may be placed or stored outside the site area or on the adjoining road reserves, except where the materials are required in connection with any road or footpath construction works in such reserves that are required as part of this permit.
39. Care must be taken to preserve the condition of existing infrastructure adjacent to the site. If any damage to existing infrastructure occurs as a result of this development, the affected infrastructure must be replaced, and the full cost met, by the developer, to the specification and satisfaction of the Responsible Authority.
40. No such contaminants will be permitted to enter the stormwater drainage system under any reasonably foreseeable circumstances.
41. 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).
42. Prior to the issue of a statement of compliance all internal street names and speed limit signs must be erected.

Asset Protection

43. Prior to the commencement of works, the owner or developer must submit to the Responsible Authority a written asset protection report and photos of any prior damage to public infrastructure. Listed in the report must be the condition of kerb & channel, footpath, seal, streetlights, signs, and other public infrastructure fronting the property and abutting at least two properties on 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 Council's assets/Public infrastructure caused as a result of the development or use permitted by this permit.

Country Fire Authority:

Hydrants

44. 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.

- c) Note – CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA web site (www.cfa.vic.gov.au)

Roads

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

Department of Environment, Land, Water and Planning

Notification of permit conditions

46. 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

47. 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.
 - c) The fence must be constructed of star pickets and paraweb or similar, to the satisfaction of the responsible authority and the Department of Environment, Land, Water and Planning. The protection fence must remain in place until all works are completed to the satisfaction of the department.

Protection of retained vegetation

48. Except with the written consent of the department, 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

49. The total area of native vegetation permitted to be removed is 0.406 hectares, as identified in Native Vegetation Removal Report 364-20220630-015.
To offset the removal of 0.406 hectares of native vegetation the permit holder must secure a native vegetation offset(s) that meets all the following:
- a) A general offset of 0.185 general habitat units located within the Goulburn Broken Catchment Management Authority boundary or Strathbogie Shire Council;
 - b) have a Strategic Biodiversity Value score of at least 0.348;
 - c) provide protection for at least 11 large trees;
 - d) must be in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP, 2017).

Offset evidence

50. 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 evidence must be an established first party offset site. This must include:
- a management plan detailing the 10-year management actions and ongoing management of the site to the satisfaction of the Strathbogie Shire Council.
- This evidence must be one or both of the following.

- a) 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

- b) 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.

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.

Where habitat trees (i.e. hollow bearing, containing nests etc.) are impacted, they must be inspected by an ecologist immediately prior to removal and any occupying fauna relocated with the appropriate permissions from DELWP under the *Wildlife Act 1975* or *Flora and Fauna Guarantee Act 1988*.

Goulburn Valley Water:

- 51. Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;
- 52. 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;
- 53. Downstream Water Supply network augmentation works are required;

54. 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;
55. Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;
56. Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation; (The works will include, but not be limited to the construction of a sewerage pumping station, rising mains and gravity mains);
57. Reserves for sewage pump stations to be in favour of Goulburn Valley Region Water Corporation. The reserve must be adequately sized to enable unrestricted access to the sewage pump station for operation and maintenance purposes. The reserve must not be encumbered by any easements.
58. Augmentation works i.e. pump station upgrade will also be required to service the proposed development;
59. Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property;
60. 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;
61. The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act, 1988.

AusNet Electricity Services:

62. The applicant must –

- Enter into an agreement with AusNet Electricity Services Pty Ltd for supply of electricity to each lot on the endorsed plan.
- Enter into agreement with AusNet Electricity Services Pty for the rearrangement of the existing electricity supply system.
- Enter into an agreement with AusNet Electricity Services Pty for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AusNet Electricity Services Pty.
- Provide easements satisfactory to AusNet Electricity Services Pty for the purpose of the Power Line in favour of AusNet Electricity Services Pty pursuant to Section 88 of the Electricity Industry Act 2000 where easements have not been otherwise provided, for all existing AusNet Electricity Services Pty electric power lines for any new power lines required to service the lots on the endorsed plan and/or abutting land.
- Obtain for the use of AusNet Electricity Services Pty any other easement required to service the lots.
- Adjust the position of any existing AusNet Electricity Services Pty easement to accord with the position of the electricity line/s as determined by survey.

- Set aside on the plan of subdivision Reserves for the use of AusNet Electricity Services Pty for electric substations.
- Provide survey plans for any electric substations required by AusNet Electricity Services Pty and for associated power lines and cables and executes leases for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. AusNet Electricity Services Pty requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.
- Provide to AusNet Electricity Services Pty a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
- Agree to provide alternative electricity supply to lot owners and / or each lot until such time as permanent supply is available to the development by AusNet Electricity Services Pty. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
- Ensure that all necessary auditing is completed to the satisfaction of AusNet Electricity Services Pty to allow the new network assets to be safely connected to the distribution network.

Department of Transport:

63. Before the plan of subdivision is submitted to the Responsible Authority for certification under the Subdivision Act 1988 unless otherwise agreed in writing by the Head, Transport for Victoria, a Functional Layout Plan for the intersection of proposed Subdivisional Road and Great Alpine Road must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must show the following:

- a) Basic Right-turn Treatment (BAR) and Basic Left-turn Treatment (BAL) at the intersection of Bank Street & Hovell Street.
- b) Basic Right-turn Treatment (BAR) and Basic Left-turn Treatment (BAL) at the intersection of Bank Street & Planck Street intersection.
- c) Basic Right-turn Treatment (BAR) and Basic Left-turn Treatment (BAL) at the intersection of Bank Street & Saleyard Road intersection.

64. Prior to the issue of a Statement of Compliance unless otherwise agreed in writing by the Head, Transport for Victoria, the following roadworks on Great Alpine Road must be completed to the satisfaction of and at no cost to the Head, Transport for Victoria unless otherwise agreed in writing by the Head, Transport for Victoria:

- a) Basic Right-turn Treatment (BAR) and Basic Left-turn Treatment (BAL) at the intersection of Bank Street & Hovell Street.
- b) Basic Right-turn Treatment (BAR) and Basic Left-turn Treatment (BAL) at the intersection of Bank Street & Planck Street intersection.
- c) Basic Right-turn Treatment (BAR) and Basic Left-turn Treatment (BAL) at the intersection of Bank Street & Saleyard Road intersection.
- d) Any other works required.

VicTrack:

65. At all times the common boundary with the railway land must be fenced with a 1.8m paling or black chain mesh fence and must be repaired and maintained all at no cost to the VicTrack to prohibit unauthorised access to the rail corridor.
66. Any replacement, repair or reconstruction of any fence on the boundary to railway land must be in accordance with VicTracks requirements.
67. No drainage, effluent, waste, soil or other materials must enter, be stored or be directed to railway land.

Expiry of Permit – Subdivision:

68. This permit will expire if:

- a) The plan of subdivision is not certified within two years from the date of this permit; or
- b) The subdivision is not completed within five years from the date of certification of the plan of subdivision.
- c) For staged plans, certification must be gained within two years from the date of certification of the previous stage.

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

Planning Notes

Engineering

- 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.

Department of Environment, Land, Water and Planning

- The department advises that works or other activities on public land, which may affect protected native plants, will require a Protected Flora Licence or Permit under the Flora and Fauna Guarantee Act 1988 (FFG). All native vegetation likely to be affected should be checked against the Protected Flora List (DELWP 2017) to determine whether FFG approvals are required. Protected Flora Permits can be obtained from the regional DELWP office (p&a.north@delwp.vic.gov.au).
- Offset requirements are determined in accordance with DELWP (2017) Guidelines for the removal, destruction or lopping of native vegetation. Proposed offset sites must meet eligibility requirements including land use, bushfire risk, quality of vegetation and size of vegetation site. Please visit <https://www.environment.vic.gov.au/native-vegetation/native-vegetation> for further information.

Goulburn Valley Water

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

Department of Transport

- Separate consent for works within the road reserve and the specifications of these works is required under the Road Management Act 2004. For the purposes of this application the works will include provision of:

- i. Basic Right-turn Treatment (BAR)
- ii. Basic Left-turn Treatment (BAL)
- iii. Any other works required.

End of Conditions

Proposal

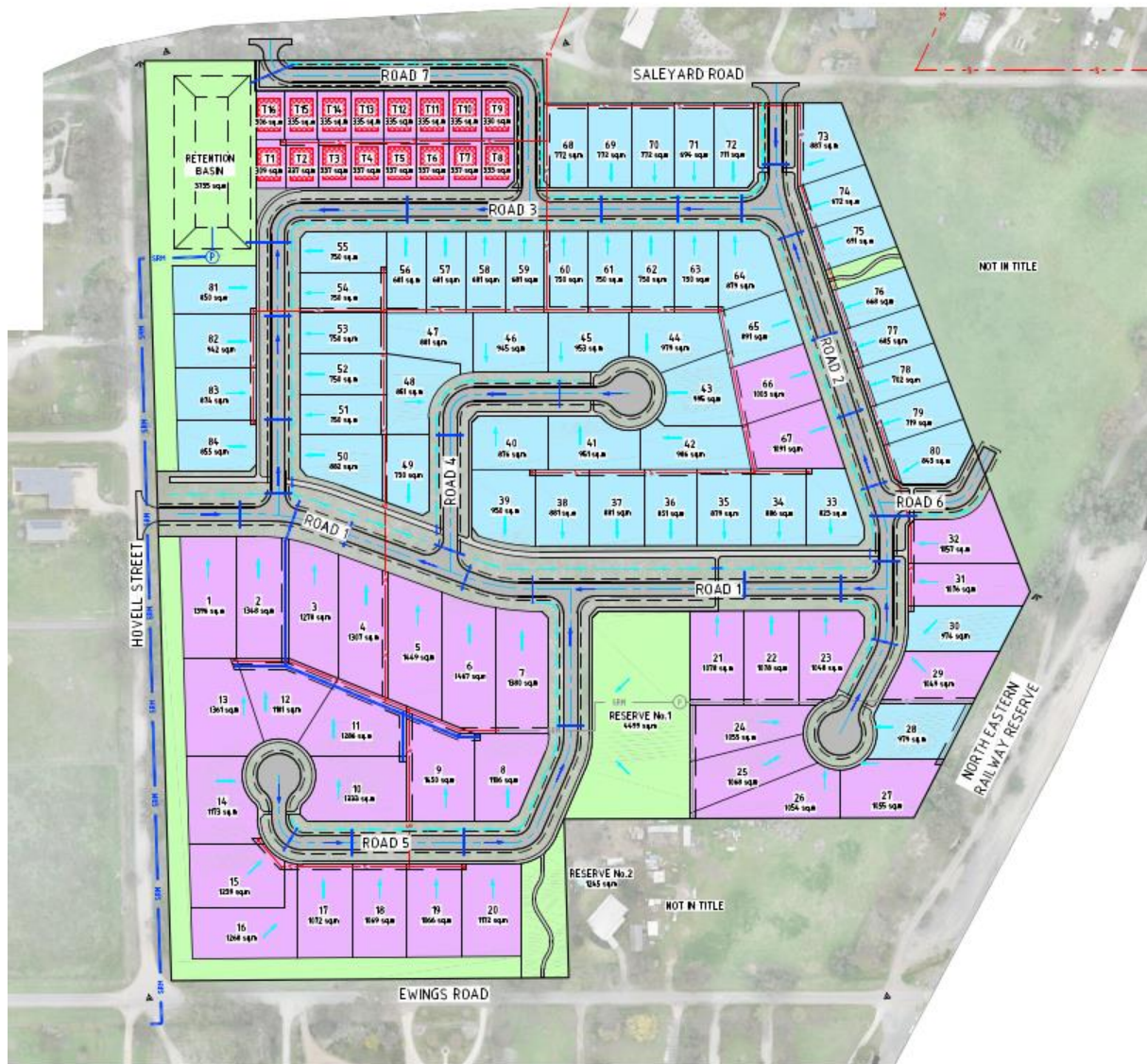
The proposal is to subdivide the land into one hundred lots and remove native vegetation to enable the development and provision of utilities and road upgrades.

The lots range in size from just over 320 sqm (x 16 which are proposed for townhouse development) and then the larger lots from 693sqm to 1450sqm.

The access is proposed from Hovell Street and Saleyard Road with an interconnection through the subdivision at 1 Saleyard both via a road and a pedestrian pathway.

An area of reserve along the frontage at Hovell Street and along Ewings Road is set aside and a reserve has also been proposed within the subdivision.

The subdivision is proposed to be undertaken in stages and this will be determined when plans are submitted for certification.



The purple lots are the larger lots ranging from 1000sqm to 1450sqm.

The blue lots are the lots that range from 693sqm to 968sqm.

The pink lots are the smaller lots that range in size from 320 sqm to 325sqm.

This proposal is one of two in this location the other being P2020-127 for a twenty-seven lot subdivision.

Saleyard Road (and surrounding as per the requirements of Council's Engineering in discussion with VicRoads) will be upgraded as required by council Engineers, to create an urban standard outcome in accordance with the Infrastructure Design Manual. Drainage infrastructure is required to ensure efficient and effective stormwater management in this locality.

The following indicates the subject site which is currently being considered by Council, and includes the proposed adjacent subdivision which has been received planning permit approval. The developers have worked together to ensure a complementary outcome -



The vegetation to be removed comprises 22 native tree species which includes 11 large trees and equates to a total extent of 0.406 hectares. The assessment has concluded that although this area is identified as an Endangered Ecological Vegetation Class, due to there being less than 0.5ha of total removal proposed, the removal will not have a significant impact on habitat for a rare or threatened species. Of these only four are proposed to be removed with the remainder deemed lost due to Tree Protection Zone encroachment.

Due to the proposed removal, an offset is required and this equates to providing for a General Offset of an amount equating to 0.185 general habitat units (with a minimum strategic biodiversity value score of 0.348) to be provided for within the Goulburn Broken Catchment area or Strathbogie Shire.

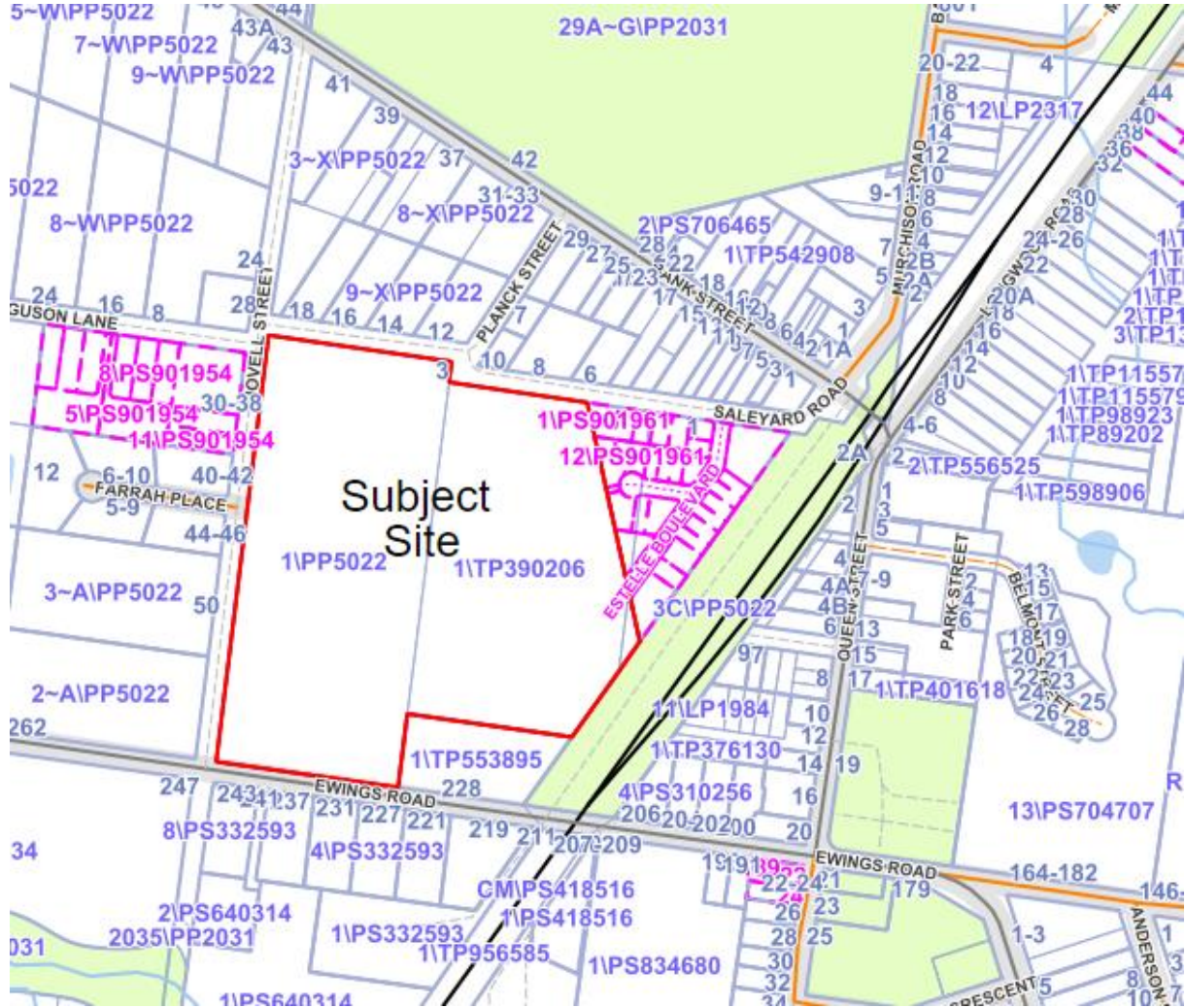
Table 1 – Native vegetation identified for removal

Tree ID	Species	DBH (cm)	Size	TPZ (m)	Notes
9	River Redgum	64	Small	7.68	A01202
10	Yellow Box	118	Large	14.16	A02100
11	River Redgum	60	Small	7.2	A01203
12	River Redgum	120	Large	14.4	A01204
13	River Redgum	48	Small	5.76	A01205
14	River Redgum	68	Small	8.16	
15	River Redgum	63	Small	7.56	A01206
16	Yellow Box	38	Small	4.56	
17	Yellow Box	26	Small	3.12	
18	Yellow Box	23	Small	2.76	
19	Yellow Box	16	Small	1.92	
20	Yellow Box	27	Small	3.24	
21	Yellow Box	120	Large	14.4	A02080
22	Yellow Box	105	Large	12.6	A02081
23	Yellow Box	88	Large	10.56	A02076
24	River Redgum	81	Large	9.72	A02074
25	Yellow Gum	60	Large	7.2	A02071
26	Yellow Box	101	Large	12.12	A02070
27	River Redgum	108	Large	12.96	A02069 hollows
28	Yellow Box	143	Large	15	A02055
55	River Redgum	116	Large	13.92	A02002
67	Other	167	Large	15	Stag to be removed A01051 hollows



<p>Inspection date/s: Numerous during 2022</p>	<p>Officer: Gill Williamson, Trish Kubeil, Braydon Aitken at numerous times</p>	<p>Comments: Braydon was the main driver with CAF to ensure that the NC was referenced in the design – the subdivision is adjacent to another similar at no. 1. The location is appropriate. There is a lot of drainage and road infrastructure to attend to in this location to enable all this development to be accommodated properly.</p>
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The site is located in the precinct that is located behind the Hotel to the west of the railway line and within walking distance of what is recognisable as a main commercial strip, having a milk bar, newsagency, pharmacy and café.



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

Further Information

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

Advertising/Public Notification

Is notification/advertisement required under section 52? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Exempt				
Please provide comment				
Advertising required under the Township Zone				
Advertised by:	<input checked="" type="checkbox"/> Council		<input checked="" type="checkbox"/> Applicant Sent 15/09/2022 Doc ID 809520	
Site plan selected:	<input checked="" type="checkbox"/> docs		806634 806636 806637 806639 806641	
	<input checked="" type="checkbox"/> advertising list		806665	
Add Instructions on Spear	<input type="checkbox"/> Yes		<input checked="" type="checkbox"/> No	
Letters: Yes	Signs: Yes	Paper: No	Sent: 15/09/2022 Doc ID 809509 & 809506	Stat Dec Rec: 06/10/2022
Website: Yes 15/09/2022 Doc ID 809388	Closed 6/10			
Objections received?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			Number:14 Has to go to Council as more than 5 objections

Objection	Response by Assessing Officer
<u>Objection 1</u> <ul style="list-style-type: none"> Roads and intersections dangerous for vehicles and pedestrians as a shared accessway and will become more dangerous with trucks for the subdivision Amenity impacts – no longer quiet 	<p>The roads will be upgraded as required by the IDM and will respond to the needs of the development.</p> <p>Avenel is identified for being able to accommodate population growth.</p>
<u>Objection 2</u>	

<ul style="list-style-type: none"> • Concerns with upgrades to stormwater management and impacts on their property, flora and fauna • Concerns about upgrades to the roads • Impact of this subdivision on the amenity due to number of lots in town, increase in vehicles • What types of fencing will be used • Does Avenel have ability to have commercial enterprises due to the amount of housing happening • 	<p>Have advised that plans for the stormwater and road upgrades will be brought to the public once drawn up.</p> <p>Avenel is identified for being able to accommodate population growth.</p> <p>Fencing will likely be a mix given that this is an urban zoned area.</p> <p>The land currently being subdivided to be developed for housing is residential zoned. The Township Zone does allow for other non residential uses such as educational, recreational, religious, community (medical centre, place of worship, industry, office, retail premises). If a planning permit is required for the use then council is able to assess the appropriateness.</p>
<p><u>Objection 3</u></p> <ul style="list-style-type: none"> • Where will the stormwater be going as it appears to be located near my house. 	<p>Awaiting final plans to take to the community.</p>
<p><u>Objection 4</u></p> <ul style="list-style-type: none"> • Bought in Avenel for the openness and quiet and now it is going to be noise from development for the next couple of years and look like Craigieburn 	<p>Avenel has been identified for accommodating population growth and this land is zoned for residential uses.</p>
<p><u>Objection 5</u></p> <ul style="list-style-type: none"> • The tiny blocks proposed takes away from the country feel of the town. They should be a decent size to reflect the current character • Residential amenity impacts from the proposal childcare centre • Detention basin will become a haven for snakes and mosquitoes • Loss of rural aspect 	<p>The character of the town has been historically larger lots however to provide the diversity and choice and affordability that the state government policy directs, the proposal is considered to accord with that. The childcare centre or town houses are speculative and although the plan of subdivision provides for the smaller townhouse lots, it may not necessarily be developed as such.</p> <p>The detention basin proposed is the IDM supported way of managing the flow of stormwater.</p>

<p><u>Objection 6</u></p> <ul style="list-style-type: none"> • This is not a low density development • Chose to live in Avenel to avoid this type of development • Very little consideration given to the provision of utilities • Larger lot sizes should be considered • Prepared to seek legal advice 	<p>Low density describes the type of housing with a very low number of housing units on any residential lot or a lesser number of families per area in a housing community. Medium density housing contains two or more dwellings on a lot where each dwelling has its own entrance at ground level. High density housing means building up – townhouses and apartments – on small blocks of land.</p> <p>The proposal meets the requirements of Clause 56 for the subdivision.</p> <p>The proposal has been referred to the utility providers and none have objected. They are engaged long before the subdivision application, when the land is being rezoned to ensure that there is an ability to provide the utility in that location.</p> <p>Again, Avenel has been identified for accommodating population growth. There is guidance as to how the development might occur in the supporting strategic documents.</p>
<p><u>Objection 7</u></p> <ul style="list-style-type: none"> • Lack of infrastructure to support proposal and future residents • Environmental impact on the surrounding waterways and native vegetation • Amenity impacts such as increased vehicles and noise 	<p>The infrastructure upgrades are required with the development.</p> <p>The proposal has not been referred to GBCMA or GMW given there is no requirement in the PS (the nearest point is approx 200m to the south). Drainage management is being worked out by the Engineers and will accord with the IDM.</p> <p>There will always be some amenity impacts as a result of population growth. Conditions of any planning permit issued will ensure these amenity impacts are managed to an acceptable level.</p>
<p><u>Objection 8</u></p> <ul style="list-style-type: none"> • Traffic congestion • Lack of car parking 	<p>Growth does bring an increase of traffic to an area and the road network will be</p>

<ul style="list-style-type: none"> • Character • Visual bulk of development • Loss of vegetation • Over development • Drainage • Residential noise and dust • Loss of privacy • Loss of views and outlook • Loss of property value 	<p>upgraded as required to meet the needs. VicRoads and Council's Engineers are working on this together.</p> <p>Each site will be able to accommodate the cars associated with that dwelling/development.</p> <p>The character has been addressed and the proposal accords with the supporting strategic documents.</p> <p>No built form is proposed. This application is for a subdivision only.</p> <p>There is a need to remove a number of trees to accommodate this subdivision. They will be offset. This occurs with growth and is an unfortunate aspect particularly when the offsets are not directly in the locality to provide cooling, clean air and shade.</p> <p>The zone allows for residential subdivision and the application meets the requirements of Clause 56. POS is required at 5%. The developers have provided a proposed open public space.</p> <p>Stormwater management will be upgraded as for urban areas and as required by the IDM.</p> <p>A site construction management plan is required and this will allow for controlled development by Council. For example if dust becomes an issue for the existing residents then Compliance can enforce that the dust suppression measures are put in place.</p> <p>Loss of privacy will not occur because of this proposal. Loss of privacy is considered when there is, for example, a building directly adjacent to and overlooking another where there are habitable room windows or private open space.</p> <p>Loss of views and outlook will of course occur when the sites are developed. It is highly unlikely that there will be buildings of magnitude that impact substantially any views or outlook. It is more likely that there</p>
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	<p>will be single dwellings and maybe some unit developments on the site. Rights to views and outlooks are usually only considered when there is a Significant Landscape Overlay applicable.</p> <p>Loss of property values is not something that planning can consider and neither does VCAT.</p>
<p><u>Objection 9</u></p> <ul style="list-style-type: none"> • Traffic congestion • Lack of car parking • Character • Visual bulk of development • Loss of vegetation • Over development • Drainage • Residential noise and dust • Loss of privacy • Loss of views and outlook • Loss of property value • 	<p>Growth does bring an increase of traffic to an area and the road network will be upgraded as required to meet the needs. VicRoads and Council's Engineers are working on this together.</p> <p>Each site will be able to accommodate the cars associated with that dwelling/development.</p> <p>The character has been addressed and the proposal accords with the supporting strategic documents.</p> <p>No built form is proposed. This application is for a subdivision only.</p> <p>There is a need to remove a number of trees to accommodate this subdivision. They will be offset. This occurs with growth and is an unfortunate aspect particularly when the offsets are not directly in the locality to provide cooling, clean air and shade.</p> <p>The zone allows for residential subdivision and the application meets the requirements of Clause 56. POS is required at 5%. The developers have provided a proposed open public space.</p> <p>Stormwater management will be upgraded as for urban areas and as required by the IDM.</p> <p>A site construction management plan is required and this will allow for controlled development by Council. For example if dust becomes an issue for the existing residents then Compliance can enforce that the dust suppression measures are put in place.</p>

	<p>Loss of privacy will not occur because of this proposal. Loss of privacy is considered when there is, for example, a building directly adjacent to and overlooking another where there are habitable room windows or private open space.</p> <p>Loss of views and outlook will of course occur when the sites are developed. It is highly unlikely that there will be buildings of magnitude that impact substantially any views or outlook. It is more likely that there will be single dwellings and maybe some unit developments on the site. Rights to views and outlooks are usually only considered when there is a Significant Landscape Overlay applicable.</p> <p>Loss of property values is not something that planning can consider and neither does VCAT.</p>
<p><u>Objection 10</u></p> <ul style="list-style-type: none"> • The development will dramatically alter where we live in our home and environment • Over development with no supporting infrastructure • The development will create over heating and with the climate emergency development on this scale is known to create over heating • Shire is funding 'Cool Canopy' program and developments such as this are adding to the heat problem • Lack of infrastructure • Flooding major problem • Are there adequate services such as schools and doctors and public transport • Footpaths • Lots of less than 1000sqm should not be allowed as they are out of character 	<p>The proposal will alter Avenal. It is a town identified to be able to accommodate population growth. This site is zoned for residential development.</p> <p>The infrastructure and utilities will be upgraded for the development.</p> <p>Service providers make business decisions about providing their services in a town. Hopefully as the town population grows it will attract more businesses and services such as shops and medical centres. Schools are provided by state and federal governments based on population.</p> <p>The infrastructure such as roads and drainage will be upgraded with the subdivision and flooding management will improve.</p> <p>Footpaths will be required as per the IDM requirements.</p> <p>As there is no DDO or DPO on the land to limit perhaps the size / number of lots, the proposal has provided a response to Clause 56 that supports all the requirements.</p>

	<p>The council worked with the developer to ensure that they referred to the supporting strategic documents and this includes looking at the neighbourhood character.</p>
<p><u>Objection 11</u></p> <ul style="list-style-type: none"> • No notification to ALL residents in Avenel • Impact on existing residents and wildlife and peace • High density housing is unsuitable for Avenel • Unable to cope with traffic, increase in people, impact on utilities and services • Stormwater management already poor • Removal of native veg detrimental • Unsightly • 	<p>The proposal was notified to adjacent and nearby owners and occupiers and an advert placed in two local newspapers. Signs were also put up at the site.</p> <p>There will inevitably be an impact on the existing residents and wildlife during the development and onwards. This is what happens when there is population growth. This proposal is for subdivision only and the lots do not reflect high density housing. The lots are likely to contain a single dwelling or a small number of units, all reflecting low and medium density development.</p> <p>Yes there will be an increase in traffic, noise and other amenity impacts and unfortunately, again this is what happens with population growth. Avenel has been identified as being able to accommodate future population growth.</p> <p>Stormwater management and upgrade to the roads will be put in place.</p> <p>The removal of any native vegetation is detrimental however DELWP has not objected and offsets will be required although not in the direct vicinity unfortunately.</p>
<p><u>Objection 12</u></p> <ul style="list-style-type: none"> • Ability of current infrastructure to cope with the subdivision • Size of the lots not in keeping with the surrounding • No information about road upgrades, footpaths to cope with increased traffic flow • Current amenities and impact of increased population 	<p>The infrastructure will be upgraded for the subdivision.</p> <p>The size of the lots accord with the planning scheme and supporting strategic documents.</p>

<p><u>Objection 13</u></p> <ul style="list-style-type: none"> • Increase in traffic and the existing roads maintenance • No footpaths • Number of entry and exit points for subdivision inadequate • Avenel will not cope with the influx of residents due to lack of facilities • Stormwater poorly managed currently • Size of the lots too small, do not reflect the country style living – will be more urban 	<p>There will be an increase in traffic and the roads will be upgraded to meet that increase</p> <p>Footpaths will be required as per the IDM</p> <p>The entry points for the subdivision are satisfactory</p> <p>Avenel is identified as a town that can accommodate population growth and the land is residential zoned</p> <p>The lots meet the requirements of Clause 56</p>
<p><u>Objection 14</u></p> <ul style="list-style-type: none"> • Loss of privacy and visual amenity impacts • Loss of light and overshadowing • Excess noise and disturbance • Multiple loss of trees and nature • Loss of wildlife • Excess traffic and limited road access will cause major traffic issues • Impact of construction work especially noise and landscape • Layout and density of buildings 	<p>This is a subdivision only with no built form proposed. Visual amenity impacts are considered under different circumstances as is loss of privacy, loss of light and overshadowing.</p> <p>There will inevitably be an increase in people, vehicles and noise and this comes with population growth and Avenel is a town identified as being able to accommodate population growth. The land is zoned for residential development.</p> <p>The loss of vegetation with development often occurs and is a sad indictment of how little the planning scheme actually protects up against the push for growth and development. Offsets will be required and they will be located on another site in a different location. The loss fauna inevitably results in a loss of fauna and natural amenity.</p>

Officer Concluding Comments

The objections raise a number of valid planning matters. These are around providing for infrastructure and services, which are a reasonable expectation and will occur. Infrastructure will be upgraded with the subdivision and this will include the directly surrounding roads and stormwater management system, and also upgrade for nearby intersections. Council Engineers have been working with VicRoads regarding the surrounding network and connectivity.

It is an expectation that services such as shops, schools and medical, will come to town with the growing population.

A contribution towards public open space is required and this will provide for creation and / or the refurbishment of open space which the public can utilise, to provide for the growing population.

Other matters raised, such as built form are not considered at this time given the proposal is for subdivision only. The proposal meets the requirements of Clause 56.

Planning does not consider overlooking, overshadowing or loss of privacy whilst assessing a subdivision application.

Neither Planning nor VCAT consider value of property.

Consultation

Pre Application consultation was undertaken between council and the developer applicant to ensure that the application addressed all requirements of the planning scheme including the supporting strategic documentation.

All objections were sent to the applicant who responded to council.

Collaboration with Council's Engineering Department was undertaken to ensure a set of conditions that address all requirements.

Engagement with the objectors was undertaken to provide them with access to infrastructure plans and the Engineering Team Officers, along with planning officers. This was held in Avenel 9 February 2023.

Referrals

External Referrals/Notices required by the Planning Scheme:

REFERRALS					
Add instructions on SPEAR: This proposal is not on spear atm				<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Referrals Authority	Type of Referral	Referral Clause and Description	Additional Instructions	Date sent	Date received including Advice/Response/Condition
CFA	Section 55 - Determining	Clause 66.01 - Subdivision Referrals	Status of fire hydrants not identified in plans provided	14/09/2022 Doc 809343	29/09/2022 Conditional consent to grant a permit Certification and compliance required. Doc 811834
DELWP	Section 52 Recommending		Intermediate pathway but need them to review for us	14/09/2022 Doc 809344	11/10/2022 Subject to conditions Doc ID 814336
GVW	Section 55 - Determining	Clause 66.01 - Subdivision Referrals		14/09/2022 Doc 809348	06/10/2022 No Objections, subject to conditions Doc ID 813510

AusNet Electricity	Section 55 - Determining	Clause 66.01 - Subdivision Referrals		14/09/2022 Doc 809351	Conditional consent
APA	No gas proposed so no referral required				No gas
ENGINEER	Internal			14/09/2022 Doc 796783	Re referred 2/11 18/01/2023 Conditional consent Doc 832641
Mangalore Airport Management	Section 55 Determining	Clause 66.04		14/09/2022 Doc 809356	No response re referred 2/11
Head, Transport for Victoria	Section 55 Determining	Clause 66.02	Subdivision into more than 60 lots	14/09/2022 Doc 809361	11/01/2023 No objections, subject to conditions Doc ID 831239 No response re referred 2/11

Assessment

Zones and Overlays

Township Zone

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

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

An application must meet the requirements of Clause 56.

Appropriate decision guidelines are considered to be –

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

Officer Response

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

The proposed subdivision layout provides for a range of urban lot sizes in the heart of Avenel. This is a site that is zoned Township Zone and is appropriate for residential development. It is an existing site and considered as infill. This mitigates 'sprawl' and allows for development that respects the neighbourhood character of the area.

Airport Environs Overlay Schedule 2

The purpose is to identify areas which will be subject to high levels of aircraft noise, ensuring that land uses and development are compatible and to assist with shielding people from the impact of that noise by requiring appropriate noise attenuation measures in new dwellings and other sensitive buildings. The purpose is also to limit the number of people residing in an area likely to be subject to the aircraft noise.

Pursuant to Clause 45.02-3 a permit is required to subdivide land.

An application for subdivision must be referred to the airport owner under Section 55 of the Act.

Schedule 2 requires that an application must be referred to the airport owner under Section 55 of the Act unless the use is listed or the proposal satisfies requirements or conditions previously agreed in writing.

There is no agreement or conditions agreed to for subdivision.

A requirement at Clause 45.02-2 for the construction of buildings applies to any new building, which must be constructed so as to comply with any noise attenuation measures required by Section 3 of Australian Standards AS2021-2015 Acoustics Aircraft Noise Intrusion Building Siting and Construction.

A proposal is exempted from the requirements of notice and review rights.

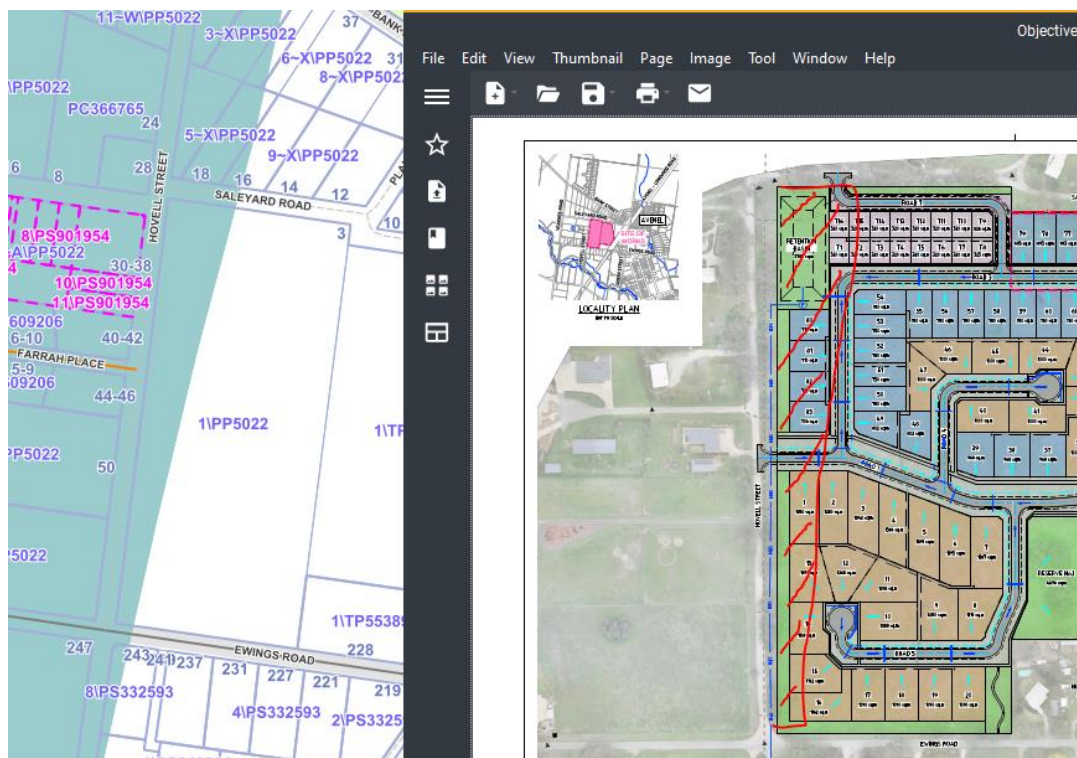
Appropriate decision guidelines are considered to be –

- Whether the proposal will result in an increase in the number of dwellings and people affected by aircraft noise.
- Whether the proposal is compatible with the present and future operation of the airport in accordance with the appropriate airport strategy or master plan.
- Whether the design of the building incorporates appropriate noise attenuation measures.
- The views of the airport owner.

Officer Response

The overlay is partially applied to the subject site and will mainly impact upon an area that has been identified for a stormwater detention basin and the lots that are located to the west of the site directly adjacent to that boundary. This also includes a reserve area that is identified the length of that western boundary. The total number of dwellings potentially impacted could be limited to nine.

A Section 173 Agreement will be required to ensure that future development of these lots impacted by the Airport Environs Overlay is in accordance with the Australian Standard AS 2021-2015, Acoustics - Aircraft Noise Intrusion - Building Siting and Construction, issued by Standards Australia Limited.



Municipal Planning Strategy and Planning Policy Framework

Clause 02.02 sets the Vision which means supporting investment for population growth, shared wealth and well being, facilitating provision of infrastructure and sustainable economic and community development, as well as planning for long term sustainability in settlement patterns, the natural and built environment, community services, economic development and growth.

Clause 02.03-1 informs that Avenel is a small town experiencing strong population growth and the towns character can be defined by its size, low density layout, grid street layout, location between the Hume Freeway and rail boundaries. The town has a strong visual relationship with rural landscapes.

Clause 02.03-2 recognises the significance of local native flora and fauna. Past clearing of vast tracts of native vegetation within the Shire and ongoing incremental loss means that many species of plants and animals are threatened with extinction. Council's strategic directions are to protect and enhance native vegetation, fauna and waterways, encourage connectivity between vegetation corridors, and protect medium to high quality roadside vegetation.

Clause 11 Settlement – Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing and other needs. Planning is to facilitate sustainable development that takes full advantage of existing

settlement patterns and investment in transport, utility, social, community and commercial and services.

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

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

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

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

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

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

Clause 12 directs planning to help protect the health of ecological systems and the biodiversity they support.

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

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

Clause 13.07-1 sets an objective to protect community amenity, human health and safety whilst facilitating appropriate uses with potential for adverse off site impacts. Planning is directed to ensure that development is compatible with adjoining land uses, avoiding or minimising adverse off site impacts through land use separation, building design or operational measures.

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

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

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

Officer Response

Avenel is recognised as being able to accommodate population growth given its strategic location on a major highway and proximity to Melbourne. It has the ability to attract new residents with the potential to commute to the city and other towns for work and services. There is ample serviceable residential land within Avenel Township with a potential for approximately 1000 new dwellings. The majority of lots in town at this time are larger than

the usual urban lot sizes and the towns character appears to be rural however, this is not indicative of demand, due to the lack of availability of smaller lots ie. there is a demand for smaller lots. More diverse housing options are required for the future due to ageing population, declining household sizes and retirees and lifestyle choices. Priority areas close to the town centre are considered to be suitable locations for small to medium size residential allotments.

This subject site is existing, zoned for residential development, and is considered to be infill. It is considered that the character of the township can be maintained whilst also meeting the requirements of the planning scheme, state and local strategic direction.

The removal of the native vegetation to enable the subdivision to be constructed, was assessed under the Guidelines and reviewed by DELWP who have not objected. An offset has to be provided to ensure there is no net loss.

The Airport Environs Overlay is partially applied to the site and will potentially impact on nine lots along the western boundary. A Section 173 requirement for construction of future buildings in accordance with Standards to mitigate aircraft noise is required. With regards to being adjacent to the railway line, Vic Track have not responded and it is considered that the lots that abut their land number in total five and these lots are large enough to set dwellings back away from that shared boundary with potential to buffer with landscaping and shedding.

The site is within the Bushfire Prone Area and given this is an urban area the only requirements to mitigate bushfire risk will be the building requirements under the Building Regulations which will require a BAL minimum.

Relevant Particular Provisions

Clause 52.17 Native Vegetation

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

Pursuant to Clause 52.17-1 a permit is required to remove native vegetation, unless exempted.

An application must comply with the application requirements specified in the 'Guidelines'.

Appropriate decision guidelines are considered from the 'Guidelines' at pages 24 & 25 and the Biodiversity Assessment provided, carried out by a suitably qualified officer, determined the pathway as Intermediate, and that the amount to be removed had been satisfactorily minimised and that an offset could be provided.

Officer Response

An assessment and report was provided and it had been carried out by a suitably qualified officer with experience in the field of biodiversity assessment.

The vegetation to be removed comprises 22 native tree species which includes 11 large trees and equates to a total extent of 0.406 hectares. The pathway determined was Intermediate and even though it was not required to be referred to DELWP, Council do not have a sufficiently qualified biodiversity officer to ensure that the response was in accordance with the 'Guidelines'. Therefore it was referred to DELWP as a Section 52 for their assistance and response.

The assessment has concluded that although this area is identified as an Endangered Ecological Vegetation Class, due to there being less than 0.5ha of total removal proposed, the removal will not have a significant impact on habitat for a rare or threatened species.

Due to the proposed removal, an offset is required and this equates to providing for a General Offset of an amount equating to 0.185 general habitat units (with a minimum strategic biodiversity value score of 0.348) to be provided for within the Goulburn Broken Catchment area or Strathbogie Shire.

The majority of trees are being retained.

DELWP did not object and they provided conditions for any permit that issued.

Table 1 – Native vegetation identified for removal

Tree ID	Species	DBH (cm)	Size	TPZ (m)	Notes
9	River Redgum	64	Small	7.68	A01202
10	Yellow Box	118	Large	14.16	A02100
11	River Redgum	60	Small	7.2	A01203
12	River Redgum	120	Large	14.4	A01204
13	River Redgum	48	Small	5.76	A01205
14	River Redgum	68	Small	8.16	
15	River Redgum	63	Small	7.56	A01206
16	Yellow Box	38	Small	4.56	
17	Yellow Box	26	Small	3.12	
18	Yellow Box	23	Small	2.76	
19	Yellow Box	16	Small	1.92	
20	Yellow Box	27	Small	3.24	
21	Yellow Box	120	Large	14.4	A02080
22	Yellow Box	105	Large	12.6	A02081
23	Yellow Box	88	Large	10.56	A02076
24	River Redgum	81	Large	9.72	A02074
25	Yellow Gum	60	Large	7.2	A02071
26	Yellow Box	101	Large	12.12	A02070
27	River Redgum	108	Large	12.96	A02069 hollows
28	Yellow Box	143	Large	15	A02055
55	River Redgum	116	Large	13.92	A02002
67	Other	167	Large	15	Stag to be removed A01051 hollows



Clause 56 Residential Subdivision

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

For a proposal of 16 or more lots the following clauses must meet all the objectives of –

16 or more lots

Clauses 56.02-1, 56.03-5, 56.04-2 to 56.04-5, 56.05-1, 56.05-2, 56.06-2, 56.06-4, 56.06-5, 56.06-7, 56.06-8 and 56.07-1 to 56.09-4.

Clause	Objective	Response
56.01	Subdivision Site and Context Description Subdivision Design Response	Satisfactory Applicant advised accordingly
56.02-1	C1 To ensure the layout and design is consistent with and implements objective, policy, strategy, plan for the area	A written statement was provided that described how the proposal was consistent with policy and strategic documents. The objective is met
56.03-5	C6 To design subdivisions that respond to neighbourhood character	This is an infill site and is zoned for residential development. There are a range of lot sizes proposed with orientations that provide

		<p>for a dwelling to be located on site for sustainable living.</p> <p>The objective is met.</p>
56.04-2	<p>C8</p> <p>To provide lots with areas and dimensions that enable the appropriate siting and construction for a dwelling, solar access, POS, vehicle access and parking, water management, easement, retention of significant vegetation and site features</p>	<p>The lots range in size from just over 300 square metres to around 1450 square metres. These lot sizes and shapes are capable of accommodating a dwelling for sustainable living and all other reasonable living requirements.</p> <p>The objective can be met.</p>
56.04-3	<p>C9</p> <p>To provide good solar orientation of lots and solar access for future dwellings</p>	<p>Just under 50% of the lots have their long axis orientated north within 20-30 degrees east west. The rest have their long axis orientated east west within 20 – 30 degrees. It would appear that the lots are ideally oriented to be able to accommodate a dwelling for good solar access.</p> <p>The objective can be met.</p>
56.04-4	<p>C10</p> <p>To provide a lot layout that contributes to community social interaction, personal safety and property security</p>	<p>The lots all front a street.</p> <p>The objective is met.</p>
56.04-5	<p>C11</p> <p>Common Area</p>	<p>There is no common area proposed. The lots will have independent access within the new estate development. There are reserves proposed but that is not public land. And it is yet to be determined if council wishes them to become vested</p> <p>The Objective is not relevant</p>
56.05-1	<p>C12</p> <p>Integrated urban landscape objectives</p>	<p>Landscaping for the new estate is required and conditioned.</p> <p>The objective will be met</p>
56.05-2	<p>C13</p> <p>Public open space provision objectives</p>	<p>POS at 5% has been requested. It is not provided on the site. It will be paid for in cash contribution and will go towards establishing or</p>

		enhancing public open space in Avenel to provide for the growing population. The objective will be met.
56.06-2	C15 Walking and cycling network	The proposal connects with a new subdivision adjacent and there will footpaths and roads the connect to the existing network. The objective will be met.
56.06-4	C17 To provide for direct, safe and easy movement through and between neighbourhoods for all users	As above. The objective will be met.
56.06-5	C18 To design and construct footpaths, shared paths, cycle paths that safe, comfortable, well constructed and accessible for all.	These will be constructed in accordance with the IDM. The objective will be met
56.06-7	C20 Street network detail	These will be constructed in accordance with the IDM. The objective will be met.
56.06-8	C21 Lot access	The objective will be met.

Clause 53.01 Public Open Space Contributions

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

The decision guidelines of Clause 65

<ul style="list-style-type: none"> The suitability of the land for subdivision. 	<ul style="list-style-type: none"> The land is zoned appropriately for residential use and development. This is an infill site and Avenel has been identified as being able to accommodate future population growth.
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<ul style="list-style-type: none"> • The existing use and possible future development of the land and nearby land. 	<ul style="list-style-type: none"> • The site is surrounded by residential uses and is within the township itself.
<ul style="list-style-type: none"> • The availability of subdivided land in the locality, and the need for the creation of further lots. 	<ul style="list-style-type: none"> • There are a number of smaller subdivision occurring within Avenel and on sites already zoned for residential uses and development. This land has already been identified as part of the ability to accommodate population growth.
<ul style="list-style-type: none"> • The effect of development on the use or development of other land which has a common means of drainage. 	<ul style="list-style-type: none"> • The drainage infrastructure will be upgraded.
<ul style="list-style-type: none"> • The subdivision pattern having regard to the physical characteristics of the land including existing vegetation. 	<ul style="list-style-type: none"> • Unfortunately, some native native vegetation is proposed to be removed to allow for the subdivision. The removal of vegetation has been reduced to the minimum extent necessary. It will be offset but not in the direct vicinity necessarily.
<ul style="list-style-type: none"> • The density of the proposed development. 	<ul style="list-style-type: none"> • Medium density which allows for single or multiple dwellings on a lot, with room for vehicle parking, and private open space
<ul style="list-style-type: none"> • The area and dimensions of each lot in the subdivision. 	<ul style="list-style-type: none"> • As specified in the report and on the plans
<ul style="list-style-type: none"> • The layout of roads having regard to their function and relationship to existing roads. 	<ul style="list-style-type: none"> • The new subdivision allows for two points of access to an internal layout and has connectivity to surrounding and adjacent subdivision. This is all to the satisfaction of the Engineers.

<ul style="list-style-type: none"> • The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots. 	<ul style="list-style-type: none"> • The subdivision allows for easy and safe movement throughout.
<ul style="list-style-type: none"> • The provision and location of reserves for public open space and other community facilities. 	<ul style="list-style-type: none"> • A reserve has been provided in lieu of POS.
<ul style="list-style-type: none"> • The staging of the subdivision. 	<ul style="list-style-type: none"> • The staging will be advised.
<ul style="list-style-type: none"> • The design and siting of buildings having regard to safety and the risk of spread of fire. 	<ul style="list-style-type: none"> • No buildings are proposed with this application.
<ul style="list-style-type: none"> • The provision of off-street parking. 	<ul style="list-style-type: none"> • Each lot should accommodate for car parking for the residents and visitors.
<ul style="list-style-type: none"> • The provision and location of common property. 	<ul style="list-style-type: none"> • No common property is proposed.
<ul style="list-style-type: none"> • The functions of any body corporate. 	<ul style="list-style-type: none"> • NA
<ul style="list-style-type: none"> • The availability and provision of utility services, including water, sewerage, drainage, electricity and gas. 	<ul style="list-style-type: none"> • Electricity, water and sewerage are all available.
<ul style="list-style-type: none"> • 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 sillage within the boundaries of each lot. 	<ul style="list-style-type: none"> • NA
<ul style="list-style-type: none"> • Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas. 	<ul style="list-style-type: none"> • Landscaping is required.
<ul style="list-style-type: none"> • The impact the development will have on the current and future development and operation of the transport system. 	<ul style="list-style-type: none"> • This has been a conversation between Engineering and VicRoads and also the proposal was required to be referred to the Department of Transport given the number of lots.

The subject site is ideally located within the town of Avenel being in close proximity to a recognisable commercial area, the train station, hotels and public spaces. The lots can be provided with reticulated utilities and constructed roads and drainage. These lots will provide

a choice of medium density housing for people moving to the area, providing for a range of needs, and vary from the majority of larger lots which don't necessarily suit everyone.

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

Hume Regional Growth Plan 2014 – directs that growth will occur in regional cities and other settlements that can provide appropriate land, infrastructure and services.

Relevant incorporated, reference or adopted documents

Avenel Neighbourhood Character Study 2009 – the subject site is in the study area and is identified as a future residential precinct. The open and informal nature of the streets and view of rural landscapes in this rural interface/future residential precinct, contribute to the relaxed character of the precinct. The issues and threats identified are –

Issues / Threats

- Large scale subdivision that results in narrow roadways and overdevelopment of sites.
- Suburbanisation of new developments and subdivisions.
- Boundary to boundary development that constrict views between properties.
- Large areas of impervious surfaces on private property.
- Housing developments that exceeds the existing low scale of streetscapes.
- New development lacking on-site landscaping or tree planting.
- Car parking structures that dominate the streetscape.
- Loss of informal roadways.
- Use of brightly coloured or highly reflective materials or finishes.

The preferred character statement from community feedback is –

Preferred Character Statement

This precinct will see a moderate level of change as vacant lots become developed gradually over time. New development will contribute to the existing character of its surroundings, while respecting the overall character of Avenel. Dwellings will be well set back with provision for vegetation planting along the front and side setbacks. Building materials will complement the rural setting, in muted tones and shades and articulated facades. Front fences will be low and inconspicuous, allowing views of established gardens and dwellings. Streets will remain informal and open, with unsealed shoulders and grassy nature strips.

This will be achieved by:

- Encouraging the retention of older housing stock that contributes to the valued character of the area.
- Ensuring buildings are well set back from front and side boundaries.
- Encouraging low or no front fencing.
- Encouraging street planting in new developments.
- Encouraging vegetation planting in private gardens.

From the summary of comments from community and feedback come the following conclusions that are relevant to this proposal –

Future subdivisions are to be developed in a manner which will not detract from the existing character.

- Carefully monitor future expansion so that new subdivisions do not detract from the peaceful nature that is important to the area.
-

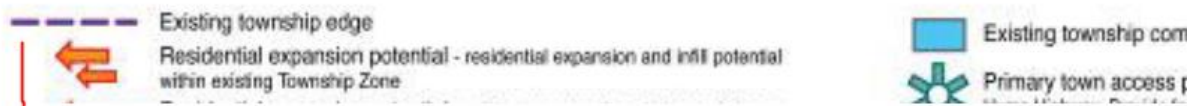
The character of the town should be retained basically as an informal, spacious and rustic environment without too much regimentation but with basic planning controls to ensure that the future development is in keeping with this ideal.

A variety of housing options is required in Avenel, particularly to suit the needs of an aging population and those people who do not wish to maintain large blocks of land.

Avenel 2030 Strategy – Approximately 60% of the lots in town are around 1-2000 sqm and a number are vacant. It is important for areas that have access to reticulated utilities that they are able to achieve the full residential development potential for the future. Housing choice and diversity, and a range of residential densities, should be encouraged.



PLAN 4: AVENEL 2030 STRATEGY – STRATEGIC ISSUES & OPPORTUNITIES



The subject site is identified for residential expansion.

There is substantial opportunity for subdivision and resubdivision of existing larger lots in the township. There is a continuing demand for housing in Avenel and future demand will continue. Given the land already zoned, it is assessed that there is an abundant supply of residential land to satisfy the high growth scenario well beyond fifteen years.

Avenel has a high proportion of people in the 60 years and over group and providing greater housing choice and residential lot diversity is identified as a planning issue for Avenel.

Medium density housing should be encouraged in locations near the town centre.

Relevant Planning Scheme amendments

There are no relevant planning scheme amendments.

Risk Management

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

Strategic Links – policy implications and relevance to Council Plan

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

Summary

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

The proposal provides for a choice of lot sizes within Avenel township to meet the demographics that have been identified in population growth attracted to the area.

The location of this subdivision allows for infill development within the township and although bringing more folk to town, does not create sprawl and allows the nature of the township to be retained. Given there is no DPO or DDO on this site is a sad reflection of the inability of Strategic Planning to be kept up to date with projected growth, and these overlays would have provided more certainty of retention of the character, particularly protecting the views to the surrounding hills regards built form within new subdivisions.

The site is within the Airport Environs Overlay given the proximity of the Mangalore Airport. To protect those dwellings potentially located within it from aircraft noise, a requirement through a Section 173 Agreement ensures they will be constructed to the standards required to mitigate any impact. There are only a small number of lots along the western boundary that are within it.

The removal of the native vegetation to enable the subdivision development has been minimised in accordance with the 'Guidelines' and an offset will be provided.

A public open space contribution has been required and this will assist in either maintaining and enhancing existing or providing for new open space for public use within Avenel and will align with Council's Open Space policy.

The proposal supports the purpose of the zone and is supported by relevant policy throughout the planning scheme. The proposal meets the objectives of Clause 56.

Local strategic direction identifies the larger infill lots within the township, that are zoned for residential development, should be encouraged to be subdivided to provide for a range of lot sizes to meet the demand from the population growth projected, and their demographics. By utilising existing large infill lots it is hoped that the character of the town can be maintained to a certain extent, by minimising sprawl into the surrounding hills and farmland.

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

Conclusion

After due assessment of all the relevant factors, it is considered appropriate to recommend support and that a Notice of Decision to Grant a Permit be supported by Council.

Decision:

Delegate Report	No as it will go to Council due to the number of objections	Council Report – Yes aiming for February 2023	
Determination:	Choose an item.	Determination Date:	

Endorsed Plans:

Date:	Plan Numbers:

Declaration:

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

Made a fair, balanced, ethical and impartial decision - Sub Rule 6(c)(i)	<input checked="" type="checkbox"/>
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)	<input checked="" type="checkbox"/>
Applied the principles of natural justice to my decision, ensuring any person whose rights will be directly affected by the decision has been entitled to communicate their views and have their interests considered - Sub Rule 6(d)	N/A
Identified the person or persons whose rights will be directly affected Sub Rule 6(e)(i)	<input checked="" type="checkbox"/>
Given notice of the decision Council must make under Sub Rule G(e)(i)	N/A
Ensured that such person(s) have had an opportunity to communicate their views and have their interests considered before I made the decision - Sub Rule 6(e)(i)	N/A
Included information about how I've met these Sub Rules in my delegate report- Sub Rule 6(e)(iv)	<input checked="" type="checkbox"/>

Attachments

Plans for endorsement

Assessing
Officer: G Williamson Principal
Planner

Reviewing Officer:

Signature:

Signature:

Date:

10 January 2023

Date:

1 February 2023

Copy of permit to:

AusNet

GVW

DELWP

Mangalore Airport

CFA

VicTrack

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