



MPAA
STUDIO

TOWN PLANNING REPORT

TWO-LOT SUBDIVISION
14 TROTTERS LANE, CUDGEE
ISSUED 29 APRIL 2025

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1 Dispensary Lane, Warrnambool
Level 1, CoLab (above Allee Espresso)

OVERVIEW

Background

Address	14 Trotters Lane, Cudgee
Lot Description	Lot 5 Plan of Subdivision 133868

Relevant Planning Controls

Municipal Planning Strategy	Clause 02.01 Context
	Clause 02.02 Vision
	Clause 02.03 Strategic directions.
Planning Policy Framework	Clause 11.01-1S Settlement
	Clause 11.01-1L-01 Settlement - Moyne
	Clause 12.01-1S Protection of biodiversity
	Clause 12.01-2S Native vegetation management
	Clause 12.03-1S River and riparian corridors, waterways, lakes, wetlands and billabongs
	Clause 13.02-1S Bushfire planning
	Clause 13.03-1S Floodplain management
	Clause 14.01-1S Catchment planning and management
	Clause 14.02-2S Water quality
	Clause 15.01-3S Subdivision design
	Clause 19.03-2S Infrastructure design and provision
Zone	Clause 19.03-2L Infrastructure
	Clause 19.03-3S Integrated water management
	Township Zone
Overlays	None applicable.
Particular Provisions	Clause 56 Residential Subdivision
Permit Application Details	
Description of Proposal	Two-lot subdivision
Permit requirement	Clause 32.05-5: Township Zone - Subdivision

QUALITY ASSURANCE

Town Planning Report	Project Number
Two-lot subdivision	25-1502
14 Trotters Lane, Cudgee	
	Revision
	01
	Prepared By
	AP
	Project Lead
	AP
	Issued
	29 April 2025

Revision	Date	Issue
01	29 April 2025	Issue for Lodgement

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1. INTRODUCTION

This report has been prepared by MPAA Studio (formerly Myers Planning & Associates) to support a planning permit application for a proposed two-lot subdivision at 14 Trotters Lane, Cudgee (the "Site").

The proposal triggers permit requirements under the following clauses:

- Clause 32.05-5: Township Zone - Subdivision.

This report assesses the proposal in relation to the Moyne Planning Scheme and concludes that it aligns with both state and local planning policies. On this basis, the report recommends that the Minister for Planning issue a permit for the proposed quarry.

The following documents, provided as part of the application, should be read in conjunction with this report:

- Proposed Plan of Subdivision.
- Land Capability Assessment.

1.1. Limitations

This report has considered the following documents:

- Moyne Planning Scheme (Planning scheme last updated by [VC280](#) on Monday 07 April 2025).



2. SITE AND SURROUNDS

2.1. Site description and title particulars

Site address	14 Trotters Lane, Cudgee
Title details	Lot 5 Plan of Subdivision 133868
Site description	<p>The Site consists of one lot with an area of approximately 1.1 hectares, generally rectangular shaped but with an irregular splay in the northeastern corner.</p> <p>The Site is located on the northeastern corner of the intersection of Trotters Lane and Manna Lane, Cudgee.</p> <p>The Site is developed with an existing dwelling, located in the southern portion of the Site, near the Trotters Lane frontage. An existing access and outbuilding are also located near the dwelling.</p> <p>To the north of the existing dwelling is an existing open drain which flows to the southwest through the Site and eventually flows into Brucknell Creek to the southwest. Some vegetation is located along this drain.</p> <p>In the northern portion of the Site, the land has been used for the keeping of a small number of animals ancillary to the use of land for a dwelling. A small shed, water tank, and fencing for paddocks is located in this part of the Site.</p> <p>The land is generally flat, with a slight slope to the south and around the open drain.</p> <p>The Site is partly located within an area of cultural heritage sensitivity, as defined by the Aboriginal Heritage Regulations 2018.</p>
Easements, restrictions or covenants	The Site is not encumbered by any easements, restrictions or covenants.

Refer to **Appendix A** - Certificate of Title.

2.2. Site context

The surrounding subdivision pattern is varied, which reflects the mix of zoning and pattern of development in this area of Cudgee. The Site is within an area of Township Zoned land, bound by Manna Lane to the west, the railway line to the south, Dwarroon Road to the east (except for a small pocket to the east of Dwarroon Road) and Frasers Lane to the north. Lot sizes in this area are smaller on the south side of Trotters Lane, but are larger towards the north, and are typically developed with dwellings. The land to the east and west of the Township Zoned land is within the Low Density Residential Zone, where larger lot sizes are evident. To the east of Dwarroon Road, these lots are generally rectangular and developed with generous sized dwellings. Conversely, to the west of Manna Lane, lot shapes are irregular, due to more vegetation and the topography of the land. Dwellings are more obscured by vegetation in this area.

3. PROPOSAL

3.1. Overview

The subdivision seeks to create two lots as follows:

- Proposed Lot 1 comprises an area of 3,3390 square metres, located in the north-western corner of the land. Access to Proposed Lot 1 can be easily achieved from Manna Lane to the west.
- Proposed Lot 2 would contain the existing dwelling, and comprise an area of 7,669 square metres, in an 'L' shape arrangement. Proposed Lot 2 will retain two frontages, to Manna Lane to the west, and Trotters Lane to the south, as well as existing access to both roads, and will also contain the existing open drain on the land.

3.2. Planning permit triggers

In accordance with the provisions of the Moyne Planning Scheme, the proposal triggers the following planning permit requirements:

- Clause 32.05-5: Township Zone - Subdivision.

4. PLANNING POLICIES AND CONTROLS

4.1. Municipal Planning Strategy

[Clause 02.01 Context](#)

The Moyne Shire spans about 5,600 square kilometres and features over 90 kilometres of coastline from Curdies Inlet to near the Fitzroy River. The Moyne and Hopkins Rivers traverse the municipality, with the Hamilton and Princes Highways as key transport routes. It surrounds the City of Warrnambool and borders Corangamite, Glenelg, Southern Grampians Shires, and the Rural City of Ararat.

With a population of approximately 17,374 in 2021, the Shire is experiencing modest growth. The main urban centres are Port Fairy, Koroit, and Mortlake. The Shire's economy is largely rural, focusing on dairy and beef farming, wool and lamb production, aquaculture, cropping, and extractive industries.

[Clause 02.02 Vision](#)

The adopted 'Vision' for Moyne is:

The people of Moyne embrace the region's extraordinary cultural and ecological country. Our fertile volcanic plains and pristine coast are the pride of Victoria's southwest. From coast to country, our connected and vibrant communities are active stewards, working meaningfully towards the protection and advancement of environment, history, social and economic vitality for present and future generations.

The priority aspirations include a commitment to:

- Live in well-planned and connected neighbourhoods that protect our way of life and cultural heritage.
- Have access to housing that suits our budget, the size of our family and lifestyle needs.

Clause 02.03 Strategic Directions

[Clause 02.03-1 Settlement](#)

Smaller settlements

Growth and expansion of the smaller settlements is constrained by a lack of reticulated sewerage and surrounding productive agricultural land. Directing growth to areas within settlement boundaries protects the unique characteristics of the settlements, and areas of agricultural, environmental, landscape or recreational significance. Strategic directions include:

- Direct growth to settlements in accordance with their role and function specified in the Moyne Shire settlement hierarchy at Table 1.
- Encourage growth within clearly established boundaries of settlements to protect their character and adjoining farmland, and ensure that the environmental and landscape values are not compromised.

Cudgee is identified as a Village in Table 1, which are settlements with low to moderate population levels generally in a singular urban zone or Rural Living Zone, and generally, no sewer connections or major services. Villages are identified as low growth capacity, and having potential for growth within existing urban or appropriately zoned land, primarily through infill capacity and within defined settlement boundaries.

[Clause 02.03-2 Environmental and landscape values](#)

The protection of remnant bushland reserves and vegetation on freehold land is crucial for maintaining biodiversity and supporting ecosystems. Key strategic directions include preserving remnant native vegetation, particularly along roadsides and on freehold land, recognising the ecological and economic value.

See **Section 5.2.1** for an assessment of the application against the Municipal Planning Strategy.

4.2. Planning Policy Framework (PPF)

To ensure the overarching objectives of planning in Victoria are met, policies contained within the Planning Policy Framework (PPF) must be considered. The PPF clauses of most relevance to the Site and the proposal are set out below.

Settlement

[Clause 11.01-1S Settlement](#) seeks to facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

[Clause 11.01-1L-01 Settlement - Moyne](#) seeks to provide for low growth in smaller settlements, including Cudgee.

Environmental and landscape values

[Clause 12.01-1S Protection of biodiversity](#) aims to protect and enhance Victoria's biodiversity.

[Clause 12.01-2S Native vegetation management](#) aims to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

[Clause 12.03-1S River and riparian corridors, waterways, lakes, wetlands and billabongs](#) aims to protect and enhance waterway systems including river and riparian corridors, waterways, lakes, wetlands and billabongs.

Environmental risks and amenity

[Clause 13.02-1S Bushfire planning](#) aims to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

[Clause 13.03-1S Floodplain management](#) seeks to assist the protection of

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

Natural resource management

[Clause 14.01-1S Catchment planning and management](#) aims to assist the protection and restoration of catchments, waterways, estuaries, bays, water bodies, groundwater, and the marine environment.

[Clause 14.02-2S Water quality](#) seeks to protect water quality.

Built environment and heritage

[Clause 15.01-3S Subdivision design](#) aims to ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.

Infrastructure

[Clause 19.03-2S Infrastructure design and provision](#) aims to provide timely, efficient and cost-effective development infrastructure that meets the needs of the community.

[Clause 19.03-2L Infrastructure - planning, design and construction](#) seeks to encourage a consistent approach to the design and construction of infrastructure across the municipality.

[Clause 19.03-3S Integrated water management](#) aims to sustainably manage water supply and demand, water resources, wastewater, drainage and stormwater through an integrated water management approach.

See **Section 5.2.1** for an assessment of the application against the Planning Policy Framework.



4.3. Township Zone

The Site is located within the Township Zone ([Clause 32.05](#)). The relevant purposes of the Township Zone include:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for residential development and a range of commercial, industrial and other uses in small towns.
- To encourage development that is responsive to the neighbourhood character of the area.

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

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table to the Clause.
- Should meet all of the standards included in the clauses specified in the table to the Clause.

Clause 32.05 requires that if reticulated sewerage is not available, the application must be accompanied by:

- A Land Capability Assessment on the risks to human health and the environment of an on-site wastewater management system constructed, installed or altered on the lot in accordance with the Environment Protection Regulations under the Environment Protection Act 2017.
- A plan which shows a building envelope and effluent disposal area for each lot.

There are no specific application requirements for subdivisions under the Zone. Decision guidelines are listed at Clause 32.05-15. See **Section 5.2.2** for a detailed response to the relevant decision guidelines.

4.4. Overlays

The Site is not located within any Overlays.

4.5. Particular Provisions

4.5.1. [Clause 52.17 Native Vegetation](#)

Clause 52.17 seeks to ensure there is no net loss to Victoria's biodiversity as a result of the removal, destruction or lopping of native vegetation, and sets out when permits are required, and the process for applications.

The Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines) are an incorporated document to the Moyne Planning Scheme, and require the consideration of consequential removal of vegetation, including consideration of native vegetation in subdivision applications which can be removed in the future without a permit.

No native vegetation is proposed to be removed as part of the application. Accordingly, no permit is required under Clause 52.17.

4.5.2. [Clause 56 Residential Subdivision](#)

Clause 56 applies to applications to subdivide land in the Township Zone. The relevant purpose of this particular provision is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To create liveable and sustainable neighbourhoods and urban places with character and identity.
- To achieve residential subdivision outcomes that appropriately respond to the site and its context for:
 - o Infill sites within established residential areas.
 - o Regional cities and towns.

- To ensure residential subdivision design appropriately provides for:
 - o Policy implementation.
 - o Liveable and sustainable communities.
 - o Residential lot design.
 - o Urban landscape.
 - o Access and mobility management.
 - o Integrated water management.
 - o Site management.
 - o Utilities.

A Clause 56 Assessment has been provided at Appendix C to demonstrate compliance with the objectives.

4.6. Other planning considerations

4.6.1. Aboriginal Cultural Heritage Sensitivity

The Site is identified as being an 'area of cultural heritage sensitivity' pursuant to the Aboriginal Heritage Regulations 2018. These areas relate to landforms and soil types where Aboriginal places are more likely to be located.

A Cultural Heritage Management Plan (CHMP) is required for an activity if the activity is a 'high impact activity' and falls in whole or part within an area of cultural heritage sensitivity. The proposal does not comprise a high impact activity, and accordingly, a CHMP is not required.

5. PLANNING ASSESSMENT

5.1. Overview

The following chapter outlines the key planning considerations of the proposal in response to relevant policy and the provisions of the Moyne Planning Scheme. In summary, the following key considerations are relevant to the assessment of the proposal:

- Is the proposal consistent with the Municipal Planning Strategy and the Planning Policy Framework?
- Does the proposal appropriately respond to the Township Zone?
- Does the proposal appropriately respond to Clause 56?

5.2. Key considerations

5.2.1. Is the proposal consistent with the Municipal Planning Strategy and the Planning Policy Framework ?

The proposal aligns with the Municipal Planning Strategy and Planning Policy Framework as follows:

- The proposed subdivision supports low growth in Cudgee, consistent with the identified role of Cudgee as a 'Village' settlement, and is located within the existing settlement to protect the broader surrounding agricultural land (Clause 02.03-1, Clause 11.01-1L-01).
- As shown on the proposed plan, the subdivision has been designed to avoid any impacts on the existing vegetation on the land, and provides a 30-metre buffer to the existing open drain on the land to retain this riparian corridor (Clause 02.03-2, Clause 12).
- The subdivision does not result in any unreasonable risk in relation to bushfire or flooding. It is understood that some areas of Cudgee are subject to inundation, despite not currently being located within any flood planning overlay. Any advice received as part of referral of the application to the CMA is anticipated to be able to be taken into consideration as part of the assessment of the application (Clause 02.03-2, Clause 13).
- The proposed subdivision results in a lot which is within walking distance to the Cudgee Primary School and contributes to a compact and walkable neighbourhood. The subdivision provides different lot sizes to both complement the surrounding character, whilst also catering to a variety of dwelling and household types. The subdivision will provide for all-electric lots (Clause 15.01-3S).
- The subdivision can be appropriately serviced by an on-site wastewater management system, reticulated electricity, and telecommunications (Clause 19).

The proposal therefore provides an appropriate response to the Municipal Planning Strategy and Planning Policy Framework.

5.2.2. Does the proposal appropriately respond to the Township Zone?

The proposed subdivision aligns with the purposes of the Township Zone, which seeks to provide for residential development in small towns. A response to the relevant decision guidelines is provided below to demonstrate how the proposal meets the objectives and can be considered an appropriate and acceptable outcome under the Township Zone.

Decision Guideline	Response
General Issues	
The Municipal Planning Strategy and the Planning Policy Framework.	The proposal aligns with both the MPS and PPF, as detailed in Section 5.2.1. of this report. The subdivision supports low growth in Cudgee, consistent with the objectives of the MPS.

Decision Guideline	Response
The pattern of subdivision and its effect on the spacing of buildings.	The subdivision layout is considered to integrate with the surrounding pattern of subdivision. The general spacing of 'buildings within vegetation' of this part of Cudgee will be retained.
For subdivision of land for residential development, the objectives and standards of Clause 56.	A detailed assessment of Clause 56 has been undertaken, refer to Appendix C.

The proposed subdivision is considered to provide an appropriate response to the Township Zone.

5.2.3. Does the proposal appropriately respond to Clause 56?

The proposed subdivision is considered to provide an appropriate response to Clause 56, as described in the detailed assessment in Appendix C. The proposal meets the relevant objectives of Clause 56.

6. CONCLUSION

The proposal aligns with the objectives of both the Municipal Planning Strategy (MPS) and the Planning Policy Framework (PPF) by providing for a small increase in residential development within the Cudgee Township.

The subdivision responds appropriately to the site characteristics and will integrate well within the surrounding subdivision pattern.

It is the conclusion of this report that the application is consistent with the purposes and intent of the planning controls and policy framework of the Moyne Planning Scheme. It follows as the recommendation and request of this report that Council issue a planning permit for the proposal.

We look forward to collaborating with Council during the assessment of the application.

Amanda Power

MPAA Studio

28 April 2025



APPENDICES

Appendix A	Certificate of Title
Appendix B	Proposed Plan of Subdivision
Appendix C	Clause 56 Assessment
Appendix D	Land Capability Assessment