
APPLICATION FOR PLANNING PERMIT

House Lot Excision (Two Lot Subdivision), Construction and Use of a
Second Dwelling and Removal of Native Vegetation

30 Malaraway Road, Glenburn



Figure 1 – Aerial photograph of the Subject Land and surrounds.

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Introduction

A planning permit is sought for a house lot excision (two lot subdivision), the construction and use of a second dwelling and for the removal of native vegetation at 30 Malaraway Road, Glenburn (**Subject Land**). The Subject Land is located in the Murrindindi Shire and is governed by the Murrindindi Planning Scheme (**Scheme**).

Site description

The Subject Land is located on Malaraway Road in Glenburn, approximately 350 metres south of the intersection of Malaraway Road and Old Murrindindi Road. The Subject Land is in two parts with Malaraway Road dissecting the property. One part of the Subject Land is located on the western side of Malaraway Road and is 4.547 hectares in area (“western part”). The other part is 15.45 hectares and is located on the eastern side of the road (“eastern part”). The Subject Land is described as Lot 3 on PS402370A and is wholly contained in certificate of title volume 10555 folio 988.

Please refer to the attached certificate of title.

The Subject Land has an area totalling approximately 20.21 hectares, is irregular in shape, and has its long axis generally running east-west. It has more than 200 metres of frontage to Malaraway Road on both sides. The western part of the Subject Land slopes down to the west away from the road and towards the Break Oday Creek that borders the western boundary. The eastern part rises up from the road to a ridgeline running north-south, before dropping into a valley and then rising again to a higher elevation along the eastern boundary.

A dwelling and ancillary outbuildings are located on the western part. This area also contains a dam, cleared grassland, and scattered mature native vegetation. The eastern part is predominantly covered in regrowth tea tree, having been historically used for grazing, with some cleared areas closer to the road and scattered mature native trees throughout.

The access to the Subject Land is gained directly from Malaraway Road, with a formed access on the western side of the road providing access to the dwelling and another less formal access on the eastern side of the road, close to the southern boundary, providing access to the eastern part. Malaraway Road is a sealed single lane road which widens to a dual carriageway at the crest of the road as it passes through the Subject Land.



Photograph 1 – Malaraway Road, looking north from the entrance to the Subject Land



Photograph 2 – Malaraway Road looking south from the entrance to the Subject Land.



Photograph 3 – View across the western part of the Subject Land from the road.



Photograph 4 - the existing access to the eastern part from Malaraway Road.



Photograph 5 - Tea tree and mature native vegetation on the eastern part of the Subject Land.



Photograph 6 - A track on the eastern part heading east amongst the tea tree.



Photograph 7 - Looking west across the cleared area of the eastern part of the Subject Land and Malaraway Road.

The Subject Land is part of a six-lot subdivision registered in December 2000. The subdivision created five lots of approximately 20 hectares, with four of these lots having a part on either side of Malaraway Road. The sixth lot, Lot 2, is a smaller lot of approximately 3.25 hectares in area, and is located on the western side of Malaraway Road. This lot, also known as 28 Malaraway Road, adjoins the Subject Land on the northern side of the western part, and contains a dwelling and ancillary outbuildings. A dwelling is also located on 40 Malaraway Road. Farms sheds and other outbuildings are located on the other lots in the subdivision. The surrounding properties contain a mixture of small scale farming, with 20 and 28 Malaraway Road both being used for the keeping and training of horses. The lots all contain significant areas of regrowth vegetation and bushland. Properties to the west of the Subject Land, on the western side of Break Oday Creek, are generally larger, cleared lots used for the grazing of livestock.

The Subject Land is in the Farming Zone (**FZ**) and is subject to the Bushfire Management Overlay (**BMO**) and the Erosion Management Overlay (**EMO**) for a very small part on the eastern boundary. The land adjoining the western boundary along Break O'Day Creek is in the Public Conservation and Resource Zone (**PCRZ**). The balance of surrounding land is in the Farming Zone. The surrounding area is also subject to the BMO and land to the east is included in the EMO. Refer to the zoning map at Figure 2 and the overlay maps in Figures 3 and 4 below.



Figure 2 – Zoning of Subject Land and surrounding area.

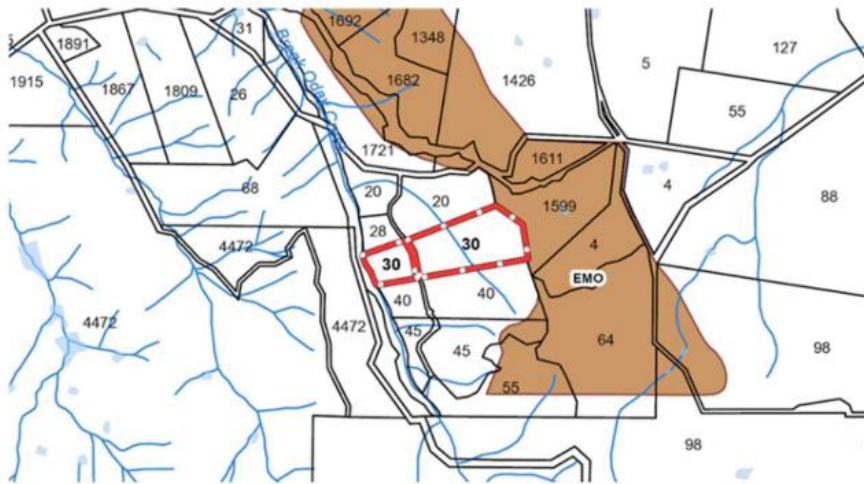


Figure 3 – Erosion Management Overlay.

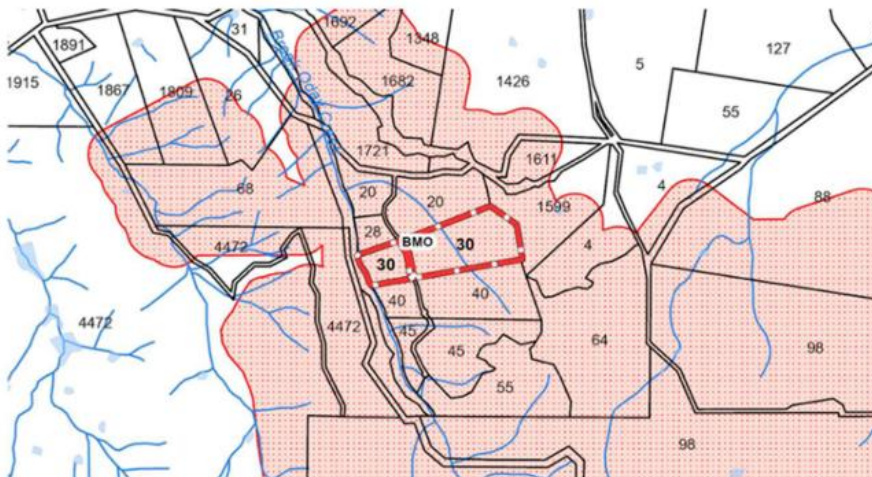


Figure 4 – Bushfire Management Overlay.

Proposal

The proposal is for a house lot excision (two lot subdivision), construction and use of a second dwelling and the removal of native vegetation. The proposed subdivision of the land is to create two separate lots, by excising the dwelling located on the western side of the road from the balance of the land on the eastern side of the road. Proposed lot 1 is 4.547 hectares in area and proposed lot 2 is 15.45 hectares in area. The Subject Land is already divided into two parts by Malaraway Road and the subdivision proposes to create a separate title for each of these parts. Please refer to the proposed plan of subdivision in Figure 5 below.

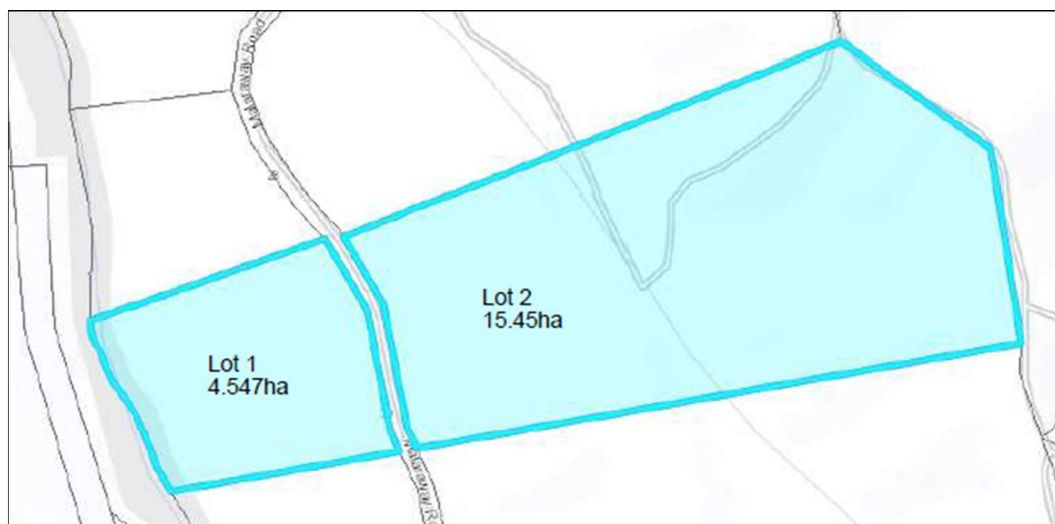


Figure 5 – Proposed plan of subdivision

Proposed lot 1 will contain the dwelling and associated outbuildings, and will retain the existing crossing from Malaraway Road. Proposed lot 2 is to be developed with a new dwelling, shedding and a farming enterprise. The crossing from Malaraway Road to proposed lot 2 will require upgrading along with the construction of a new access track on the land to the proposed development site. The western half of proposed lot 2 is to be mostly cleared of tea tree to create defensible space around the new dwelling and paddocks to enable the keeping, breeding and training of horses. The tea tree allocated for removal will be utilised by a supplier of brush fencing. Mature native trees will be retained where possible. The new paddocks will be conditioned with lime, fertiliser and seeded for pasture. A **Farm & Land Management Plan** has been prepared in support of the proposed house lot excision and the agricultural activities on the land.

The new dwelling and shedding proposed for lot 2 is located approximately 100 metres from Malaraway Road. A seven-bay building measuring 25 metres by 6 metres is proposed with the dwelling contained within four bays of the building. The proposed dwelling contains one bedroom, living area, kitchen and bathroom. The other three bays of the building are open at the front and will contain a horse hot-wash, car space and utilities area, and a spare bay. The building will have steel cladding in the Colourbond colours Deep Ocean for the walls and Bluegum for the roof.

Reticulated electricity is available to the Subject Land and water for domestic use and fire-fighting purposes will be supplied from rainwater harvested from the roof area of the dwelling and shed.

Water tanks will be installed for the provision of water for domestic purposes and water supply for fire fighting purposes will be located next to the existing shed and close to the driveway access thereby providing ready access for fire fighting vehicles. The 10,000 litres water supply for fire-fighting will be fitted with the appropriate CFA fittings.

Wastewater from the dwelling will be treated by an appropriate wastewater system and a Land Capability Assessment has been prepared which demonstrates that the land is suitable for primary treatment of wastewater.

A hay shed is proposed in the southwestern corner of proposed lot 2, with ready access to the road. The proposed hay shed is enclosed on three sides and measures 5.5 metres by 3.5 metres. This shed will be constructed in Colourbond steel cladding in the colour Rivergum.

Please refer to the attached:

- Proposed Dwelling-Shedding plans and details;
- Site plan and earthworks;
- Land Capability Assessment prepared by Melbourne Geological Consultants, dated September 2025;
- Farm & Land Management Plan;
- Native Vegetation Removal Report; and
- Bushfire Management Overlay Report and Bushfire Management Plan prepared by Melbourne Geological Consultants Pty Ltd dated 25 August 2025.

Permit Triggers

The following planning permit triggers apply to this application:

- Clause 35.07 Farming Zone:
 - a permit is required for the use of the land for a second dwelling.
 - a permit is required for the construction of a second dwelling.
 - a permit is required for the construction of a farm building within 20 metres of a road boundary
 - 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. 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.

NB: The proposal falls under the first dot point above.

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- Clause 44.06 Bushfire Management Overlay
 - a permit is required to subdivide land.
 - a permit is required for buildings and works associated with accommodation.
 - Clause 52.17 Native Vegetation
 - a permit is required for the removal of native vegetation that is not otherwise exempt.

Municipal Planning Strategy

The relevant sections of the Municipal Planning Strategy are addressed as follows:

Clause 02.03 Strategic directions

Environmental and landscape values

The natural environment, rich biodiversity, significant public land areas and high quality landscape, form an essential part of the municipality's character, liveability and economy. This natural environment forms the basis for the core economic activities in the municipality. Its long term sustainable use and protection of the natural environment is critical for the continued economic and social well-being of the municipality. Remaining native vegetation on private land is highly fragmented and usually occurs in small or narrow linear remnants, increasing the importance of roadside and riparian vegetation.

Council's strategic directions for environmental and landscape values are to, *inter alia*:

- protect environmental values, including native vegetation, roadside vegetation, and scattered paddock trees;
- protect biodiversity and environmental values of local, state, national and international significance; and
- protect and enhance habitat and wildlife corridors across the landscape.

The Subject Land was historically used for the grazing of livestock and now contains a significant area of regrowth vegetation. Although an area of vegetation is proposed to be removed to enable the use of the land for agriculture and the construction of a dwelling, a significant amount of vegetation is to be retained. With the careful management of the land, this vegetation can be further protected and enhanced with the fencing-off of the area from livestock, the monitoring and removal of any evidence of pest plants and animals, and the protection of any natural waterways across the land.

Environmental risks and amenity

Natural environmental hazards present risks and constraints for land use and settlement in the municipality... Murrindindi Shire is subject to significant bushfire hazard, particularly in the southern section. This hazard is due to the nature and extent of vegetation, topography, potential for extreme fire behaviour arising from drought and climate change, the dispersed and ad-hoc nature of development and lack of infrastructure and access in some locations.

The general area was significantly impacted in the 2009 Black Saturday bushfires. The Subject Land is recognised as being of high fire risk with the application of the Bushfire Management Overlay. The proposed house lot excision will provide an opportunity for more effective management of the Subject Land with the creation of the two titles, and a Bushfire Management Plan has been prepared for the new dwelling to address the safety of residents.

Natural resource management

The agricultural sector in Murrindindi Shire is diverse, economically significant and has potential to expand. Agricultural activities include beef and sheep grazing, horticulture, cropping, vegetable growing, aquaculture, forestry and niche products.

Agricultural land is under increasing pressure for conversion into non-agricultural uses and its ongoing viability needs improved protection from competing residential uses and subdivisions.

Council's strategic directions are to, *inter alia*:

- Protect high quality agricultural land for ongoing agricultural use.
- Protect rural land for productive agricultural uses and compatible rural uses.
- Ensure that the use and development of rural land protects and enhances agricultural potential and the productive capacity of the land and surrounding land.
- Support existing agricultural production activities.
- Support emerging agricultural industries that are compatible with existing agricultural practices.

The proposal provides for the increased management of the land for agricultural purposes. The proposed house lot excision provides for a balance lot that will be utilised for farming purposes and will be supported by a dwelling on the land. A significant amount of vegetation on this parcel will be retained, providing a balance between agricultural uses and biodiversity.

Planning Policy Framework

The relevant sections of the Planning Policy Framework are addressed as follows:

Clause 14.01-1S Protection of agricultural land

The objective of this clause is to protect the state's agricultural base by preserving productive farmland. This clause includes the following strategies:

- *Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.*
- *Protect productive farmland that is of strategic significance in the local or regional context.*
- *Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.*

The proposal to excise the owner's dwelling on the western side of Malaraway Road from the balance of the land on the eastern side of the road, will encourage and support the balance lot to be developed for farming purposes with a new dwelling to oversee the agricultural operations.

Clause 14.01-1L Dwelling excisions in rural areas

The objective of this clause is to limit the excision of existing dwellings in rural areas.

Strategies

- *Discourage subdivision that is likely to lead to a concentration of lots that would:*
 - *Change the general use and character.*
 - *Limit the productive capacity of the land.*

The proposed house lot excision will not lead to a concentration of lots that will change the general use and character of the area, nor impact or limit the productive capacity of the land. The Subject Land currently has limited farming capacity and the proposed excision will enable the improved management of the land so that it can be developed for farming purposes. Due to the proposed house lot excision layout using the physical division of the existing road, there will be no change to the character of the area.

- *Maintain an adequate distance around a dwelling to limit impacts of agricultural activity having regard to the nature of the activity, its potential for impact and opportunity for mitigation measures.*

The proposed boundaries for each lot follows the existing layout of the Subject Land which is currently in two parts divided by Malaraway Road. There is, therefore, no change to the setback distances of the existing dwelling to the neighbouring land to the north, west and south, and there is adequate separation distance between the dwelling and the balance of the land.

- *Discourage subdivision within declared water supply catchment areas to protect water quantity and quality.*

The proposed subdivision is not within a proclaimed water supply catchment area.

- *Demonstrate sustainable use of the land, consideration of environmental constraints and protection and enhancement of the natural environment.*

The proposed house lot excision will provide for a greater focus on the improved management of proposed lot 2 for farming purposes. A comprehensive Farm & Land Management Plan has been prepared that considers the development of the land to support an agricultural operation as well as retaining a significant area of native vegetation for the enhancement of the natural environment.

- *Support small lot subdivisions or any excision of an existing dwelling that either:*
 - *Protects and maintains the productive agricultural capacity of land.*
 - *Supports farm consolidation.*

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- *Supports the conservation of an identified heritage place to which the Heritage Overlay applies.*

The proposed house lot excision will provide for the development of the land for agricultural purposes and thereby protect and improve the potential productive capacity of the land. The proposed subdivision will ensure that the Subject Land can continue to be farmed and managed whilst having no impact on any farming activities on surrounding or nearby properties.

Policy guidelines

The relevant considerations are addressed as follows:

- The proposed house lot excision will provide for the improved management of the land where the two parts of the Subject Land are already physically separated. Having the house lot excised from the balance of the land will enable a new owner of proposed lot 2 to develop the land for sustainable farming purposes.
- The proposed house lot excision is compatible with the surrounding area where the parcels of land located on the western side of Malaraway Road are similar in size and contain dwellings and ancillary outbuildings. Proposed lot 2 on the eastern side of the road can be developed for farming purposes and will retain a significant area of native vegetation. As such the subdivision will have a positive impact on the potential rural land uses on the land, adjoining land and the general area.
- The subdivision will not prevent any agricultural enterprises currently operating in the general area from continuing their operation, as there is effectively no change to the existing layout of the two parcels of land. The proposal will support agricultural activities to be undertaken on the Subject Land.

The proposed house lot excision provides:

- an area of 4.547 hectares for the lot with the existing dwelling. This area is based on the existing part of the Subject Land located on the western side of Malaraway Road which provides a natural division between the two proposed lots. Using the road as the divide between the proposed lots results in no requirement for any new boundary fencing;
- a balance lot of 15.45 hectares. The size of the balance lot is again determined by the area of land on the eastern side of Malaraway Road and is similar in size to the other parts of land along this side of the road. Although the balance lot is less than 40 hectares, the proposed size is not significantly smaller than the surrounding lots, and is of a size that is ideal for and can sustain the use of the land for the keeping, breeding and training of horses; and
- a minimum setback of 30 metres from the existing dwelling to any agricultural activity on adjoining land.

A Farm & Land Management Plan has been prepared for the Subject Land in support of the proposed subdivision. Please refer to the attached plan prepared by the owner of the Subject Land.

Clause 14.01-2S Sustainable agricultural land use

The objective of this clause is to encourage sustainable agricultural land use. The strategies include:

- *Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.*
- *Assist genuine farming enterprises to embrace opportunities and adjust flexibly to market changes.*
- *Facilitate ongoing productivity and investment in high value agriculture.*

The proposed house lot excision will ensure that the effective management of an agricultural operation on the proposed lot 2 can be undertaken thereby maximising the productive capability of the land.

Clause 15.01-2S Building Design

Objective:

- *To achieve building design outcomes that contribute positively to the local context and enhance the public realm.*

The proposed dwelling responds and contributes to the context of its location. It will not have a detrimental impact on any neighbouring properties, nor will it impact on the public realm or the natural environment. The proposed dwelling will not detract from any significant views in the area, and cannot be seen from the major roads to the east, namely the Melba Highway.

15.01-6S Design for Rural Areas

The objective of this clause is to ensure development respects valued areas of rural character.

The strategies include ensuring that the siting, scale and appearance of development protects and enhances rural character. The dwelling is contained within a farm-style building of single-storey construction and will sit well within the surrounding landscape. The rural character of the area will be retained where there is a significant amount of native vegetation as well as cleared grazing land.

Zoning

Clause 35.07 Farming Zone

The purpose of the Farming Zone (FZ) 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.*

The Subject Land supports a dwelling, ancillary outbuildings, and large areas of native vegetation. The land was historically used for the grazing of livestock up until the registration of the subdivision of Malaraway Road. Since that time the Land on the eastern side of the road has been left for native vegetation to regenerate, predominantly with tea tree. The landowner is now wishing to subdivide the land to create a lot for the existing dwelling and outbuildings, proposed lot 1, on the western side of the road, and a balance lot of 15.45 hectares, proposed lot 2, on the eastern side of the road. Part of proposed lot 2 will be returned to pasture to enable the keeping, breeding and training of horses, with the balance of the lot remaining as bushland. In support of the agricultural use of the land, and the ongoing management of the agricultural enterprise, a dwelling will be constructed within the area to be cleared. The dwelling will provide for the day to day management of the agricultural enterprise to ensure animal health and wellbeing is maximised.

To support the proposal to excise the dwelling on the western side of Malaraway Road from the balance of the land on the eastern side of the road, a Farm & Land Management Plan has been prepared for the site.

Please refer to the attached Farm & Land Management Plan prepared by the owner of the land.

Ordinarily small lots in the Farming Zone are not encouraged, however, the Subject Land has an unusual layout where the road provides a significant division between the two parts of the land. The Farm & Land Management Plan shows that in these specific circumstances, the subdivision of the Subject Land will enhance the agricultural opportunities of the land on the eastern side of the road, which is physically separated from the dwelling and land on the western side of the road. As the proposed subdivision is utilising the existing separated parts of the title, it will not have an adverse impact on any of the adjoining lots.

The proposal is consistent with the purpose of the FZ. It provides for the use of the land for agricultural purposes and with the development of a dwelling on proposed lot 2, supports and encourages sustainable land management practices. The proposed subdivision and development of the land is in keeping with the surrounding land uses and reflects the size of land in the immediate vicinity. The proposal will not have an impact on any existing agricultural uses on adjoining land or in the surrounding area.

Decision guidelines

Clause 35.07-6 Decision guidelines - a response to the relevant guidelines is provided as follows:

Guideline	Response
General issues	
The capability of the land to accommodate the proposed use or development, including the disposal of effluent.	The proposed new dwelling can be accommodated on the site and an appropriate wastewater system will be installed to treat the disposal of effluent appropriately. There is sufficient area to the east of the proposed house site for sustainable on-site effluent disposal.
Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.	The proposed house lot excision and new dwelling are suited to the site and is generally in keeping with the surrounding land use and development.
How the use and development make use of existing infrastructure and services.	The proposed house lot excision uses the physical separation of the two parts of the Subject Land to create a separate title for the existing dwelling, and for the balance lot. Both lots have existing access from Malaraway Road and the availability of electricity. The proposed new dwelling will otherwise be self-sufficient in that it will harvest rainwater for domestic and firefighting purposes and be connected to an approved effluent disposal system for the treatment of wastewater.
Agricultural issues and the impacts from non-agricultural uses	
Whether the use or development will support and enhance agricultural production.	The proposed house lot excision will support the agricultural use of the land by providing a separate lot on the eastern side of the road that will be developed for agricultural purposes. The development of a dwelling on this lot will further support the proposed agricultural operations by providing for the sustainable management of the operations.
Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.	The proposed development of the land will create land for agricultural production thereby satisfying the purpose of the Farming Zone.

The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.	The proposal will not impact or limit adjoining or nearby agricultural uses.
Any integrated land management plan prepared for the site.	A Farm & Land Management Plan has been prepared for the site. Please refer to the attached.
<i>Accommodation issues</i>	
Whether the dwelling will result in the loss or fragmentation of productive agricultural land.	The proposed dwelling will support and enhance the use of the land for agriculture. The land is currently not productive and the development of a dwelling on the land will enable the proper management of the land to ensure its ongoing productivity.
Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery traffic and hours of operation.	Due to the limited agricultural activities on adjacent and nearby land, the proposed dwelling will not be adversely impacted by any surrounding agricultural uses.
Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.	The proposed dwelling will not have an adverse effect on any adjoining agricultural operations, which are generally limited to the keeping and training of horses.
The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.	The proposal will not lead to a concentration or proliferation of dwellings in the area as only one additional dwelling is proposed. The proposed dwelling will have a positive impact on the use of the land for agriculture.
<i>Environmental issues</i>	
The impact of the proposed on the natural physical features and resources of the area, in particular on soil and water quality.	The proposed dwelling will not impact on the natural physical features in the area. The LCA has demonstrated that the land is suitable for on-site effluent disposal and as such, any impacts on soil and water quality are minimised.
The impact of the use and development on the flora and fauna on the site and its surrounds.	Part of proposed lot 2 will be cleared for the establishment of paddocks for the keeping, breeding and training of horses. The defendable space for the proposed new dwelling is included in the area to be cleared. This area was historically used for the grazing of

	livestock and as such, a significant amount of the vegetation to be removed is regrowth.
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.	The Subject Land contains a significant amount of vegetation in the eastern part of the land that will be retained, protected and enhanced through the proper management of the land.
The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.	The location of on-site effluent disposal is suitably located away from waterways.
<i>Design and siting issues</i>	
The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.	The proposed new dwelling is located such on the land to ensure its defensible space is located wholly within the boundaries of the property. It is also located in an area to maximise the sustainable management of the land.
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 proposed new dwelling presents as a farm shed in widely used steel cladding and as such, will sit comfortably in the natural environment and rural area.
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 proposal will have a positive impact on the character and appearance of the area.
The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.	The proposal utilises the existing road that currently separates the two proposed lots and provides access to each of them.

Overlays

Clause 44.01 Erosion Management Overlay

The purpose of the EMO includes:

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

The EMO only just touches the Subject Land along the eastern boundary. The proposal will not have any impact on the EMO.

Clause 44.06 Bushfire Management Overlay

The purpose of the BMO includes:

- *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 the development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*

In accordance with the application requirements of Clause 44.06-3, a **Bushfire Hazard Site Assessment** has been prepared in accordance with AS3959:2018 *Construction of buildings in bushfire prone areas (Standards Australia)*, a **Bushfire Hazard Landscape Assessment** has been prepared for the general locality, a **Bushfire Management Statement** has been prepared in response to the requirements of Clause 53.02 of the Scheme, and a **Bushfire Management Plan** has been prepared for the site.

Please refer to the attached Bushfire Management Overlay Report and Bushfire Management Plan, prepared by Melbourne Geological Consultants Pty Ltd, dated 25 August 2025.

The proposed subdivision and development satisfies the requirements of the BMO and Clause 53.02.

Particular Provisions

Clause 52.17 Native Vegetation

The purpose of this clause is:

- *to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach*

in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Energy, Environment and Climate Action, 2025) (the Guidelines):

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

In accordance with clause 52.17-2 of the scheme, an application to remove, destroy or lop native vegetation must comply with the application requirements specified in the Guidelines.

An assessment of the native vegetation impacts has been undertaken. Please refer to the attached *Native Vegetation Removal Report*. Vegetation within the defensible space for the proposed new dwelling is exempt under clause 52.12 and this area is also included in the area to be developed for paddocks. The vegetation to be removed is detailed in the attached report which also demonstrate that a significant amount of vegetation will be retained on the site.

General Provisions

Clause 65 Decision Guidelines

Clause 65.01 Approval of an application or plan

Guideline	Assessment
The matters set out in s60 of the <i>Planning and Environment Act 1987</i> .	The proposed subdivision and development is consistent with the objectives of the Scheme and satisfies the Scheme's requirements.
The Municipal Planning Strategy and the Planning Policy Framework.	The MPS and PPF have been addressed above.
The purpose of the zone, overlay or other provision.	The proposal is consistent with the purposes of the FZ and BMO, and relevant provisions.
Any matter required to be considered in the zone, overlay or other provisions.	All matters have been considered and the proposal satisfies the requirements of the zone and overlays.
The orderly planning of the area.	The proposal is in keeping with the surrounding subdivision pattern, where the properties to the north and south are similarly divided by the road. The proposed subdivision provides for a separation of the two existing parts of the Subject Land to create a title on either side of the road. This will enable the effective management of farming activities on the land.
The effect on the amenity of the area.	The proposal will not have an adverse effect on the amenity of the area.

The proximity of the land to any public land.	The Subject Land adjoins public land along its western boundary and this will not be impacted by the proposed subdivision and development.
Factors likely to cause or contribute to land degradation, salinity or reduce water quality.	The proposal will not cause or contribute to land degradation, salinity or the reduction in water quality.
Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.	The proposal will have no impact on stormwater.
The extent and character of native vegetation and the likelihood of its destruction.	Areas of native vegetation will be removed or managed to comply with the defensible space requirements, and to provide an area for the operation of a farming activity. Significant areas of native vegetation will be retained and protected from farm animals. As the subdivision reflects the existing conditions of the Subject Land, no new boundary fencing is required and therefore there is no consequential loss of native vegetation as a result of boundary fencing.
Whether native vegetation is to be or can be protected, planted or allowed to regenerate.	The area of native vegetation in the eastern part of the property will be retained and will continue to regenerate, through the exclusion of stock from this area.
The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.	The potential fire risk to the proposed new dwelling has been considered and an appropriate Bushfire Management Plan has been prepared for the proposal.
The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.	Not applicable.

Clause 65.02 Approval of an application to subdivide land

Guideline	Assessment
The suitability of the land for subdivision.	The Subject Land is well suited for the proposed subdivision and responds to the purpose of the zone and relevant overlays.
The existing use and possible future development of the land and nearby land.	The existing use of the Subject Land and surrounding land is for limited farming purposes and the subdivision will provide for improved farming operations on the land.
The availability of subdivided land in the locality, and the need for the creation of further lots.	The proposed house lot excision is required for the owner of the land to continue to reside on the land whilst providing an opportunity for a new owner to manage and develop farming operations on the balance lot.

The effect of development on the use or development of other land which has a common means of drainage.	The proposed subdivision will not affect the drainage of the Subject Land.
The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.	The proposed subdivision has responded directly to the physical characteristics of the land where the current title is divided into two parts by the road. The subdivision reflects this current layout of the lots.
The density of the proposed development.	The density of the proposed subdivision is similar to the subdivision pattern in the immediate area.
The area and dimensions of each lot in the subdivision.	The proposed lot 1 is 4.547 hectares in area and is located on the western side of the road, and proposed lot 2 is 15.45 hectares in area and is located on the eastern side of the road. The subdivision layout responds to the characteristics of the Subject Land.
The layout of roads having regard to their function and relationship to existing roads.	No new roads are proposed.
The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.	Both proposed lots are accessible directly from Malaraway Road.
The provision and location of reserves for public open space and other community facilities.	Not applicable.
The staging of the subdivision.	Not applicable.
The design and siting of buildings having regard to safety and the risk of spread of fire.	The bushfire risk has been addressed in the attached Bushfire Management Overlay Report.
The provision of off-street parking.	Not applicable.
The provision and location of common property.	Not applicable.
The functions of any body corporate.	Not applicable.
The availability and provision of utility services, including water, sewerage, drainage, electricity and, where the subdivision is not a residential subdivision, gas.	Reticulated electricity is available to the land.
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.	The land is suitable for the treatment and retention of wastewater as demonstrated in the attached Land Capability Assessment.
Whether, in relation to subdivision plans native vegetation can be protected through subdivision and siting of open space areas.	Not applicable.
The impact the development will have on the current and future development and operation of the transport system.	Not applicable.

Conclusion

The proposed excision of the house from the balance of the land is an opportunity to provide for the improved management of the land by providing for a separate lot that can be developed for farming purposes and with the development of a dwelling to oversee those farming operations. The proposal is consistent with the purpose and objectives of the Scheme, namely the Municipal Planning Strategy and Planning Policy Framework, the purpose and requirements of the FZ, and the requirements of the BMO. The proposal also addresses the strategies and policy guidelines of clause 14.01-1L. The proposal will support the use of the land for agriculture and ensure long-term sustainable use and management of the land for agricultural purposes. For these reasons, a planning permit for a house lot excision (two lot subdivision), the construction and use of a dwelling and the removal of native vegetation should be issued by Council at its earliest convenience.