

Date Issued: 13 July 2021

NOTICE OF AN APPLICATION FOR A PLANNING PERMIT

The land affected by the application is located at: **106 Horseshoe Bend Lane,
Euroa VIC 3666**

The application is for a Permit for: **Re-subdivision of existing 5
lots to 4 lots and use and
development of three lots each
for a dwelling**

The applicant for the Permit is: **Spiire Australia Pty Ltd**

The application Reference Number is: **P2021-086**

You may view the application and any documents that support the application on our website at

<https://www.strathbogie.vic.gov.au/development/statutory-planning/planning-permits-currently-advertised>

or at the office of the Responsible Authority during office hours:

*Strathbogie Shire Council 109A Binney Street Euroa
Telephone: (03) 5795 0000*

Any person who may be affected by the granting of the Permit may object or make other submissions to the Responsible Authority.

An objection must be sent to the Responsible Authority in writing, include the reasons for the objection and state how the objector would be affected.

*The Responsible Authority will not decide on the application before: **03 August 2021***

All objections are placed on the relevant Planning Permit application file, which is publicly available at all times. Objections can therefore be read and used by other parties.

An objection form is available from Strathbogie Shire Council office, by phoning Council on (03) 5795 0000 or at <https://www.strathbogie.vic.gov.au/development/statutory-planning/objections>

If you submit an objection, the Responsible Authority will tell you of its final decision.



PLANNING REPORT

BOUNDARY RE-ALIGNMENT AND
USE AND DEVELOPMENT OF LAND FOR DWELLINGS

106 HORSESHOE BEND LANE, EUROA
MAY 2021

PREPARED FOR [REDACTED]

This report has been prepared by the office of Spiire
144 Welsford Street PO Box 926 Shepparton Victoria 3632

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Spiire Job Number: 308478

Authors: J.Macey, C. Collins, Spiire Australia Pty Ltd. Project Number 308478

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TABLE OF CONTENTS

1.	INTRODUCTION AND OVERVIEW	3
1.1	INTRODUCTION.....	3
1.2	OVERVIEW.....	3
2.	SITE AND SURROUNDING CONTEXT	5
2.1	SUBJECT SITE.....	5
2.2	SURROUNDING AREA	6
3.	PROPOSAL	7
3.1	SUBDIVISION.....	7
3.2	DWELLINGS.....	9
3.3	PHYSICAL INFRASTRUCTURE.....	9
3.4	LAND CAPABILITY.....	9
4.	STRATHBOGIE PLANNING SCHEME	10
4.1	PLANNING POLICY FRAMEWORK.....	10
4.2	MUNICIPAL PLANNING STRATEGY.....	10
4.3	ZONE PROVISIONS.....	11
4.4	OVERLAY PROVISIONS.....	11
4.5	ABORIGINAL HERITAGE ACT 2006.....	12
5.	MERITS OF THE PROPOSAL	13
5.1	CONSISTENCY WITH PLANNING POLICY FRAMEWORK	13
5.2	CONSISTENCY WITH LOCAL PLANNING POLICY FRAMEWORK	13
5.3	CONSISTENCY WITH ZONE PROVISIONS.....	14
5.4	CONSISTENCY WITH OVERLAY PROVISIONS.....	16
5.5	CONSISTENCY WITH ABORIGINAL HERITAGE ACT 2006.....	17
6.	CONCLUSION	18

1. INTRODUCTION AND OVERVIEW

INTRODUCTION

1.1

Spiire acts on behalf of the landowner for this planning permit application for the re-subdivision of land at 106 Horseshoe Bend Lane, Euroa, and for the use and development of land for a dwelling on three of the realigned lots.

The purpose of this Planning Report is to set out the planning and physical context of the site, and to explain and support the proposal.

The subject site comprises five lots: Lot 1, 2, 3 4 and 5 on Title Plan No. 116436 in an irregular shape. There are no title restrictions. The site contains a dwelling and associated shedding in the south of the site, with scattered native trees and small dams throughout.

Spring Creek flows through the property in an east-west alignment.

The land is contained within the Farming Zone and is partially affected by the Erosion Management Overlay and Bushfire Management Overlay. The land is partly within an Area of Aboriginal Cultural Heritage Sensitivity.

The following clauses of the Strathbogie Planning Scheme trigger planning permit requirements:

- ▶ Clause 35.07-2 – use of land for a dwelling in the Farming Zone
- ▶ Clause 35.07-3 – subdivision of land in the Farming Zone
- ▶ Clause 35.07-4 – building and works in the Farming Zone
- ▶ Clause 44.01-2 – building and works in the Erosion Management Overlay
- ▶ Clause 44.01-5 – subdivision of land in the Erosion Management Overlay
- ▶ Clause 44.06-2 – subdivision of land in the Bushfire Management Overlay

This Report should be read in conjunction with the following documentation submitted with this planning permit application:

- ▶ Plan of Proposed Subdivision prepared by Spiire Drawing No. 308478UD03
- ▶ Land Capability Assessment and On-site Wastewater Management Plan prepared by Paul Williams, September 2020
- ▶ Advice from Benchmark Heritage, February 2021

1.2 OVERVIEW

The property contains five existing lots, with a dwelling and associated buildings developed on one of these lots. At present, the lots could each be developed with a dwelling, all accessed via existing roads. However, in reflecting on the topography of the site, and the intention to provide a consolidated area for agricultural activity, the proposed re-subdivision will assist in improving the management of the property and will realign the title boundaries to better reflect the natural and physical features of the site. The re-subdivision will also reduce the number of lots from the existing five to four more appropriately sited lots. For these reasons, as detailed further in the Report, the proposed re-subdivision is consistent with the intended outcomes of the Strathbogie Planning Scheme.

The application also seeks approval for the use and development of three of the lots for a dwelling. A Land Capability Assessment has been undertaken for these lots, with the assessment indicating the proposed lots are all capable of accommodating a dwelling and the required wastewater disposal envelope. The dwellings will enable landowners to reside on their properties, enhancing the management and maintenance of the land, and providing for an efficient multi-purpose land use outcome. With a reduction in the number of lots, the dwellings will not result in a proliferation of dwellings in the area, nor will dwellings adversely impact surrounding agricultural land uses. Further, two of the proposed lots are of sufficient size to support agricultural activities. A dwelling on these lots would enable the agricultural activities to be efficiently managed and sustained.

In summary, and as detailed in this Report, the proposal achieves the intended outcomes of the Strathbogie Planning Scheme. It will achieve:

- ▶ a reduction in the number of lots;
- ▶ consolidation of the main agricultural area into one lot of 95 hectares;
- ▶ improvement in the lot size mix;
- ▶ more appropriately located and sized lots based on topography and site attributes; and
- ▶ a sustainable and appropriate outcome for the area.

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2. SITE AND SURROUNDING CONTEXT

2.1 SUBJECT SITE

The site is located at 106 Horseshoe Bend Lane, Euroa and comprises five lots, known as Lot 1, 2, 3 4 and 5 on Title Plan 116436. The site is an irregular shape with a total area of 145 hectares. There are no restrictions on title.

The site slopes steeply towards the centre of the site, comprising rocky surfaces and scattered native vegetation, with denser clusters located along gullies and creek lines throughout. Spring Creek is aligned east-west through the site. The site contains an existing dwelling and associated shedding in the south. Access to the dwelling is currently gained via Horseshoe Bend Lane, and the site also has access via Quailes Lane, an all-weather road which defines the eastern boundary of the site.

The land is contained within the Farming Zone and is partially affected by the Erosion Management Overlay in the centre of the site and the Bushfire Management Overlay in the south of the site. The land is within an Area of Aboriginal Cultural Heritage Sensitivity along the path of Spring Creek. Land within the Public Use Zone, Schedule 7 intersects the eastern portion of the land.



Figure 1. Existing Lots of the Subject Site (Source: Strathboigie.pozi.com)

2.2 SURROUNDING AREA

The subject site is located approximately 8 kilometres southeast of Euroa in very hilly terrain at the edge of Mount Wombat, with significant waterways throughout. Due to the topography and soil features, the site and surrounding area has a relatively low value to agricultural productivity.

The area comprises agricultural parcels typically used for grazing and developed with scattered dwellings. There are at least 10 dwellings within 500m of the subject site. There are a variety of lot sizes in the area, including a 2 ha and 10ha allotment to the south. Horseshoe Bend Lane provides access to Euroa-Strathbogie Road, which is a sealed road.

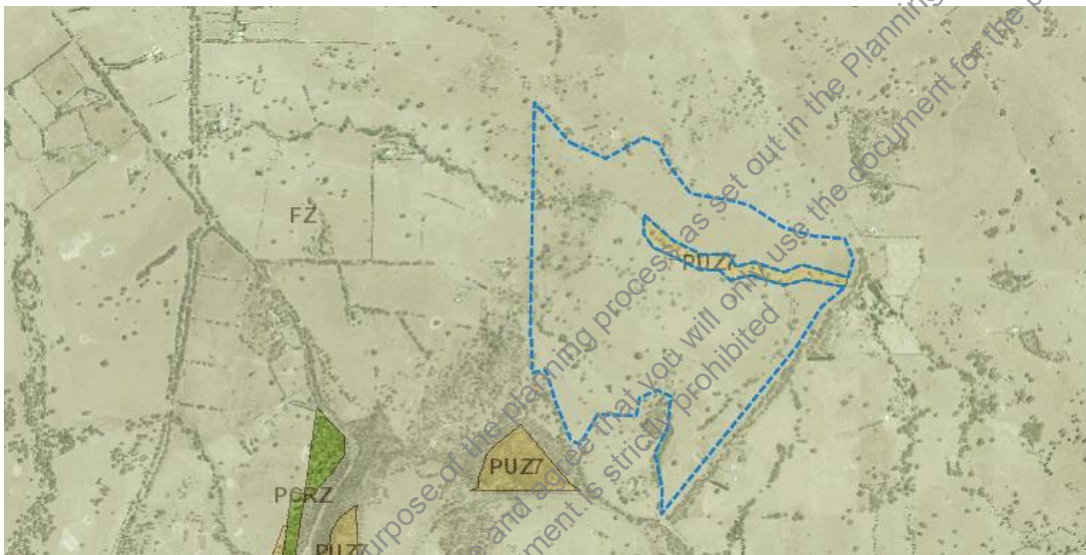


Figure 2: Subject site and immediate surrounds (including zoning)

3. PROPOSAL

3.1 SUBDIVISION

This application seeks planning approval for the re-subdivision of land at 106 Horseshoe Bend Lane, Euroa to create realigned four lots as follows:

- ▶ Lot 1 will be in the south-west, with an area of 13ha. Access will continue via Horseshoe Bend Lane. This area is distinctly separate from the adjoining Lot 4 due to topography and terrain.
- ▶ Lot 2 will be in the east with an area of 4ha. Access will continue via Quails Lane. This lot approximately follows the existing title alignment; however, the new boundaries better reflect the alignment of the existing watercourse.
- ▶ Lot 3 will be in the north with an area of 34.4ha. Access will continue via Quails Lane. This lot contains steep and rugged topography on the site. It will include the land north of Spring Creek.
- ▶ Lot 4 will comprise the balance lot in the centre of the property with an area of 93.5ha. This lot contains the existing dwelling and associated shedding and consolidates the main agricultural area of the existing property. Access to the lot continues via Horseshoe Bend Lane.

The proposed re-alignment represents an improvement to the lot size mix as there is only one lot under 10ha, being Lot 2 of 4 ha, which has proposed a slight change in boundary alignment to reflect topographical features. The table below compares the existing lot sizes with the proposed:

Lot Size Range (Ha)	No. of Lots Existing	No. Lots in Proposed
0 – 10	2 (Lots 1 and 2)	1 (Lot 2)
11 – 20	-	1 (Lot 1)
21 – 30	1 (Lot 3)	-
31 – 40	-	1 (Lot 3)
40+	2 (lots 4 and 5)	1 (Lot 4)
	5	4

The plan over the page at Figure 3 shows the configuration of the existing and proposed lots.

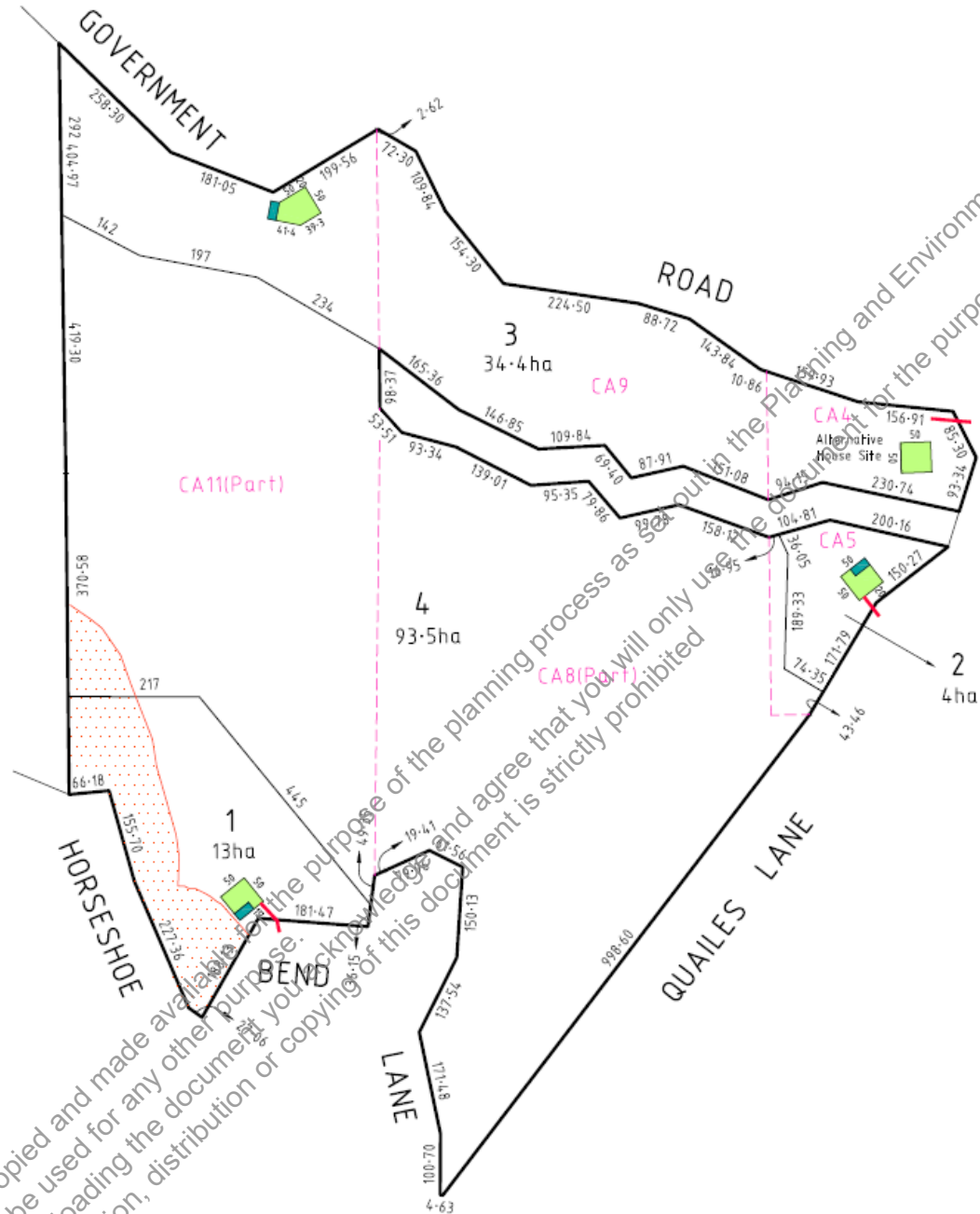


Figure 3 Proposed Lots (Source Plan of Subdivision, Spiire)

- Legend**
- Denotes extent of BMO
 - Denotes Proposed Building Envelope
 - Denotes extent of Proposed 420m² Primary Irrigation Area
 - Denotes Proposed Access to Road
 - Denotes Existing Title Boundary

3.2 DWELLINGS

This application seeks planning approval for use and development of land for a dwelling on each of these proposed lots as described above:

- ▶ Lot 1 with an area of 13ha and access via Horseshoe Bend Lane.
- ▶ Lot 2 with an area of 4ha and access via Quales Lane.
- ▶ Lot 3 with an area of 34.4ha and access via Quales Lane.

The Plan of Proposed Subdivision and Land Capability Assessment submitted with this application shows proposed building envelopes on each lot for a dwelling and associated effluent irrigation areas.

Floor plans and elevations have not been prepared for these dwellings. Should Council be of a mind to consider this application favourably, it is respectfully requested this information be required by way of permit condition.

3.3 PHYSICAL INFRASTRUCTURE

Water Supply

Reticulated water is not available to the site. The existing water tank on Proposed Lot 5 will continue to service the existing dwelling and new water tanks will be provided as new development occurs.

There are creeks and dams located within the property to provide water supply for agricultural purposes.

Effluent Disposal

Reticulated sewerage is not available to the site. A Land Capability Assessment and Wastewater Management Plan has been prepared and submitted in support of the proposed subdivision.

As demonstrated in the Assessment, each lot is capable of appropriately disposing of wastewater within individual lot boundaries, including the lot for the existing dwelling.

Electricity

Ausnet Services is the responsible authority for electricity supply to the site. Each of the proposed lots can either be connected to electricity as per the requirements of Ausnet Services, or future dwellings/buildings can be self-contained with off-grid power sources.

3.4 LAND CAPABILITY

A Land Capability Assessment (LCA) has been undertaken for the site by Paul Williams. The LCA finds the land can contain the proposed dwellings and identifies appropriate sites for each dwelling and associated disposal of effluent within each proposed lot. The proposed subdivision does not impact on the existing system at the site.

An alternate site has been shown for Lot 3, closer to Quales Lane. A specific effluent envelope has not been identified for this site, however based on assessments for the other dwelling locations, this site would be capable of containing a suitable disposal envelope.

4. STRATHBOGIE PLANNING SCHEME

4.1 PLANNING POLICY FRAMEWORK

The Planning Policy Framework contained within the Planning Scheme details a series of objectives for land use and development in Victoria that support this proposal. The relevant policies are listed below:

- ▶ Clause 12.01-2S Native vegetation management seeks *'to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.'*
- ▶ Clause 13.02-1S Bushfire Planning seeks *'to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.'*
- ▶ Clause 14.04-1S Protection of agricultural land seeks *'to protect the state's agricultural base by preserving productive farmland.'*
- ▶ Clause 13.04-2S Erosion and landslip seeks *'to protect areas prone to erosion, landslip or other land degradation processes.'*
- ▶ Clause 15.03-2S Aboriginal cultural heritage seeks *'to ensure the protection and conservation of places of Aboriginal cultural heritage significance.'*

An assessment against these policies is provided at Section 5.1 of this Report.

4.2 MUNICIPAL PLANNING STRATEGY

The Municipal Planning Strategy provides the local policy context for land use and development within the Strathbogie Shire Council. The following clauses are applicable to this proposal:

- ▶ Clause 21.02-4 Rural Zones seeks *'to protect and maintain established farming areas and to ensure suitable land is available to provide for emerging rural enterprises, e.g. intensive animal husbandry, horticulture and equine industry.'*
- ▶ Clause 21.04-7 Bushfire seeks *'to minimise the risk to life, property and the environment from bushfire.'*
- ▶ Clause 22.01 Housing and House Lot Excision in the Farming Zone applies to all land in the Farming Zone and seeks:
 - *'To protect and maintain productive farming areas.'*
 - *To protect and promote sustainable use of privately owned land that includes high value or significant vegetation and waterways.'*
 - *To promote recognition of rural activities, e.g. tourism, wineries, equine and intensive agriculture.'*
 - *To promote the clustering of co-dependant uses.'*
 - *To protect the growth of rural activities against potential land use conflict.'*
 - *To ensure that rural production is not compromised by housing encroachment.'*

Specific policy applies to the subdivision and re-subdivision of land. An assessment against these policies is provided at Section 5.2 of this Report.

4.3 ZONE PROVISIONS

The entirety of the subject site is within the Farming Zone (FZ). The purpose of the FZ at Clause 35.07 is:

- ▶ *“To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- ▶ *To provide for the use of land for agriculture.*
- ▶ *To encourage the retention of productive agricultural land.*
- ▶ *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- ▶ *To encourage the retention of employment and population to support rural communities.*
- ▶ *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*
- ▶ *To provide for the use and development of land for the specific purposes identified in a schedule to this zone.”*

Under the provisions of the FZ, a planning permit is required for the re-subdivision of land (boundary realignment). Pursuant to Clause 35.07-3 the minimum subdivision size is 40 hectares. A permit may be granted to create smaller lots if any of the following apply:

- ▶ *The subdivision is to create a lot for an existing dwelling. The subdivision must be a two-lot subdivision.*
- ▶ *The subdivision is the re-subdivision of existing lots and the number of lots is not increased.*
- ▶ *The subdivision is by a public authority or utility service provider to create a lot for a utility installation.”*

The proposal is a re-subdivision of existing lots and the number of lots is reduced.

4.4 OVERLAY PROVISIONS

Bushfire Management Overlay

A small portion of the subject site to the south west corner is partially affected by the Bushfire Management Overlay (BMO). The purpose of the BMO at Clause 44.06 is:

- ▶ *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- ▶ *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- ▶ *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*
- ▶ *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*

Pursuant to Clause 44.06-2, a planning permit is required for the subdivision of land.

Pursuant to Clause 44.06-3 an application for the subdivision of land must be accompanied by bushfire hazard site assessment, landscape assessment and a bushfire management statement. It also states, “If in the opinion of the responsible authority any part of these requirements is not relevant to the assessment of an application, the responsible authority may waive, vary or reduce the requirement.”

For this proposal it is requested Council waive the requirement for the bushfire assessments as only a small portion of Lots 1 and 4 will be contained within the Bushfire Management Overlay. As shown on the Plan of Proposed Subdivision, the proposed dwelling on Lot 1 is sited outside the Bushfire Management Overlay where the risk from bushfire is relatively low. There is an existing dwelling on Lot 4.

Erosion Management Overlay

The subject site is partially affected by the Erosion Management Overlay (EMO). The purpose of the EMO at Clause 44.01 is:

- ▶ To implement the Municipal Planning Strategy and the Planning Policy Framework.
- ▶ To protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development.

Pursuant to Clause 44.01-5, a planning permit is required for the subdivision of land. A Land Capability Study has been undertaken for the site.

4.5 ABORIGINAL HERITAGE ACT 2006

The *Aboriginal Heritage Act 2006* came into effect on the 28 May 2007. Under the Act the subject land is located partly within an area of Aboriginal Cultural Heritage Sensitivity.



Figure 4: Area of Aboriginal Cultural Heritage Sensitivity

5. MERITS OF THE PROPOSAL

The following provides an analysis of the proposal's consistency with planning policies, and the relevant zoning, overlays, relevant documents and Aboriginal Heritage Act 2006.

5.1 CONSISTENCY WITH PLANNING POLICY FRAMEWORK

The proposal is consistent with the relevant policies of the Planning Policy Framework as detailed below.

The re-subdivision supports the continual use of the land for agricultural and rural activities, as per the objectives of the relevant planning policies. The main agricultural area will be consolidated into one lot of 93 hectares, and two of the three remaining lots of a size to sustain agricultural outcomes. Further, it can be reasonably expected Lot 4 will accommodate an agricultural land use given it comprises 4 hectares of relatively flat terrain and has ready access to water.

The re-subdivision has been appropriately designed so there are no impacts or future impacts on native vegetation for fencing or access.

The site's main bushfire hazard is located to the immediate south-west within the Mount Wombat Garden Range. Surrounding land is actively managed and inhabited and the re-subdivision does not create any lots fully within the Bushfire Management Overlay. As shown on the Plan of Proposed Subdivision, dwellings are proposed to be sited outside the Bushfire Management Overlay and on land at lower risk from bushfire.

The re-subdivision balances the continued agricultural use of farming land and the amenity of rural dwellings given the site's relatively low agricultural qualities. The realigned boundaries reduce the number of lots and are appropriate within the subdivision pattern of the area and the existing features at the site.

The site is prone to erosion given its topography, however the re-subdivision provides for adequate areas of lower risk areas to erosion to site any future development. The new lots have been designed with the site's topography in consideration, with Lots 1 and 3 containing the more erosion prone land which can be more readily managed when included in one allotment.

The subject site is partly within an area of cultural heritage sensitivity which will be contained within proposed Lots 2, 3 and 4. Pursuant to Section 48 and 49 of the Aboriginal Heritage Regulations the proposal does not qualify as a high impact activity, as addressed at Section 5.6 of this Report.

5.2 CONSISTENCY WITH LOCAL PLANNING POLICY FRAMEWORK

The proposal is consistent with the relevant policies of the Local Planning Policy Framework as detailed below.

The subdivision seeks to improve the arrangement of the existing parcels to improve the management and agricultural capabilities of the land and continue agricultural production. The proposed dwellings will not result in a proliferation of dwellings in the area, nor will they adversely impact on the continued use of surrounding properties for agriculture.

The subdivision will not pose a risk to life, property or the environment from bushfire. Any future development of a dwelling on the proposed Lot 1 can be sited outside the Bushfire Management Overlay and there is an existing dwelling on the proposed Lot 4.

Clause 22.01-3 states it is policy that an application for subdivision meets all the following requirements:

- ▶ Creates a density appropriate to the rural activities of the area.
- ▶ The proposed lots have good access via an all-weather road and have appropriate services available.
- ▶ The subdivision does not encourage the proliferation of dwellings.

The re-subdivision creates lots which can accommodate agricultural activities typical of the area and lots sizes are consistent with the surrounding subdivision pattern. All lots can be appropriately serviced with access via an appropriate all-weather road.

With the bulk of the agricultural land being contained in the proposed Lot 1, which will occupy 93.5ha, the re-subdivision reduces the capacity for as of right dwellings on the land. With an overall reduction in the number of lots, the proposal will not contribute to a proliferation of dwellings greater than the current subdivision pattern enables.

It is policy that an application for re-subdivision will only be supported if the application meets the following requirements:

- ▶ The proposal results in improved agricultural productivity through, for example, the adjustment of a boundary that accounts for existing infrastructure over 5 years old or topographic features on the site; and
- ▶ The proposal does not create lot/s for the sole purpose of creating a new lot which has the potential for a dwelling.

The site allows the improved management and operation of current agricultural land as it establishes two large parcels, Lot 1 of 93.5 ha and Lot 3 of 34.4 ha which consolidates the main area of agricultural activity and follow topographical features of the land by containing the steepest portion of the property into one lot. The subdivision also consolidates smaller parcels in appropriate locations to reflect current tile boundaries (Lot 2) and where land is distinct from the main agricultural areas (Lot 1).

5.3 CONSISTENCY WITH ZONE PROVISIONS

Clause 35.07 Farming Zone

An assessment of the proposal against the relevant decision guidelines of Clause 35.07-6 have been addressed below:

Decision Guideline	Response
General issues	
<i>The Municipal Planning Strategy and the Planning Policy Framework.</i>	The proposal is consistent with the Municipal Planning Strategy and Planning Policy Framework as detailed in Sections 5.1 & 5.2 of this Report.
<i>Any Regional Catchment Strategy and associated plan applying to the land.</i>	No Regional Catchment Strategy and associated plans have been prepared for this site.

Decision Guideline

Response

The capability of the land to accommodate the proposed use or development, including the disposal of effluent.

As outlined in Section 3.4 of this Report, a Land Capability Assessment has been prepared for the site and indicates the proposed lots will be of sufficient size to allow for the disposal of waste water within the boundaries of the lots, including for the existing dwelling lot.

How the use or development relates to sustainable land management.

The proposed re-subdivision will not impact upon the on-going agricultural operation of the land as it creates larger lots which follow the ridgelines of the site and relocates remaining lots where there is minimised potential for adverse impacts on land quality or agricultural capacity.

Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.

The subdivision will see the continuation of existing land uses at the site and is unlikely to cause adverse impacts on surrounding land uses as it is surrounded by similarly sized parcels.

How the use and development makes use of existing infrastructure and services.

Each lot will be capable of appropriately disposing of effluent within each lot and can be provided with appropriate all-weather access to each lot.

Agricultural issues and the impacts from non-agricultural uses

Whether the use or development will support and enhance agricultural production.

As previously mentioned, the agricultural quality of the land is relatively low, and the re-subdivision provides for more productive individual parcels, whilst siting smaller lots where adverse impacts on agriculture and soil quality will be lesser.

Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production

The re-subdivision has considered erosion risks at the site and is unlikely to remove any productive land from agricultural production given the limitations of the land.

The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.

The subdivision is consistent with the subdivision pattern in the area and respects the existing natural features of the site to ensure there are no impacts on adjoining uses.

The capacity of the site to sustain the agricultural use.

The subdivision will maintain three lots which are capable of sustaining viable agricultural purposes, which are unlikely to be impacted by adjoining lots.

The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.

As stated previously, the agricultural qualities of the land are relatively low due to soil quality and topography.

Any integrated land management plan prepared for the site.

There is no integrated land management plan for the site.

Environmental issues

The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.

The proposed subdivision has been designed to avoid impacts on natural features. A Land Capability Assessment has guided the creation of lot sizes to avoid impacts on erosion, physical features and waterways.

Decision Guideline	Response
<i>The impact of the use or development on the flora and fauna on the site and its surrounds.</i>	The proposal has been designed to have no impact on the native flora and fauna on site.
<i>The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.</i>	The proposal does not require the direct or indirect removal of any native vegetation and has been designed with consideration of Spring Creek and erosion impacts.
<i>The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.</i>	The re-subdivision ensures the existing septic disposal system can be contained within the lot boundaries.

5.4 CONSISTENCY WITH OVERLAY PROVISIONS

Clause 44.01 Erosion Management Overlay

The proposal is consistent with the provisions of Clause 44.01.

The LCA identified the erosion potential of the land as low. Appropriate measures for future development to minimise soil disturbance and to manage runoff and drainage of the site are provided within the LCA.

The re-subdivision has been designed with consideration to the site's topography. The areas of steeper and more rugged terrain have been included in separate titles, being Lot 3 to the north of Spring Creel and Lot 1 which is topographically distant from the adjoining Lot 4. This will allow more efficient management of these areas, especially for the area north of Spring Creek with is currently split between three titles.

There is no requirement to remove, destroy or lop vegetation for the purposes of fencing or the creation of defensible space for the proposal, and is unlikely to lead to any vegetation removal in the future.

Each lot provides for adequate land to site future buildings or works on land and all land application areas can be sited on slopes less than 10%.

For the reasons identified above, the application is appropriate within the EMO.

Clause 44.06 Bushfire Management Overlay

The proposal is consistent with the provisions of Clause 44.06. Only Lots 1 and 4 will be partly affected by the Bushfire Management Overlay. As shown on the Plan of Proposed Subdivision, the dwelling on the proposed Lot 1 is sited outside the Bushfire Management Overlay where the risk of bushfire is low. The proposed Lot 4 contains an existing dwelling outside the Bushfire Management Overlay. Given this, it is requested Council waive the requirement for bushfire assessments pursuant to Cluse 44.06-3.

5.5 CONSISTENCY WITH ABORIGINAL HERITAGE ACT 2006

The site is partly covered by an area of Cultural Heritage Sensitivity. The Aboriginal Heritage Regulations 2018 details what is considered to be a High Impact Activity. Section 49 Subdivision of land of the Aboriginal Heritage Regulations 2018 states:

(1) The subdivision of land into 3 or more lots is a high impact activity if—

(a) the planning scheme that applies to the activity area in which the land to be subdivided is located provides that at least 3 of the lots may be used for a dwelling or may be used for a dwelling subject to the grant of a permit; and

(b) the area of each of at least 3 of the lots is less than 8 hectares.

As the proposal reduces the number of lots from five to four, it will not create any additional lots which may be used for a dwelling. And only one of the proposed lots is less than 8 hectares.

Given this, it is considered the proposal does not require a Cultural Heritage Management Plan to be prepared. Advice from Benchmark Heritage is attached in Attachment 1.

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6. CONCLUSION

This Report establishes a sound planning basis for Council to support the proposed re-subdivision of land at 106 Horseshoe Bend Lane, Euroa, and the use and development of three proposed lots for a dwelling.

In summary, and as detailed in this Report, the proposal achieves the intended outcomes of the Strathbogrie Planning Scheme. It will achieve:

- ▶ a reduction in the number of lots;
- ▶ consolidation of the main agricultural area into one lot of 95 hectares;
- ▶ improvement in the lot size mix;
- ▶ more appropriately located and sized lots based on topography and site attributes; and
- ▶ a sustainable and appropriate outcome for the area.

This Report demonstrates consistency with:

- ▶ The Municipal Planning Strategy and Planning Policy Framework,
- ▶ The provisions of the Farming Zone,
- ▶ The provisions of the Erosion Management and Bushfire Management Overlays,
- ▶ The sensitivity to the site and its environs; and
- ▶ The amenity of the adjoining properties.

For the above reasons, the proposal is commended to Council as one seeking to achieve relevant outcomes as promoted by the Strathbogrie Planning Scheme. Accordingly, it is respectfully requested the application be supported.