

TOWN PLANNING PLANNING REPORT

Proposed Two (2) Lot Subdivision / Boundary realignment

106 Old Depot Lane, Mortlake

Prepared for [REDACTED]

By Planit Consulting Pty Ltd

August 2024

Job No. J8255





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Document Control

Version	Date	Document Type	Prepared By	Reviewed By
Draft	09.08.24	Draft	ND	CM
Final	12.08.24	Final	ND	CM

Project Details

Project Name	106 Old Depot Lane, Mortlake
Client	[REDACTED]
Client Project Manager	[REDACTED]
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Planit Reference	J8255

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Attachments

- Attachment 1 Copy of Title
- Attachment 2 Plan of Site & Surrounds
- Attachment 3 Proposed Plan of Subdivision

1.0 Introduction

Planit Consulting has been engaged by [REDACTED] to submit a Planning Permit Application on their behalf for a Proposed Two (2) Lot Subdivision / Boundary realignment at 106 Old Depot Lane, Mortlake, Allotment 14 & Allotment 15 Sec. 2A.

1.1 Application Details and Permit Triggers

Table 1- Basic Information

Basic Information	
Applicant	[REDACTED]
Application	Proposed Two (2) Lot Subdivision / Boundary realignment
Address	106 Old Depot Lane, Mortlake
Property Description	Allotment 14 & Allotment 15 Sec. 2A
Total Site Area	158,275 square metres approximately
Zone	Clause 35.03 Rural Living Zone (RLZ)
Overlay	N/A
Planning Scheme	Moyne Shire Council
Permit Triggers	
Zone	Rural Living Zone – Schedule 1 (RLZ1)
Overlay	N/A

2.0 Subject Site and Context

2.1 Subject Site



Site Description	
Location	The subject site is located within Mortlake and is located approximately 1.6km from the town centre of Mortlake. It consists of two allotments and is formally described as Allotment 14 & Allotment 15 Sec. 2A.
Lot Description	Allotment 14 & Allotment 15 Sec. 2A.
Access Point	There is an existing access point along the eastern boundary of the site that provides access to the existing dwelling.
Existing Development	The site has been developed with a dwelling and associated outbuildings. The existing built form is located along the eastern boundary of the site, fronting Old Depot Road.
Zone	Rural Living Zone
Easements, reserves and covenants	The site contains an existing easement in favour of Powercor, together with an existing covenant. Full details are contained within the attached title documentation.
Utilities and services	The site is connected to all available services, which currently supply the existing dwelling.

The site contains an existing covenant relating to the use of sink wells for water. A copy of the covenant is below and also attached to this application.

LAND DESCRIPTION INCLUDING RESERVATIONS EXCEPTIONS CONDITIONS AND POWERS SHOWN ON THE CROWN GRANT

containing *Twenty one acres three roods and thirty nine perches more or less being Allotment fifteen of Section Two^A in the Parish of Morflake County of Hampden* **All** THAT PIECE OF LAND in the said State

delineated with the measurements and abuttals thereof in the map drawn in the margin of these presents and therein colored yellow PROVIDED nevertheless that the grantee shall be entitled to sink wells for water and to the use and enjoyment of any wells or springs of water upon or within the boundaries of the said land for any and for all purposes as though he held the land without limitation as to depth EXCEPTING nevertheless unto Us Our heirs and successors all gold and silver and minerals as defined in the *Mines Act 1928* in upon or under or within the boundaries of the land hereby granted AND reserving to Us Our heirs and successors free liberty and authority for Us Our heirs and successors and Our and their licensees agents and servants at any time or times hereafter to enter upon the said land and to search and mine therein for gold silver and minerals as aforesaid and to extract and remove therefrom any such gold silver and minerals and to search for and work dispose of and carry away the said gold silver and minerals lying in upon or under the land hereby granted and for the purposes aforesaid to sink shafts make drives erect machinery and to carry on any works and do any other things which may be necessary or usual in mining and with all other incidents that are necessary to be used for the getting of the said gold silver and minerals and the working of all mines seams lodes and deposits containing such gold silver and minerals in upon or under the land hereby granted AND ALSO reserving to Us Our heirs and successors—

- (i) all petroleum as defined in the *Mines (Petroleum) Act 1935* on or below the surface of the said land and
- (ii) the right of access for the purpose of searching for and for the operations of obtaining such petroleum in any part or parts of the said land and
- (iii) rights of way for access and for pipe-lines and other purposes necessary for obtaining and conveying such petroleum in the event of such petroleum being obtained in any part or parts of the said land.

PROVIDED ALWAYS that the said land is and shall be subject to be resumed for mining purposes under Section 168 of the *Land Act 1928*.

AND PROVIDED ALSO that the said land is and shall be subject to the right of any person being the holder of a miner's right or of a mining lease or mineral lease under the *Mines Act 1928* or any corresponding previous enactment to enter therein and to mine for gold silver or minerals within the meaning of the said Act and to erect and occupy mining plant or machinery thereon in the same manner and under the same conditions and provisions as those to which such person would for the time being be entitled to mine for gold and silver in and upon Crown lands. PROVIDED that compensation shall be paid to the grantee

his heirs executors administrators assigns or transferees by such person for surface damage to be done to such land by reason of mining thereon such compensation to be determined as provided for the time being by law and the payment thereof to be a condition precedent to such right of entry.

2.2 Site Surrounds

The site is located within the Rural Living Zone, and surrounded by varying sized allotments, majority of which contain existing dwellings and associated outbuildings.

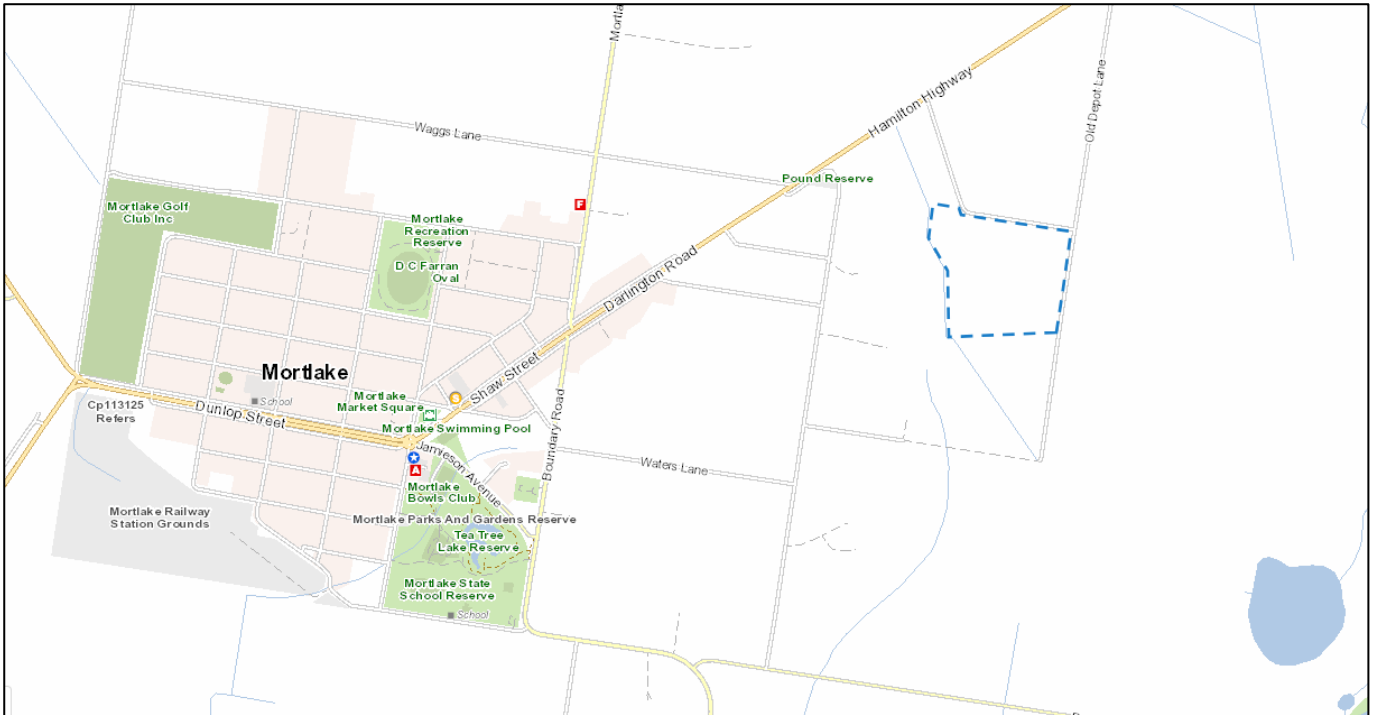


The site is well positioned to services in close proximity, inclusive of the following:

- Mortlake Police Station
- Mortlake Ambulance Station
- Mortlake Kindergarten
- Mortlake Bowls Club
- Tea Tree Lake Reserve
- Mortlake College
- Mortlake Community Activity Centre
- Mortlake Library
- Mortlake Market Square
- Mortlake Public Hall
- Mortlake Fire Station
- Mortlake Recreation

2.3 Locality:

The site of 106 Old Depot Road, Mortlake is located approximately 1.6km from the town centre of Mortlake and contains direct and convenient access to the Hamilton Highway.



Site and proximity to the town centre of Mortlake

2.4 Immediate context

North – To the north is 42 Woodhams Lane, Mortlake which consists of an area of approximately 281,574 square metres.

East – To the east is Lot 1 on LP110997, which contains an area of approximately 633,293 square metres.

South – To the south is 39 Hampsons Lane, Mortlake which consists of approximately 7.2 hectares.

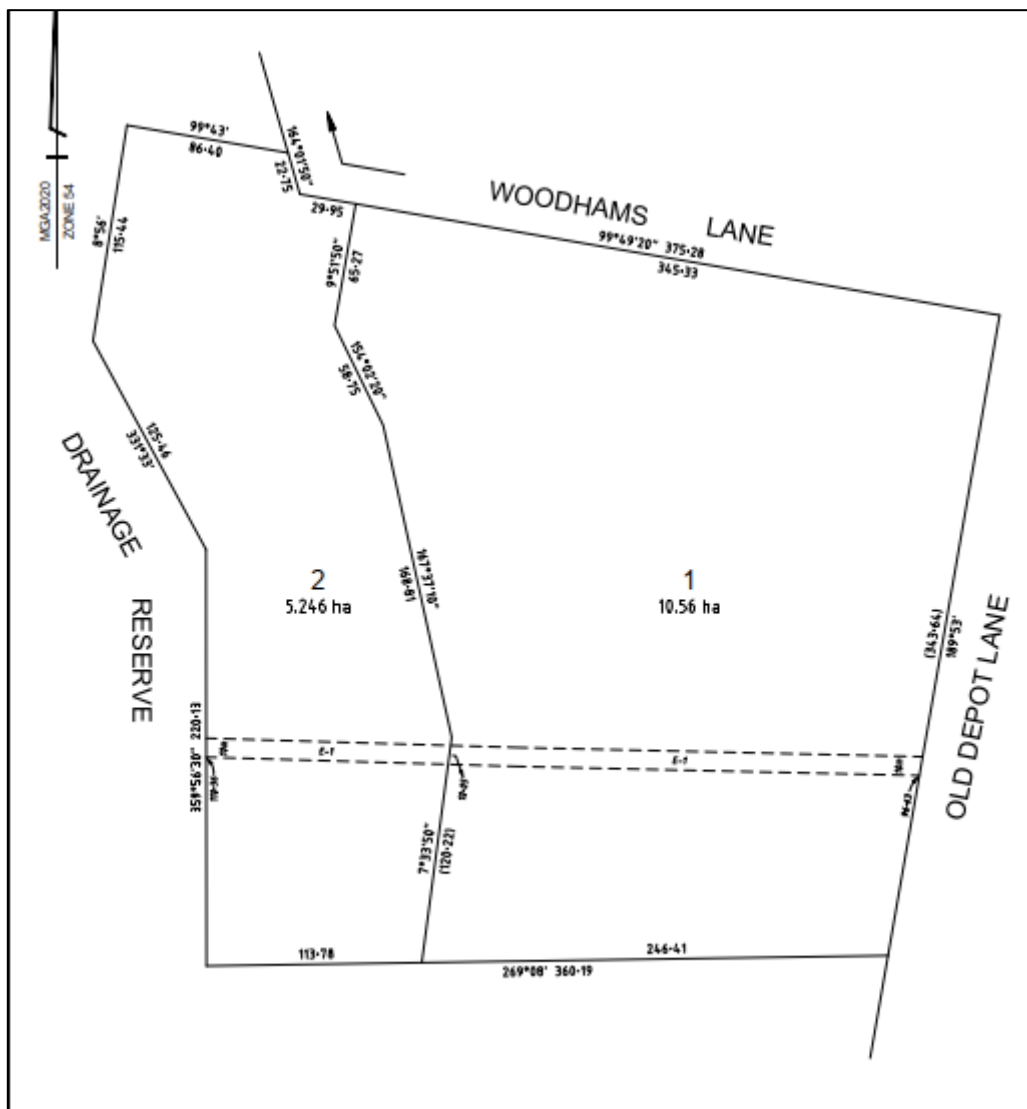
West – To the west is varying parcels, all consisting of approximately 4 hectares.

3.0 Proposal

Planning approval is sought for a two (2) lot subdivision of land, generally in accordance with the below proposed plan of subdivision.

Lot 1 will consist of approximately 10.56 hectares and retain the existing dwelling and associated outbuildings. Lot 1 would also retain the existing access to Old Depot Lane.

Lot 2 will consist of approximately 5.246 hectares and contain an access to Woodhams Lane.

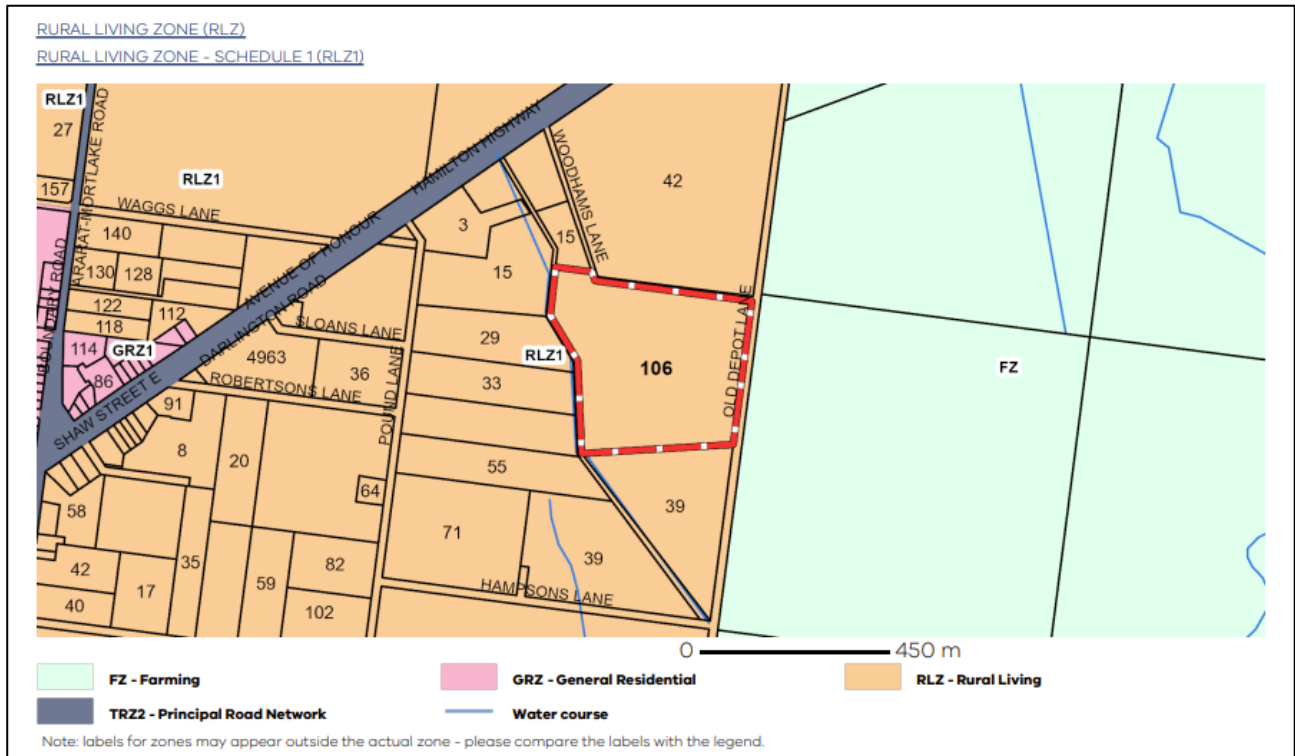


Proposed Plan of Subdivision

4.0 Planning Policy

4.1 Rural Living Zone

Pursuant to the Moyne Planning Scheme the subject site is situated within the Rural Living Zone – Schedule 1.



VicPlan Zone Map

The purpose of the Clause 35.03 Rural Living Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for residential use in a rural environment.
- To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.
- To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

Under the provisions of Clause 35.03-3, a permit is required to subdivide land. Each lot must be at least the area specified for the land in a schedule to this zone.

In accordance with the Schedule to the zone, the minimum subdivision area is one (1) hectare.

1.0 Subdivision and other requirements		
03/11/2023 C70moy	Land	Area/Dimensions/Distance
Minimum subdivision area (hectares)	All land	1 hectare
Minimum area for which no permit is required to use land for a Dwelling (hectares)	All land	1 hectare

Table 1.0 within Schedule 1 to the Rural Living Zone

Comment: The Proposed Two (2) Lot Subdivision / Boundary realignment is considered appropriate having regard to the Rural Living Zone as the proposal seeks to subdivide/realign the common boundary. The proposal is considered in accordance with the purpose of the rural living zone as it facilitates two (2) lots for residential use. In addition, the proposed two (2) lot subdivision is not considered to adversely affect the site, surrounding properties or cause any impacts to environmental factors.

Decision guidelines relevant to this proposal are as follows:

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General issues

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- The potential for accommodation to be adversely affected by vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.

Agricultural issues

- The capacity of the site to sustain the agricultural use.
- Any integrated land management plan prepared for the site.
- The potential for the future expansion of the use or development and the impact of this on adjoining and nearby agricultural and other land uses.

Environmental issues

- The impact on the natural physical features and resources of the area and in particular any impact caused by the proposal on soil and water quality and by the emission of noise, dust and odours.
- The impact of the use or development on the flora, fauna and landscape features of the locality.

- The need to protect and enhance the biodiversity of the area, including the need to retain 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.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

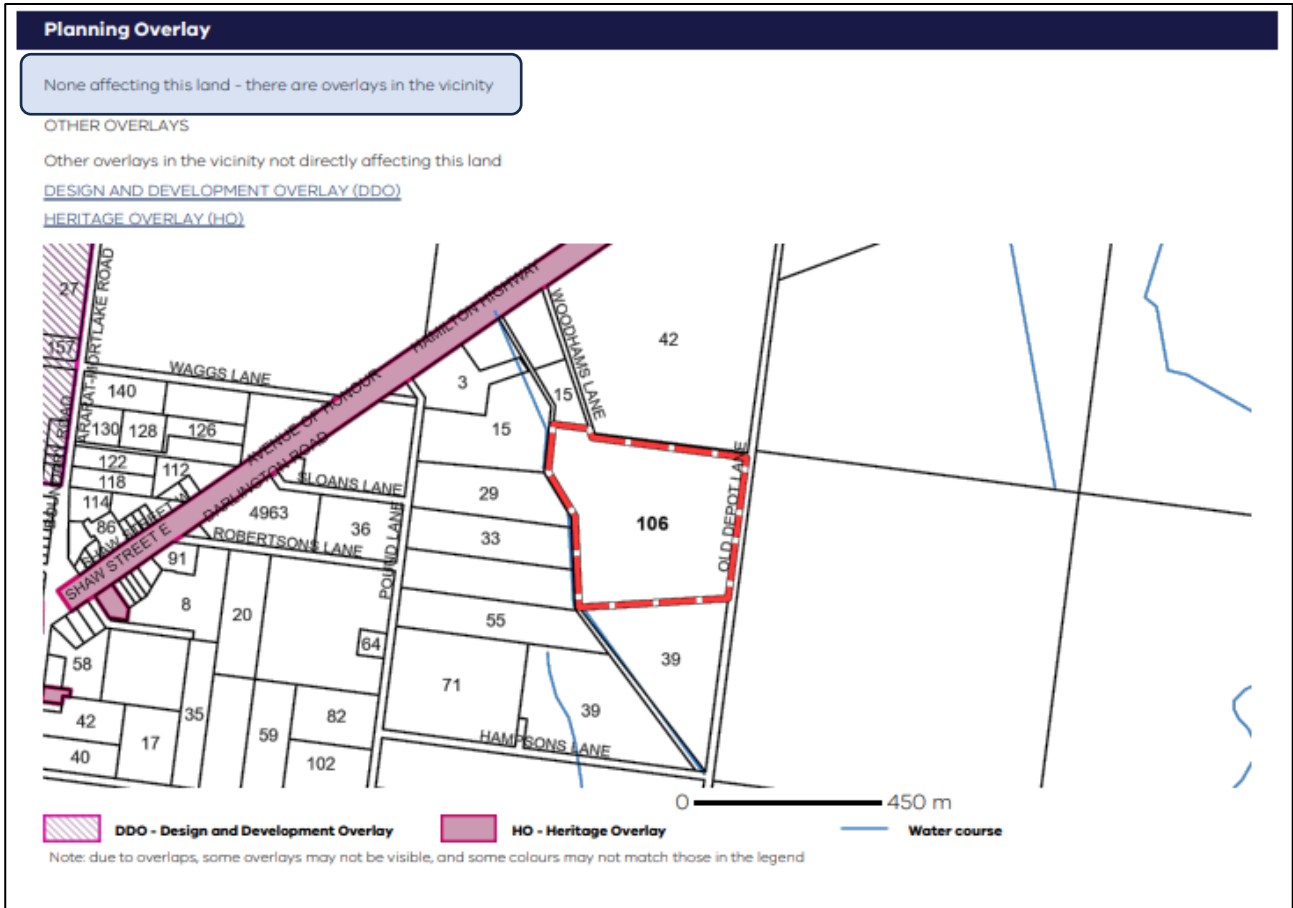
Design and siting issues

- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the use or development will require traffic management measures.
- The need to locate and design buildings used for accommodation to avoid or reduce the impact from vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.

Comment: *The proposed two (2) lot subdivision of land is considered to accord with the relevant decision guidelines within the Rural Living Zone as the proposal seeks to create an additional allotment within a suitable area. It is not anticipated that the proposal would create any adverse impact on environmental values on the site or surrounding land. In addition, it is not anticipated that the proposed two (2) lot subdivision would adversely impact the surrounding farmland to the east having regard to ongoing agricultural production.*

4.2 Overlays

According to VicPlan, there are no overlays affecting this site.



5.0 Particular & General Provisions

5.1 Easements, Restrictions and Reserves

Clause 52.02 relates to the provision / removal of easements, restrictions and reserves.

Comment: The site contains an existing easement E-1 for the purposes of a powerline. The existing easement is in favour of Powercor Australia. It is considered that no amendments to the existing easement will be required to facilitate the proposal.

5.2 Native Vegetation

Under the provisions of Clause 52.17-1, a permit is required to remove, destroy or lop native vegetation, including dead native vegetation. This does not apply:

- If the table to Clause 52.17-7 specifically states that a permit is not required.
- If a native vegetation precinct plan corresponding to the land is incorporated into this scheme and listed in the schedule to Clause 52.16.
- To the removal, destruction or lopping of native vegetation specified in the schedule to this clause.

Comment: No native vegetation will require removal in order to facilitate the development as proposed, therefore the provisions of this Clause are not applicable in this instance.

5.3 Public Open Space Contributions and Subdivision

Under the provisions of Clause 53.01, a person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under Section 18 of the Subdivision Act 1988.

Clause 53.01-1 outlines subdivision which are exempt from a public open space requirement specified in this scheme under the following circumstances:

- It is one of the following classes of subdivision:
 - Class 1: The subdivision of a building used for residential purposes provided each lot contains part of the building. The building must have been constructed or used for residential purposes immediately before 30 October 1989 or a planning permit must have been issued for the building to be constructed or used for residential purposes immediately before that date.

- o Class 2: The subdivision of a commercial or industrial building provided each lot contains part of the building.
- It is for the purpose of excising land to be transferred to a public authority, council or a Minister for a utility installation.
- It subdivides land into two lots and the council considers it unlikely that each lot will be further subdivided.

Under the provisions of Clause 53.01-2, for purposes of section 18(8)(a) of the Subdivision Act 1988, the following classes of subdivision are exempt from the public open space requirement:

- Class 1: The subdivision of a building used for residential purposes provided each lot contains part of the building. The building must have been constructed or used for residential purposes immediately before 30 October 1989 or a planning permit must have been issued for the building to be constructed or used for residential purposes immediately before that date.
- Class 2: The subdivision of a commercial or industrial building provided each lot contains part of the building.

Comment: As the proposal relates to a two (2) lot subdivision, it is not considered a public open space contribution is applicable in this particular instance.

5.4 Stormwater Management In Urban Development

The purpose of Clause 53.18 is to ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

An application to subdivide land should meet the standards of Clauses 53.18-4 and 53.18-6 and must be accompanied by details of the proposed stormwater management system, including drainage works and retention, detention and discharges of stormwater to the drainage system.

Clause 53.18-4, stormwater management for subdivision, aims to:

- Minimise damage to properties and inconvenience to the public from stormwater.
- Ensure that the street operates adequately during major storm events and provides for public safety.
- Minimise increases in stormwater and protect the environmental values and physical characteristics of receiving waters from degradation by stormwater.
- Encourage stormwater management that maximises the retention and reuse of stormwater.
- Encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.

Standard W1 states that the stormwater management system should be:

- Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority.
- Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of stormwater is proposed.
- Designed to meet the current best practice performance objectives for stormwater quality as contained in the *Urban Stormwater - Best Practice Environmental Management Guidelines* (Victorian Stormwater Committee, 1999).

- Designed to ensure that flows downstream of the subdivision site are restricted to pre-development levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts.
- Designed to contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.
- The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design.

For all storm events up to and including the 20% Average Exceedence Probability (AEP) standard:

- Stormwater flows should be contained within the drainage system to the requirements of the relevant authority.
- Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall.
- For storm events greater than 20% AEP and up to and including 1% AEP standard:
- Provision must be made for the safe and effective passage of stormwater flows.
- All new lots should be free from inundation or to a lesser standard of flood protection where agreed by the relevant floodplain management authority.
- Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria $V_{ave} < 0.35 \text{ m}^2/\text{s}$ (where, d_a = average depth in metres and V_{ave} = average velocity in metres per second).

The design of the local drainage network should:

- Ensure stormwater is retarded to a standard required by the responsible drainage authority.
- Ensure every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Wherever possible, stormwater should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge.
- Ensure that inlet and outlet structures take into account the effects of obstructions and debris build up. Any surcharge drainage pit should discharge into an overland flow in a safe and predetermined manner.
- Include water sensitive urban design features to manage stormwater in streets and public open space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs.
- Any flood mitigation works must be designed and constructed in accordance with the requirements of the relevant floodplain management authority.

Comment: As the application relates to a subdivision for residential purposes within the Rural Living Zone, it is considered that the provisions of this clause is not relevant in this particular instance.

This clause applies to an application under a provision of a zone to subdivide land, construct a building, or construct or carry out works, other than the following applications:

- An application under a provision of the Farming Zone, Green Wedge Zone, Green Wedge A Zone, Low Density Residential Zone, Public Conservation and Resource Zone, Transport Zone 2, Transport Zone 3, Rural Activity Zone, Rural Conservation Zone, Rural Living Zone, Urban Floodway Zone or Urban Growth Zone (Part A – No precinct structure plan applies).

Exemption within Clause 53.18-1

6.0 Decision Guidelines

Subdivision

Under the provisions of Clause 65.02, before deciding on an application to subdivide land, the responsible authority must also consider the following relevant decision guidelines:

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The layout of roads having regard to their function and relationship to existing roads.
- The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.
- The provision and location of reserves for public open space and other community facilities.
- The staging of the subdivision.
- The design and siting of buildings having regard to safety and the risk of spread of fire.
- The provision of off-street parking.
- The provision and location of common property.
- The functions of any body corporate.
- The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.
- If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.
- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.

Comment: *The site is suitable for subdivision, as the density, area and dimensions of each lot are appropriate to the character of the area, which already comprises a mixture of lot sizes and housing types. The proposed lots are capable of containing dwellings, private open space, parking and access in accordance with relevant requirements. The site has access to a range of educational, commercial, community and recreational facilities, as well as public transport services. The lots will be serviced with all available services. The proposal is therefore considered appropriate for rural residential land.*

7.0 Planning Policy Framework

7.1 State Planning Policy Framework

11.01-1S – Settlement – This policy aims to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements. Relevant strategies to achieve this are to:

- Develop sustainable communities through a settlement framework offering convenient access to jobs, services, infrastructure and community facilities.
- Focus investment and growth in places of state significance in Metropolitan Melbourne and the major regional cities of Ballarat, Bendigo, Geelong, Horsham, Latrobe City, Mildura, Shepparton, Wangaratta, Warrnambool and Wodonga.
- Support sustainable development of the regional centres of Ararat, Bacchus Marsh, Bairnsdale, Benalla, Castlemaine, Colac, Echuca, Gisborne, Hamilton, Kyneton, Leongatha, Maryborough, Portland, Sale, Swan Hill, Warragul/Drouin and Wonthaggi.
- Ensure regions and their settlements are planned in accordance with their relevant regional growth plan.
- Guide the structure, functioning and character of each settlement taking into account municipal and regional contexts and frameworks.
- Create and reinforce settlement boundaries.
- Provide for growth in population and development of facilities and services across a regional or sub-regional network.
- Plan for development and investment opportunities along existing and planned transport infrastructure.
- Promote transport, communications and economic linkages between settlements through the identification of servicing priorities in regional land use plans.
- Strengthen transport links on national networks for the movement of commodities.
- Deliver networks of high-quality integrated settlements that have a strong identity and sense of place.
- Limit urban sprawl and direct growth into existing settlements
- Promote and capitalise on opportunities for urban renewal and infill redevelopment.
- Develop compact urban areas that are based around existing or planned activity centres to maximise accessibility to facilities and services.
- Ensure retail, office-based employment, community facilities and services are concentrated in central locations.
- Ensure land that may be required for future urban expansion is not compromised.

16.01-1S – Housing supply – The objective of which is to facilitate well-located, integrated and diverse housing that meets community needs.

15.01 – Built Environment – Contains policies relating to urban design, building design, subdivision design, healthy neighbourhoods and neighbourhood character. Objectives of which are to:

- Create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.
- Achieve building design outcomes that contribute positively to the local context and enhance the public realm.
- Ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.
- Achieve neighbourhoods that foster healthy and active living and community wellbeing.
- Recognise, support and protect neighbourhood character, cultural identity, and sense of place.

16.01 – Residential Development – Contains policies relating to housing supply and affordability. Objectives of which are:

- To facilitate well-located, integrated and diverse housing that meets community needs.
- To deliver more affordable housing closer to jobs, transport and services.

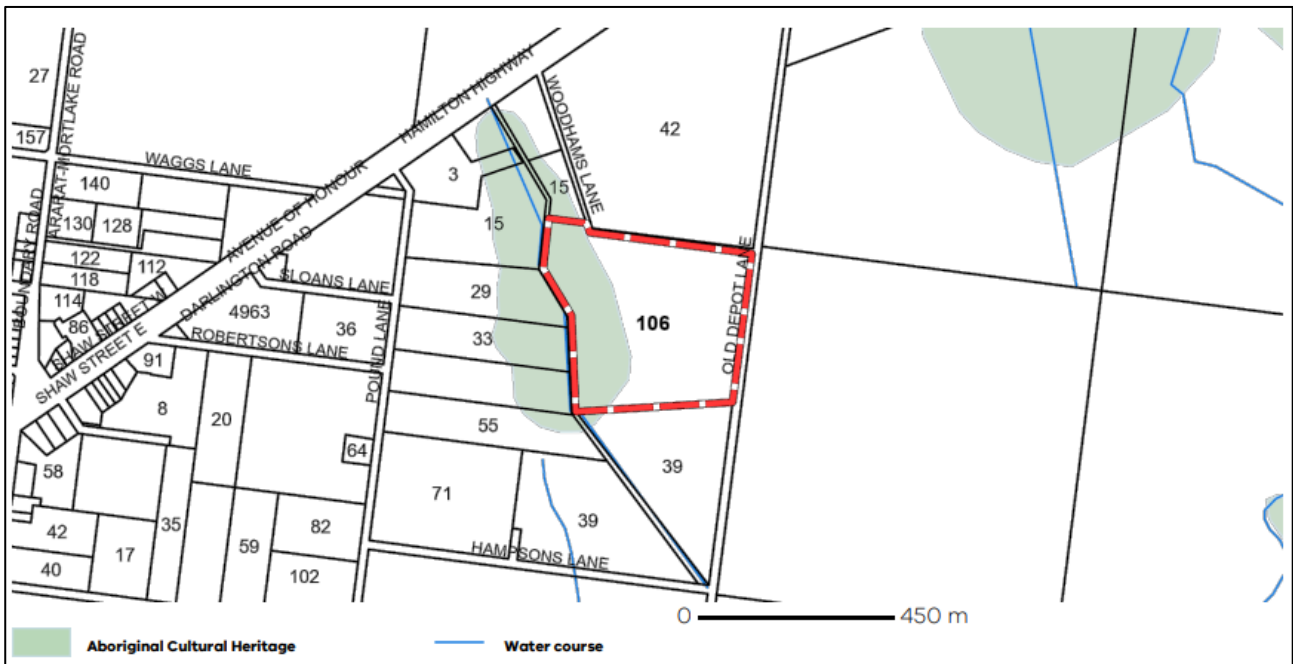
15.01-6S – Design for Rural Areas – This policy aims to ensure development respects valued areas of rural character by:

- Ensuring that the siting, scale and appearance of development protects and enhances rural character.
- Protecting the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes by ensuring new development is sympathetically located.
- Siting and design development to minimise visual impacts on surrounding natural scenery and landscape features including ridgelines, hill tops, waterways, lakes and wetlands.

Comment: *The proposed two (2) lot subdivision is considered to accord with the relevant provisions relating to subdivision, design for rural areas, built environment and housing supply as the proposal creates an additional lot within a suitable location. The proposal is in keeping with the surrounding subdivision pattern which consists of a range of lot densities.*

15.03 – Heritage – Contains policies relating to heritage conservation and aboriginal cultural heritage. The objectives of these policies are:

- To ensure the conservation of places of heritage significance.
- To ensure the protection and conservation of places of Aboriginal cultural heritage significance.



Comment: Under the Aboriginal Heritage Act, 2006, the subject site is identified as being within an area of possible cultural heritage sensitivity, as indicated on the following map extract from the Department of Environment, Land, Water and Planning data base. However, the undertaking of a 2 lot subdivision does not require an assessment under the relevant regulations.

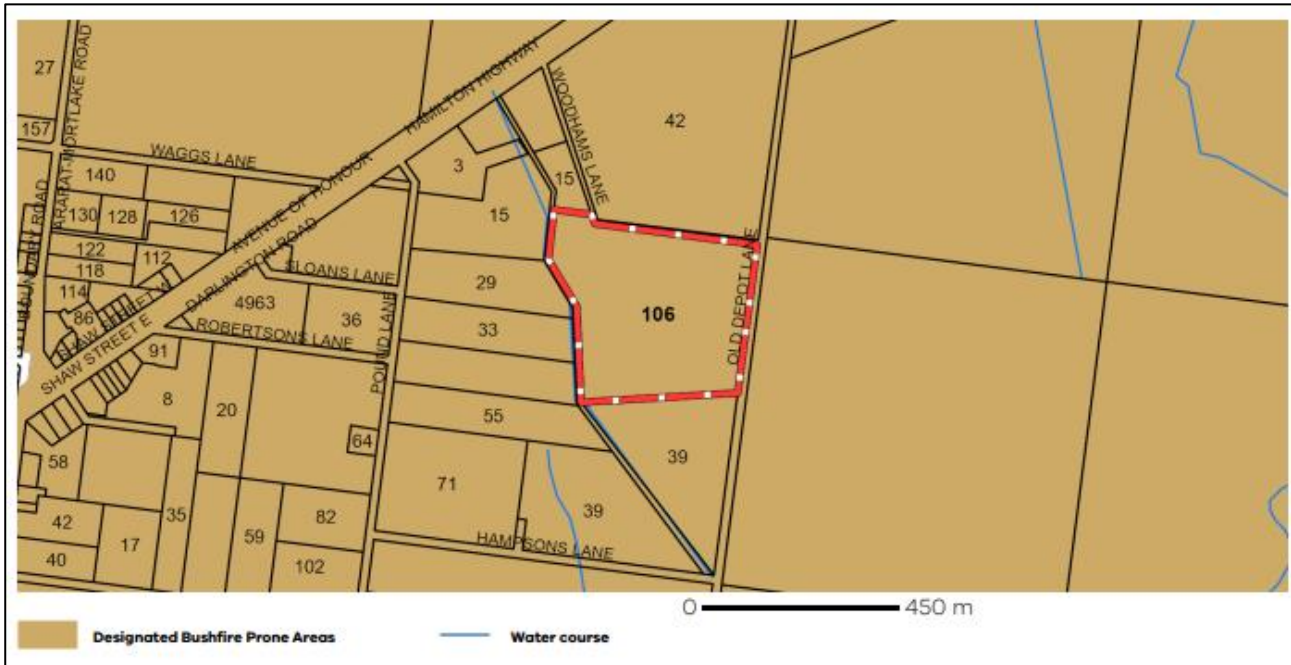
13.02-1S – Bushfire Planning – This policy aims to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life. This policy must be applied to all planning and decision making under the *Planning and Environment Act 1987* relating to land which is within a designated bushfire prone area.

Strategies include giving priority to the protection of human life, identifying bushfire hazards and undertake appropriate risk assessment, planning to strengthen the resilience of settlements and communities and prioritise protection of human life.

In a bushfire prone area designated in accordance with regulations made under the *Building Act 1993*, bushfire risk should be considered when assessing planning applications for subdivisions of more than 10 lots.

When assessing a Planning Permit application for the above use and/or development:

- Consider the risk of bushfire to people, property and community infrastructure.
- Require the implementation of appropriate bushfire protection measures to address the identified bushfire risk.
- Ensure new development can implement bushfire protection measures without unacceptable biodiversity impacts.



Comment: The subject site is identified as being within the Designated Bushfire Prone Area Map, however, the provisions of this clause are not relevant to a two (2) lot subdivision.

12.01 – Biodiversity – Contains policies relating to the protection of biodiversity, 12.01-1S and native vegetation management, 12.01-2S. Relevant objectives of these policies are:

- To assist the protection and conservation of Victoria's biodiversity.
- To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

12.03-1S – River Corridors, Waterways, Lakes and Wetlands – This policy aims to protect and enhance river corridors, waterways, lakes and wetlands. Strategies to achieve this include:

- Protecting the environmental, cultural and landscape values of all water bodies and wetlands.
- Ensuring development responds to and respects the significant environmental, conservation, cultural, aesthetic, open space, recreation and tourism assets of water bodies and wetlands.
- Ensuring development is sensitively designed and sited to maintain and enhance environmental assets, significant views and landscapes along river corridors and waterways and adjacent to lakes and wetlands.

- Ensuring development does not compromise bank stability, increase erosion or impact on a water body or wetland's natural capacity to manage flood flow.
- Protecting the Yarra, Maribyrnong and Murray River corridors as significant economic, environmental and cultural assets.
- Facilitating growth in established settlements where water and wastewater can be managed.

13.07-1S – Land Use Compatibility – The objective of this policy is to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts. Strategies to achieve this include:

- Ensuring that use or development of land is compatible with adjoining and nearby land uses.
- Avoiding locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.
- Avoiding or otherwise minimising adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.
- Protecting existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.

14.02 – Water – Contains policies relating to catchment planning and management, 14.02-1S, water quality, 14.02-2S and the protection of declared irrigation districts, 14.02-3S. The objectives of these policies are:

- To assist the protection and restoration of catchments, water bodies, groundwater, and the marine environment.
- To protect water quality.
- To plan and manage for sustainable change within irrigation districts declared under Part 6A of the Water Act 1989.

Comment: *The proposed two (2) lot subdivision is considered to accord with the relevant provisions above as the proposed layout seeks to subdivide the portion of land that is low lying and subject to overland stormwater. Overall, it is considered that the proposal is consistent with the provisions relating to land use compatibility as it seeks to subdivide land within a suitable location.*

In addition, it is not considered that the removal of native vegetation will be required to facilitate the proposal.

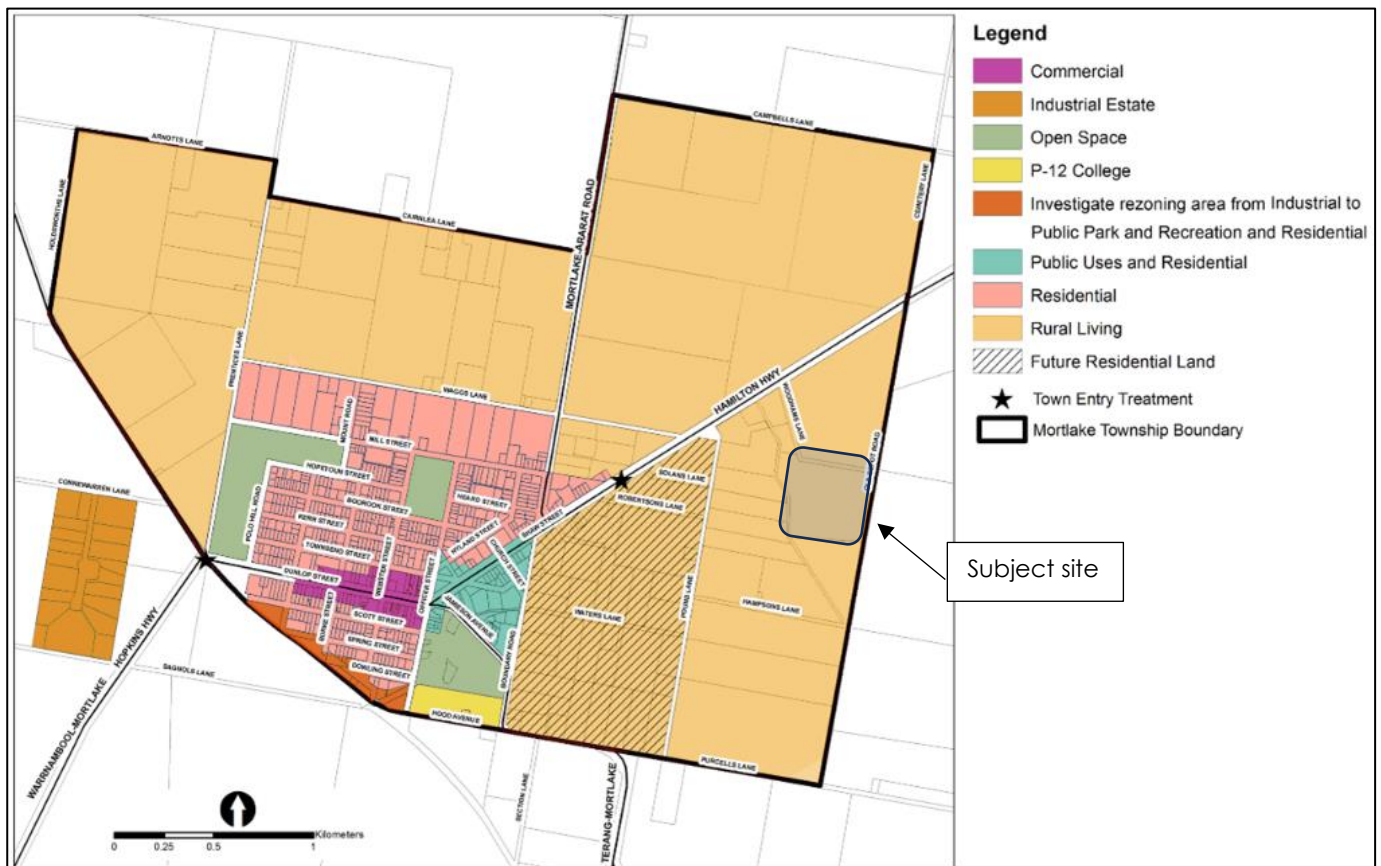
7.2 Planning Policy Framework

7.3 Local Planning Policy

11.01-1L-04 – Settlement – Mortlake – This policy applies to all land identified in the Mortlake Framework Plan.

Strategies include:

- Encourage development within Mortlake that respects the town's historic character, surrounding rural land and the natural landscape.
- Strengthen the town centre as a hub for commercial development and a community focal point.
- Direct commercial development to Dunlop Street between Webster Street and Officer Street.
- Support infill development in proximity to the town centre.
- Support further industrial development in the industrial estate and facilitate opportunities for manufacturing and industrial use and development.
- Provide support services within Mortlake to support the Western Victoria Livestock Exchange (WVLX).
- Ensure that the siting and design of development, including subdivision, maintains the open rural character of the town and key views to Mount Shadwell.



Comment: The proposed two (2) lot subdivision is considered to accord with the local provisions relating to Mortlake. The site is located within the settlement boundary of Mortlake and is located in close proximity to a range of commercial, recreational and community facilities.

The proposal respects the surrounding rural character and natural landscape, which consists of varying sized allotments, and a mixture of housing types. It is considered that the proposal accords with the overall strategies within the Mortlake Framework Plan.

8.0 Conclusion

The proposal is consistent with the State and Local Planning Policy context in relation to a proposed two (2) lot subdivision within the Moyne Planning Scheme.

The proposal is therefore considered to be consistent with the purpose of the Rural Living Zone and satisfies all the relevant application requirements and decision guidelines. The proposal is considered appropriate having regard to the existing subdivision pattern which consists of a variety of allotments with varying densities.

For the reasons outlined in this report, it is considered the Proposed Two (2) Lot Subdivision / Boundary realignment is appropriate and should therefore be supported by Council.

[Redacted Signature]

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[Redacted Name]

Victorian Operations Manager

Senior Town Planner