

Application for a Planning Permit

Lodgement Date: **24 July 2024**
 Application Number: **PLA0173/24**
 Lodgement Method: **Mail/Counter**
 Original Permit Number: **Not Applicable**

- ◆ Original Permit Number only relates to Amendment Applications
- ◆ All information in this form was submitted by the Applicant at the time of Lodgement.

The Land

Property Address* **530 Clifton Road ATHLONE VIC 3818**
 Land Legal Description* **V 8120 F 346 Lot 1 TP 323063 Lang Lang East Parish**
 Other Related Property
 Other Related Land

The Proposal

Category* **Subdivision of 2 Lots**
 Proposal* **Subdivision of 2 Lots**
 Estimated Cost* **DevCost**

Application Information

Pre-Application Meeting* **No**
 Existing Land Use* **Agriculture**
 Encumbrances on Title* **TitleRestriction**

Applicant and Owner Details

Applicant Details*

Surname/Company: **Gippsland Licensed Surveyors**
 First Name:
 Postal Address:

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Mobile Phone:

Work Phone:

Home Phone:

Email Address:

Advertised

Agent/Contact Details

Owner Details*

Surname/Company:

First Name:

Surname/Company:

First Name:

Attachment Details

Applicant Declaration

I understand and declare that:

- I am the Applicant;
- all information provided within this application is true and correct; and
- the property/land owner (if not myself) has been notified of the application.

*I agree to the declaration terms**

The personal information requested on this form is being collected to enable council to consider the permit application. Council will use this information for this purpose or one closely related and may disclose this information to third parties for the purpose of their consideration and review of the application.

These third parties generally include, but are not limited to:

Transport Infrastructure Agencies such as VicRoads and VLine

Energy/Utilities Providers

Catchment Management Authorities and Water Corporations

The specific referral bodies will be dependent on factors such as the proposed activities and the location of the applicable property. Applicants are encouraged to familiarise themselves with potential referral bodies.

Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review of the application as part of a planning process specified in the Planning and Environment Act 1987.

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Application for Planning Permit for a Subdivision

Supplied by .
Submitted Date 24/07/2024

Application Details

Application Type	Planning Permit for a Subdivision Version 1
Applicant Reference Number	4130 Hatch
Responsible Authority Name	Baw Baw Shire Council
Responsible Authority Reference Number(s)	(Not Supplied)
SPEAR Reference Number	S234082S
Application Status	Lodged with Responsible Authority
Planning Permit Issue Date	NA
Planning Permit Expiry Date	NA

The Land

Primary Parcel	530 CLIFTON ROAD, ATHLONE VIC 3818 Lot 1/Plan TP221412 SPI 1\TP221412 CPN 34977 Zone: 35.07 Farming Overlay: 44.03 Floodway 42.01 Environmental Significance 45.06 Development Plan Contributions 44.06 Bushfire Management
-----------------------	---

Parcel 2	530 CLIFTON ROAD, ATHLONE VIC 3818 Lot 1/Plan TP323063 SPI 1\TP323063 CPN 34977 Zone: 35.07 Farming Overlay: 44.03 Floodway 42.01 Environmental Significance 45.06 Development Plan Contributions 44.06 Bushfire Management
-----------------	---

The Proposal

Plan Number	(Not Supplied)
Number of lots	2
Proposal Description	Two lots total subdivision
Estimated cost of the development for which a permit is required \$	0

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Existing Conditions

Existing Conditions Description

Agricultural land containing single dwelling and farm infrastructure

Advertised

Title Information - Does the proposal breach an encumbrance on Title?

The proposal does not breach an encumbrance on title, such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope.

Applicant Contact

Applicant Contact

Gippsland Licensed Surveyors

Applicant

Applicant

(Applicant details as per Applicant Contact)

Owner

Owner 1

Owner 2

Declaration

I, . declare that the owner (if not myself) has been notified about this application.

I, . declare that all the information supplied is true.

Authorised by

Organisation

Gippsland Licensed Surveyors

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The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 08135 FOLIO 347

Security no : 124116864578N
Produced 24/07/2024 08:42 AM

LAND DESCRIPTION

Lot 1 on Title Plan 221412F.
PARENT TITLE Volume 06757 Folio 328
Created by instrument 2681316 26/10/1954

REGISTERED PROPRIETOR

Estate Fee Simple

ENCUMBRANCES, CAVEATS AND NOTICES

DIAGRAM LOCATION

SEE TP221412F FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

ADMINISTRATIVE NOTICES

NIL

eCT Control 20381U COMMONWEALTH BANK OF AUSTRALIA
Effective from 08/01/2021

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Advertised

TITLE PLAN	EDITION 1	TP 221412F
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Location of Land Parish: LANG LANG EAST Township: Section: Crown Allotment: 48(PT) Crown Portion: Last Plan Reference: Derived From: VOL 8135 FOL 347 Depth Limitation: NIL	Notations ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN
--	---

Description of Land / Easement Information	THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 19/11/1999 VERIFIED: SO'C
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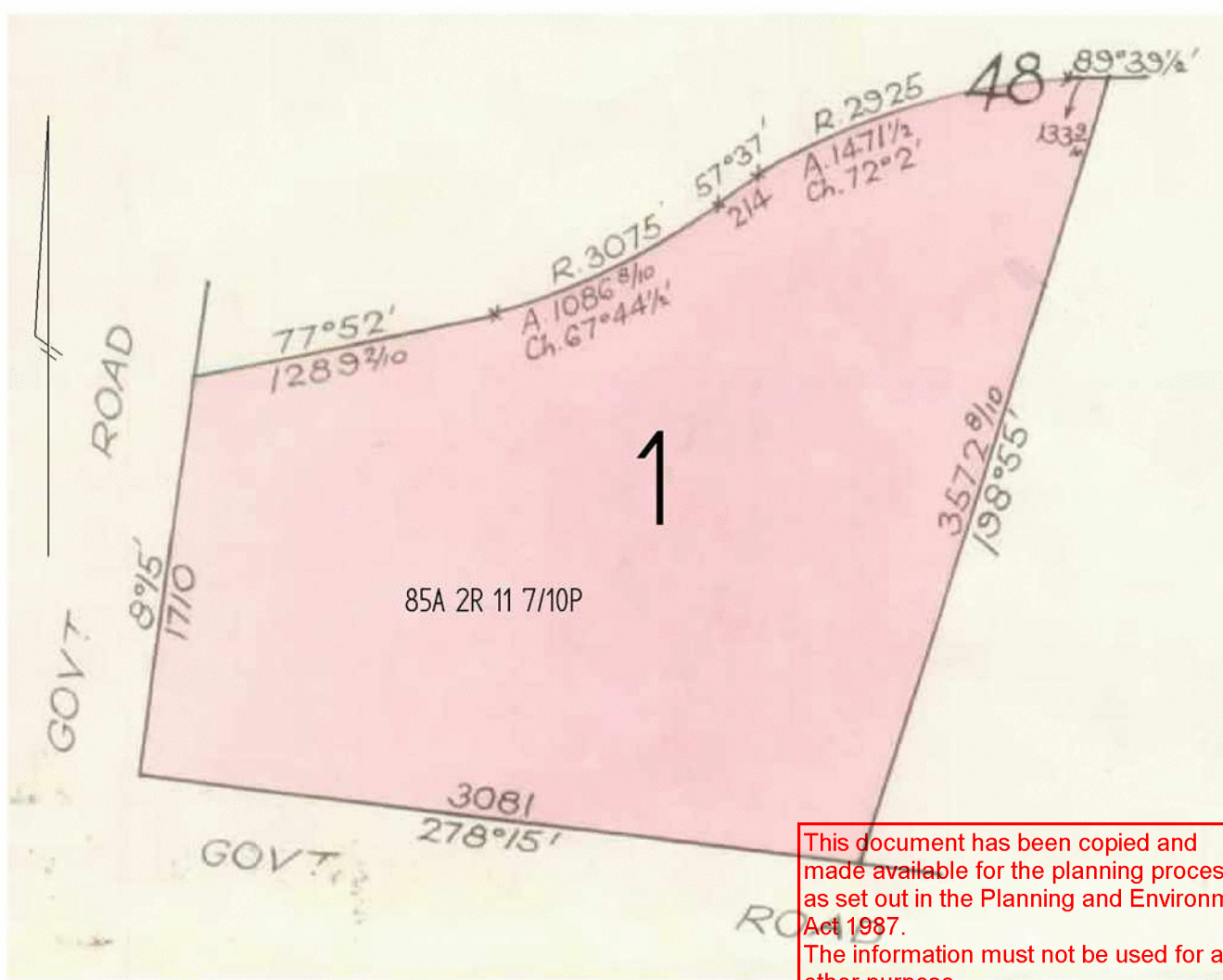


TABLE OF PARCEL IDENTIFIERS	
WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962	
PARCEL 1 = CA 48 (PT)	

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The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 12538 FOLIO 324

Security no : 124116864714Q
Produced 24/07/2024 08:49 AM

LAND DESCRIPTION

Lot 3 on Title Plan 323063L.
PARENT TITLE Volume 08120 Folio 346
Created by instrument AX830505S 19/03/2024

REGISTERED PROPRIETOR

Estate Fee Simple

ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP323063L FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NUMBER	STATUS	DATE
AX830505S (E)	APPLICATION FOR NEW FOLIO Registered	27/03/2024

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

ADMINISTRATIVE NOTICES

NIL

eCT Control 17199B NOVEMBER THIRTEEN PTY LTD
Effective from 27/03/2024

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Advised

TITLE PLAN	EDITION 2	TP 323063L
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Location of Land

Parish: LANG LANG EAST
 Township:
 Section:
 Crown Allotment: 48 (PT)
 Crown Portion:

Last Plan Reference:

Derived From: VOL 8120 FOL 346
 Depth Limitation: NIL

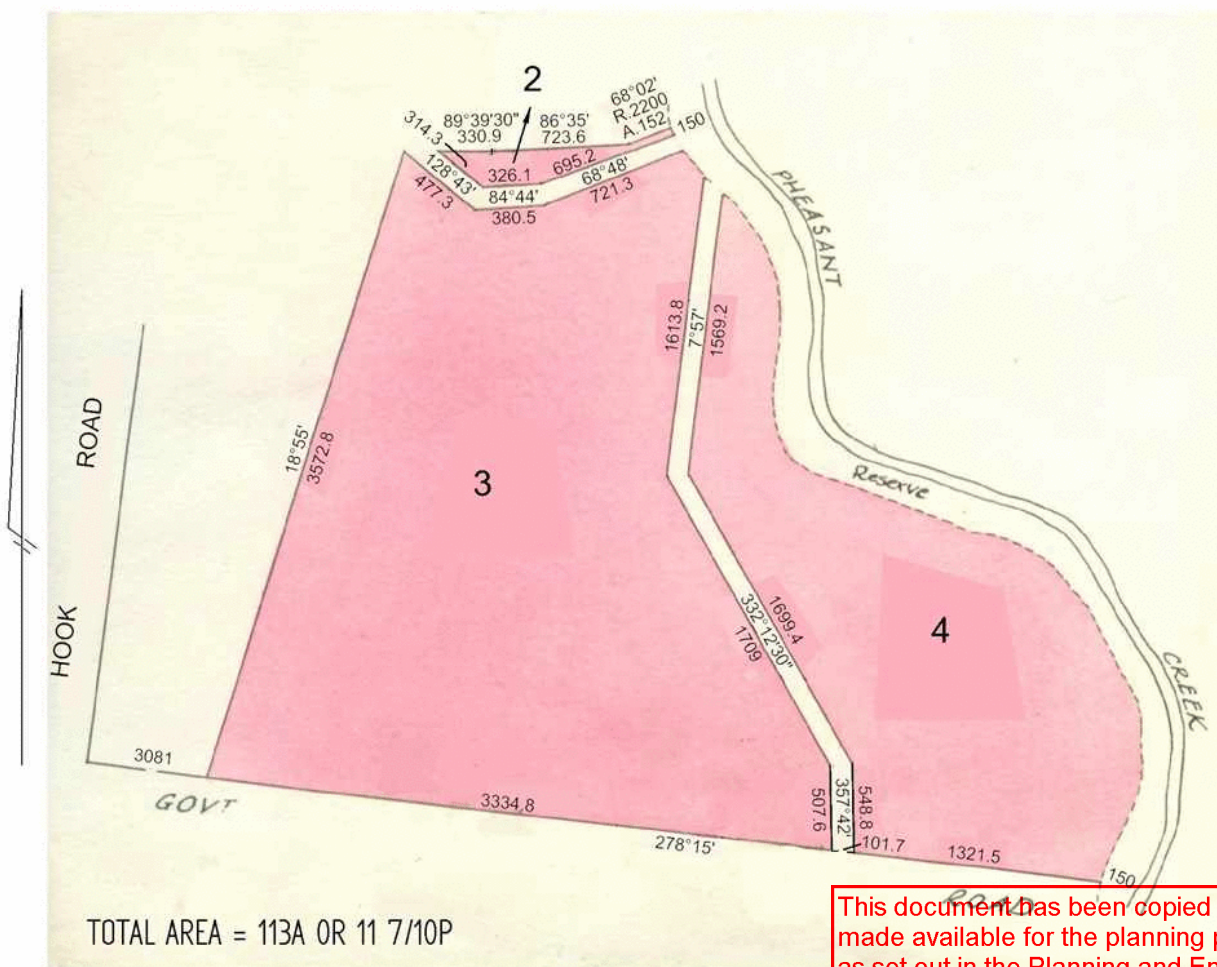
Notations

WATERWAY NOTATION: LAND IN THIS PLAN MAY ABUT CROWN LAND THAT MAY BE SUBJECT TO A CROWN LICENCE TO USE

ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN

Description of Land / Easement Information

THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT
 COMPILED: 18/02/2000
 VERIFIED: AK



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Our Ref: 4130

24 July 2024

Coordinator Statutory Planning
Baw Baw Shire Council
P.O. Box 304
Warragul, VIC 3820

ATTENTION:

Dear _____,

**RE: 530 Clifton Road, Athlone
Proposed two (2) Lot Re-Subdivision
SPEAR Reference: S234082S**

On behalf of our clients, we have recently submitted in SPEAR an Application for a Planning Permit for a two (2) Lot Re-Subdivision at 530 Clifton Road, Athlone.

Please have the charge raised for \$1,453.40 for the Planning Application Fee, and our office will arrange for payment of this fee.

If you have any queries regarding this matter, please do not hesitate in contacting our office.

Regards,

Director, Principal & Licensed Surveyor

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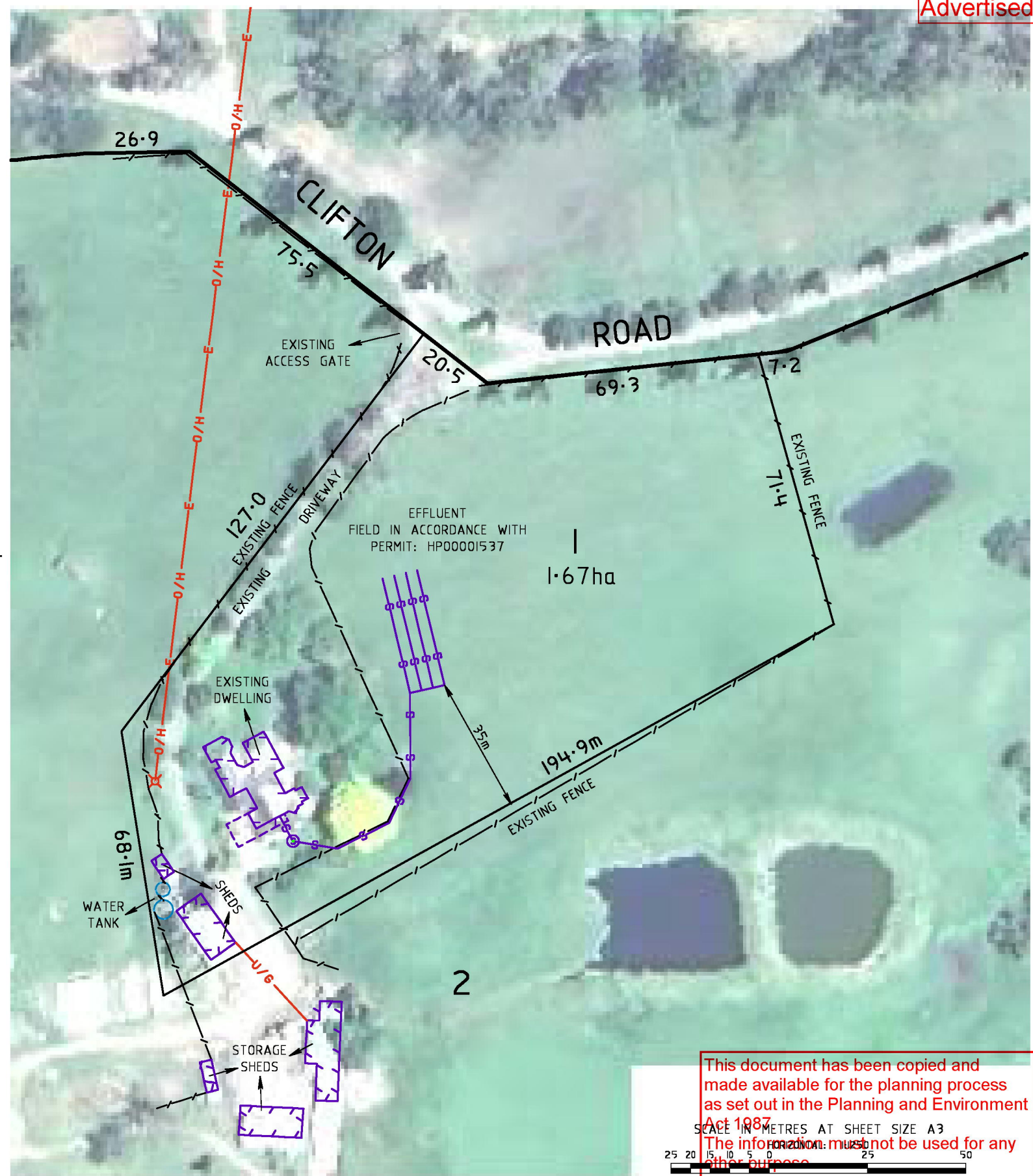
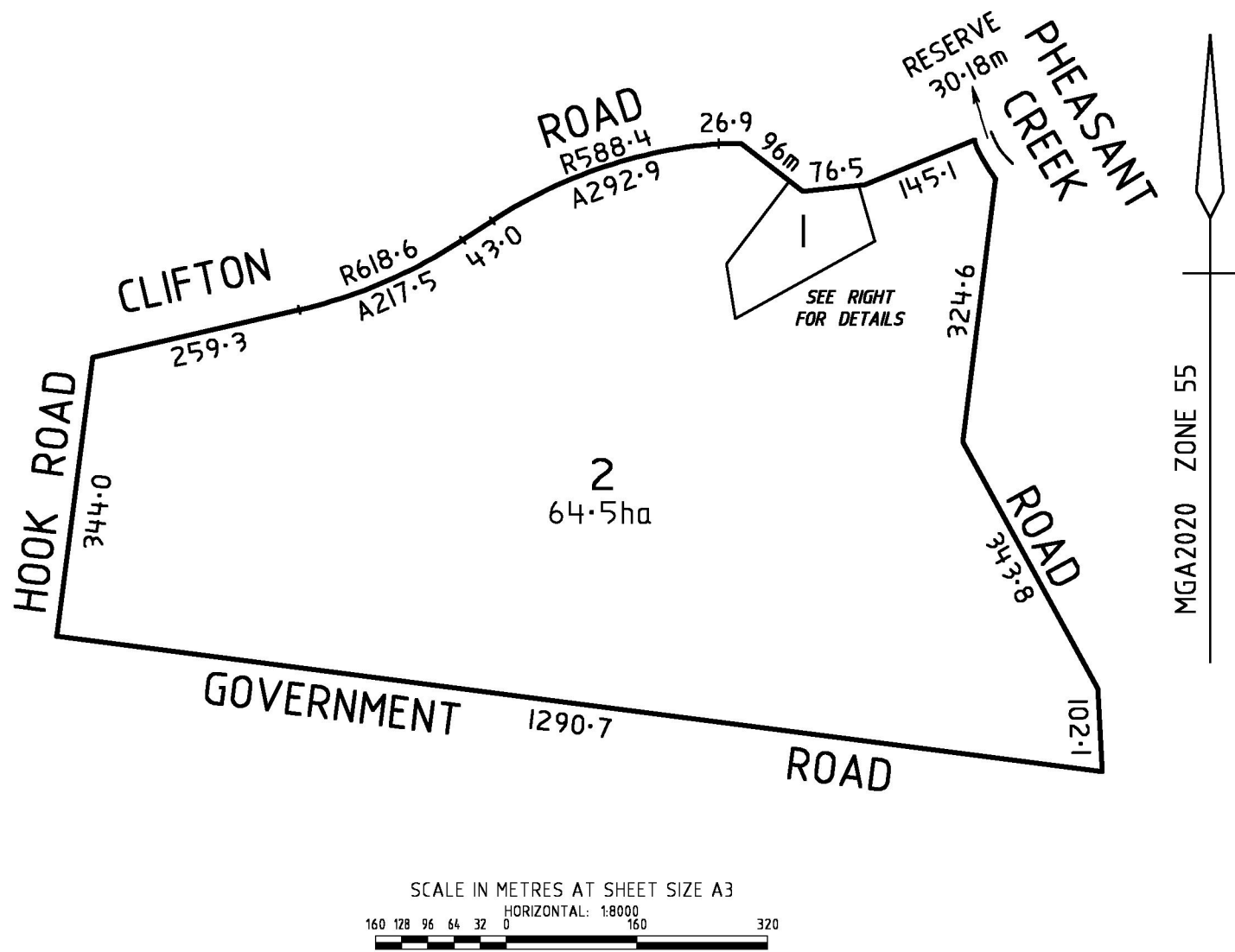
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PLAN OF PROPOSED SUBDIVISION

LAND DESCRIPTION

PARISH OF LANG LANG EAST
CROWN ALLOTMENT 48(PART)

C/T VOL 8135 FOL 347
C/T VOL 12538 FOL 324
LOT 1 ON TP221412F
LOT 3 ON TP323063L



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GIPPSLAND LICENSED SURVEYORS
CHRISTOPHER C MORRIS & ASSOCIATES
2/131 NORTH ROAD WARRAGUL 3820
PH: (03) 5622 0384

NOTATIONS

DATUM MGA2020 VIDE GNSS
AREAS ARE APPROXIMATE ONLY
DIMENSIONS ARE SUBJECT TO SURVEY

DATE OF SURVEY : 12/06/2024

REVISIONS

VER	DATE	DESCRIPTION	DFT	APP
2	25/06/2024	AMENDED PROP LOT 1 BOUNDARY AS PER REQUEST	MJV	MJV
1	13/06/2024	ORIGINAL DRAWING	MJV	JPN

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530 CLIFTON ROAD, ATHLONE, 3818
SURVEYORS REF: 4130-PROP-V2
SCALE: 1:250
SHEET 1 OF 1 SHEET
Page 11 of 42 ORIGINAL SHEET SIZE: A3

530 Clifton Road
ATHLONE

RURAL RE-SUBDIVISION

PLANNING PERMIT

APPLICATION

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**GIPPSLAND LICENSED SURVEYORS PTY LTD
(J.P. NEILSON & ASSOCIATES P/L)
(CHRISTOPHER C MORRIS & ASSOCIATES)**

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W: www.gippslandsurveyors.com.au

ABN: 63 169 591 833

Document Control

DATE PREPARED	VERSION NUMBER	AUTHOR	APPROVED	DISTRIBUTED
JULY 2024	1	TLS	JPN	INTERNAL, CLIENT, COUNCIL

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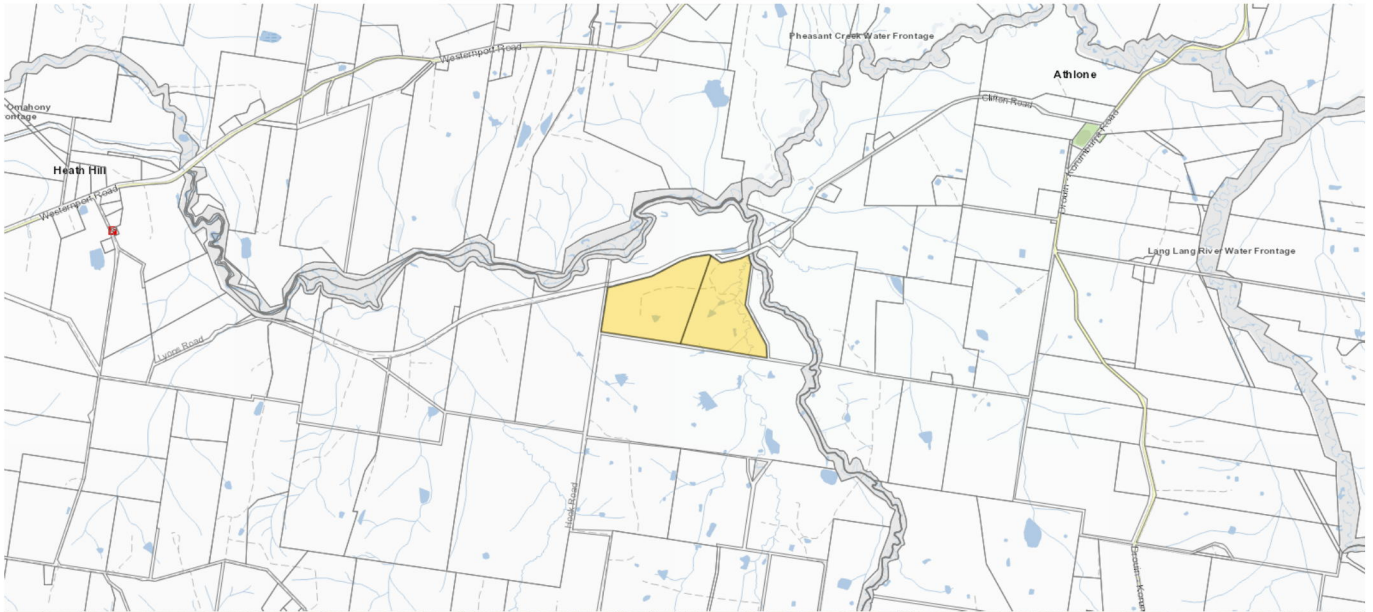


1.0 | INTRODUCTION

This Planning Application Report has been prepared at the request of [redacted] in support of a proposed re-subdivision of two Lots of land known as 530 Clifton Road, Athlone (Lot 1 on TP221412F & Lot 3 on TP323063L), in accordance with the adopted Planning Documents that apply to the land. This report addresses the provisions of the Farming Zone (FZ) and Particular Provisions as contained within the *Baw Baw Shire Planning Scheme*.

This report was designed to be read in conjunction with the following accompanying documents:

- *Current Certificate of Title & Title Diagram*
- *'Plan of Proposed Subdivision'*
- *HPO0001537 Permit to Install / Alter Septic Tank System, issued 20 May 2024 by Baw Baw Shire Council*



FIGURES 1 & 2 – MAP VIEWS OF SUBJECT LAND & SURROUNDING PRECINCT (SOURCE: LASSI SPEAR)

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1.1 EXECUTIVE SUMMARY

TABLE 1 – EXECUTIVE SUMMARY OF APPLICATION

APPLICATION DETAILS		
PROPOSAL	TWO (2) LOT RE-SUBDIVISION	
APPLICANT	GIPPSLAND LICENSED SURVEYORS	
PROPERTY DETAILS		
PROPERTY ADDRESS	530 CLIFTON ROAD, ATHLONE	
LAND DESCRIPTOR	VOL 8135 FOL 347 LOT 1 ON TP221412F PARISH OF LANG LANG EAST, C.A. 48 (PT)	VOL 12538 FOL 324 LOT 3 ON TP323063L PARISH OF LANG LANG EAST, C.A. 48 (PT)
LAND AREA	34.63ha	31.54ha
APPROX. LAND DIMENSIONS	AS SHOWN ON TITLE DIAGRAM	AS SHOWN ON TITLE DIAGRAM
RESTRICTIONS & ENCUMBRANCES ON TITLE	NIL	NIL
EXISTING USE	AGRICULTURAL – PRIMARY PRODUCTION (SHEEP HUSBANDRY)	AGRICULTURAL – PRIMARY PRODUCTION (SHEEP HUSBANDRY) AND SINGLE DWELLING
PLANNING PROVISIONS		
ZONE	FARMING ZONE – SCHEDULE	
OVERLAYS	ENVIRONMENTAL SIGNIFICANCE OVERLAY – SCHEDULE 4 FLOODWAY OVERLAY – SCHEDULE BUSHFIRE MANAGEMENT OVERLAY DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY – SCHEDULE 1	
CULTURAL SENSITIVITY	AREA OF ABORIGINAL CULTURAL HERITAGE SENSITIVITY	
BUSHFIRE AREA	YES	
PARTICULAR PROVISIONS	CLAUSE 14.01 AGRICULTURE	
GENERAL PROVISIONS	CLAUSE 65 DECISION GUIDELINES	
PERMIT TRIGGERS	CLAUSE 35.07 FARMING ZONE CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY CLAUSE 44.03 FLOODWAY OVERLAY CLAUSE 44.06 BUSHFIRE MANAGEMENT OVERLAY	

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2.0 | SUBJECT SITE OVERVIEW & ANALYSIS

2.1 GENERAL OVERVIEW

The subject site is located at 530 Clifton Road, Athlone, located approximately halfway between the Athlone Recreation Reserve and where the Lang Lang River intersects Westernport Road at Heath Hill. Land subject to this application forms as two irregularly-shaped parcels of land on the southern side of Clifton Road, and are surrounded on all sides by roads and reserve. The parcels are known formally as Lot 1 on TP221412F and Lot 3 on TP323063L. The two parcels have existing areas known to Title of 34.63ha and 31.54ha respectively (combined area of 66.17ha). Land subject to this Application forms part of a larger farm holding.

Primary access for both Titles is provided from Clifton Road. Additional farm accesses are provided at various locations. As in keeping with the surrounding area, the land has been used in association with agricultural purposes.

The Farming Zone (FZ), Floodway Overlay (FO), Environmental Significance Overlay Schedule 4 (ESO4), Development Contributions Plan Overlay Schedule 1 (DCPO1), and Bushfire Management Overlay (BMO) apply to both parcels; additionally, portions of the sites have been identified as containing an Area of Aboriginal Cultural Heritage Sensitivity.

2.2 EXISTING BUILT FORM, SITE FEATURES, USE & ACCESS

Land subject to this Application forms part of a large farming tenement associated with sheep husbandry, although previously for dairy. Land in this Application comprises Lot 1 on TP221412F and Lot 3 on TP323063L. An existing dwelling is located in the northern portion of Lot 3 on TP323063L, with associated amenity and domestic infrastructure including septic area, water tanks, garden area, sheds, outdoor area, and driveway. The dwelling is accessed directly from Clifton Road via a gravel crossover and driveway that is sensitive to the sweeping bend on which it is situated, to allow for long and safe sightlines in either direction. Outside of the domestic area, the land contains agricultural sheds associated with the farming operation, paddocks for stock grazing, a number of small dams, and farm tracks throughout. Lot 1 on TP221412F does not contain any dwelling.

The sites are bounded on all sides by roads and reserve, including Clifton Road abutting the entire northern boundary, Hook Road abutting the western boundary, unmade government roads abutting the southern and eastern boundaries, and reserve area associated with Pheasant Creek abutting the north-eastern corner boundary.



PHOTOS 1-3 – PHOTOS SHOWING GENERAL SITE CONDITIONS, AND CLIFTON ROAD, INCLUDING EXISTING ACCESS TO THE SITE

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The land is proximate to Pheasant Creek to the east of the site, and Lang Lang River to the north of the site. Additionally, Eliza Creek traverses the site in a north-south direction. Numerous associated wetland areas are contained within the site.

Vegetation located on the sites forms mainly as single windrows of mature trees lining the Clifton Road and Hook Road boundaries, and along some fencelines, along with a concentration of vegetation along the wetland area traversing the site in a north-south direction. There are also ornamental trees comprising the landscaping surrounding the dwelling.

The land is sloping in nature, as is characteristic of the area, with some low-lying areas throughout that are subject to inundation.

2.3 ADJOINING LAND & SURROUNDING CONTEXT

The subject sites are located approximately halfway between the Athlone and Heath Hill townships, proximate also to Ripplebrook and Poowong North. The wider locality surrounding the sites forms as a significant farming district within the municipality. In this location within the farming precinct, the local neighbourhood is of a varied character, with Lots existing at various shapes and sizes. Many of the surrounding properties form part of larger agricultural tenements, whilst a handful are utilised more for lifestyle purposes, appearing to have been historically excised from larger farms.

Located on the periphery of the Baw Baw municipal boundary where it abuts the Cardinia municipal boundary, the sites are surrounded on all sides by farmland.

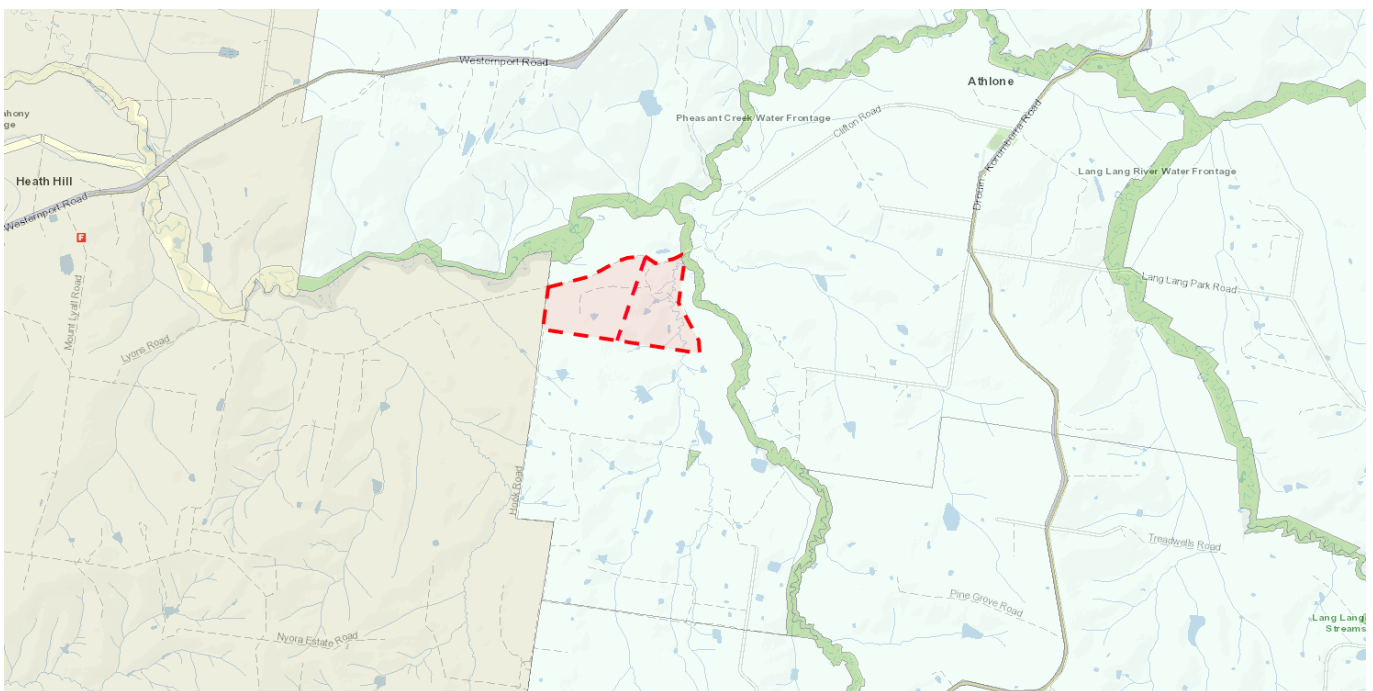


FIGURE 3 - DIAGRAM OF SUBJECT SITE AND ZONING IN SURROUNDING VICINITY. (SOURCE: VICPLAN)

The wider precinct incorporates land contained within a handful of zones that allow for a mixture of agricultural uses, including Farming Zone, Green Wedge Zone, Public Conservation and Recreation Zone, and Public Use Zone. Athlone has extremely limited amenity for residents, meaning that the community is largely reliant on larger towns nearby (including Drouin, Warragul and Lang Lang) to provide for retail, educational, employment, industrial, commercial, and other community facilities.

Generally, the subject area and surrounds comprise of high quality agricultural land, including Farming Zones and Green Wedge Zones, which allow for tourism activities, broad acre agricultural enterprises and recreation.

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2.4 ENCUMBRANCES ON TITLE

Neither parcel in this Application is subject to any restrictions known to Title.

Neither parcel in this Application contains any easements known to Title.

2.5 RELEVANT PLANNING HISTORY OF SITE

Land in this Application exists as Lot 1 on TP221412F and Lot 3 on TP323063L.



FIGURES 4 & 5 –TP221412F AND TP323063L SHOWING LAND SUBJECT TO THIS APPLICATION

Clifton Road follows the historic alignment of the former Strzelecki Railway line that traversed along the Lang Lang River servicing the farming communities of the Strzelecki Ranges. Following the closure of the Railway line, the track was converted to accommodate vehicle traffic. Hence the abuttal to Clifton Road is not known to the existing title plans.

Upon convenient access being provided along the flood plains of the Lang Lang River and tributaries, the former roads that were once used to access the land subject to this Application from the south became redundant.

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2.6 AVAILABILITY OF UTILITY SERVICES

The subject site has access to all available services within the area. Power is supplied by way of overhead electric lines, with telecommunication services are available to the sites. Other reticulated services are available as is typical within an agricultural precinct.

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Potable water supply is provided by way of water tanks that detain rainwater for the domestic uses of the land. The dwelling is reliant on bottled gas for domestic purposes. As no reticulated sewer is available to the site, the existing dwelling is reliant on a septic system to treat and detain effluent. The septic system has recently been upgraded to ensure it meets the current EPA standards.

2.7 VEGETATION

The subject sites are predominantly clear of significant vegetation.

Single windrows of mature trees line the Clifton Road and Hook Road boundaries, and along some fencelines. Additionally a concentration of vegetation exists along the wetland area traversing the site in a north-south direction. There are also ornamental trees comprising the landscaping surrounding the dwelling.

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3.0 | DEVELOPMENT PROPOSAL

3.1 PROPOSAL OVERVIEW & DESIGN RESPONSE

This Application seeks to obtain a Planning Permit for a two (2) Lot re-subdivision of the sites, in accordance with the *Plan of Proposed Subdivision*. The Application proposes to realign the common boundary between Lot 1 on TP221412F and Lot 3 on TP323063L to practically respond to the built form of the site. The proposed re-subdivision would see the common boundary realigned such that it wraps around the existing dwelling and associated domestic area located in the northern portion of the overall site.

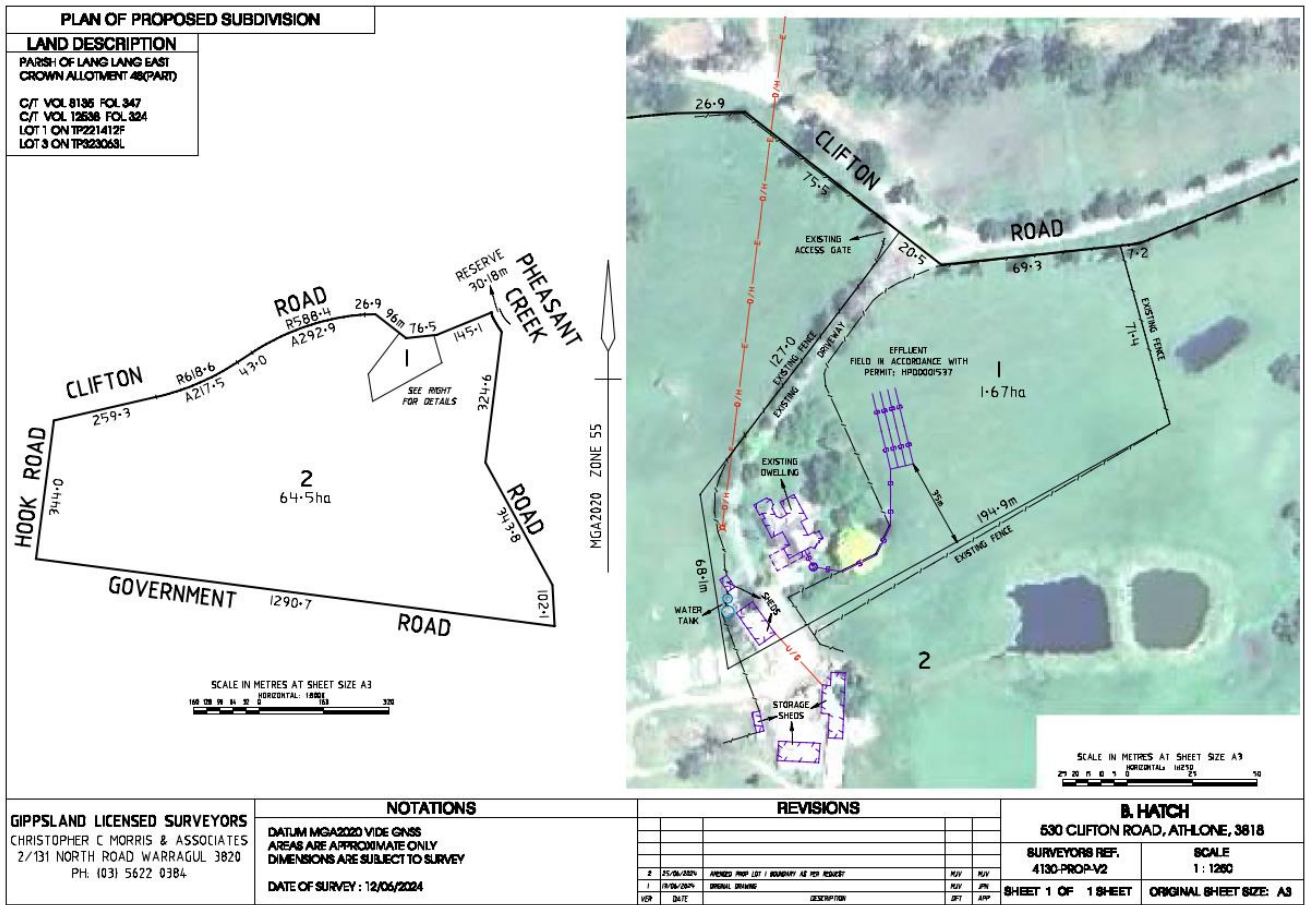


FIGURE 6 – PLAN OF PROPOSED SUBDIVISION TO BE ENDORSED UNDER THIS PERMIT

The Farming Zone specifies that the minimum Lot size is 40ha, but allows for a Permit to be granted to create smaller Lots in the circumstance that “The subdivision is the re-subdivision of existing lots and the number of lots is not increased.” As this Application proposes the re-subdivision of two Titles and does not propose the creation of any additional Lots, it meets this criteria, and the creation of a Lot smaller than 40ha to contain the existing dwelling is permissible.

This Application proposes a Lot area of 1.67ha for the dwelling Lot, with all of the remaining land consolidated into the farm. The new Lot boundaries and areas proposed in this Application will accommodate the agricultural uses of the sites, and accommodate the amenities associated with the dwelling, without compromising the capacity of the larger farm to operate.

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3.2 SUBDIVISION DESIGN

Proposed Lot 1 (1.67ha)

With approximate dimensions of 68.1m x 127m x 20.5m x 69.3m x 71.4m x 194.9m as shown on the *Plan of Proposed Subdivision*, this proposed Lot has an area of 1.67ha. Through the proposed re-subdivision to effectively excise the dwelling from the larger farm, this Application proposes to restructure the existing Lot configuration to better reflect the use of the land, and to reduce the land size associated with the dwelling whilst simultaneously increasing land available for agricultural production.

This Lot will contain the existing dwelling, and the infrastructure & amenities associated with that dwelling including the driveway, water tanks, domestic sheds, and the septic area. A handful of non-significant trees will also be contained within this proposed Lot, as they are associated with the landscaping of the domestic area.



PHOTOS 4-7 – PHOTOS OF PROPOSED LOT 1, INCLUDING DWELLING, ASSOCIATED SHED, DOMESTIC AREA AND ACCESS

This Lot will continue to be accessed directly from Clifton Road via the existing crossover and driveway associated with the dwelling.

This Lot does not contain any easements or restrictions known to Title.

Proposed Lot 2 (64.5ha)

With approximate dimensions as shown on the *Plan of Proposed Subdivision*, this proposed Lot has an area of 64.5ha. Through the proposed re-subdivision to effectively excise the dwelling from the larger farm, this Application proposes to restructure the existing Lots, such to effectively consolidate all of the agricultural land into a singular large farming Lot. It is submitted that this configuration better represents the agricultural use of the farming tenement.



PHOTOS 8 & 9 – PHOTOS OF LARGER FARM IN PROPOSED LOT 2, IN

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This Lot will contain all the productive agricultural land, and the infrastructure currently existing on the site associated with the agricultural activities of the farm, including the existing agricultural shedding and farm access tracks that traverse the property. Also contained within this Lot are a number of dams, waterways, wetland areas, and native trees.

This Lot will continue to be accessed directly from Clifton Road and Hook Road via the existing farm accesses.

This Lot does not contain any easements or restrictions known to Title.

3.3 SERVICING & ACCESS

Proposed Lot 1 is connected to all available reticulated services, including electricity and telecommunications. Proposed Lot 2 has ready access to these utilities. It is again noted that reticulated water, sewer and gas are unavailable to the area, and as such the house and larger farm are reliant on tank water, bottled gas, and septic system. It is noted that the existing septic system has recently been upgraded to ensure it complies with current EPA standards.

Both proposed Lots in this re-subdivision have existing accesses. As aforementioned, proposed Lot 1 will retain the existing crossover and gravel driveway that currently provide access to the dwelling directly from Clifton Road, and proposed Lot 2 will retain the other existing entrances that provide access to the farm directly from Clifton Road and Hook Road.

3.4 VEGETATION

The proposed re-subdivision is not anticipated to have any adverse impact on any native vegetation on the site.

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4.0 | PLANNING CONTROLS & ANALYSIS

4.1 SITE ZONING

CLAUSE 35.07 – FARMING ZONE (FZ)

Land subject to this Application lies within Farming Zone (FZ), as evidenced in the below excerpt from VicPlan.

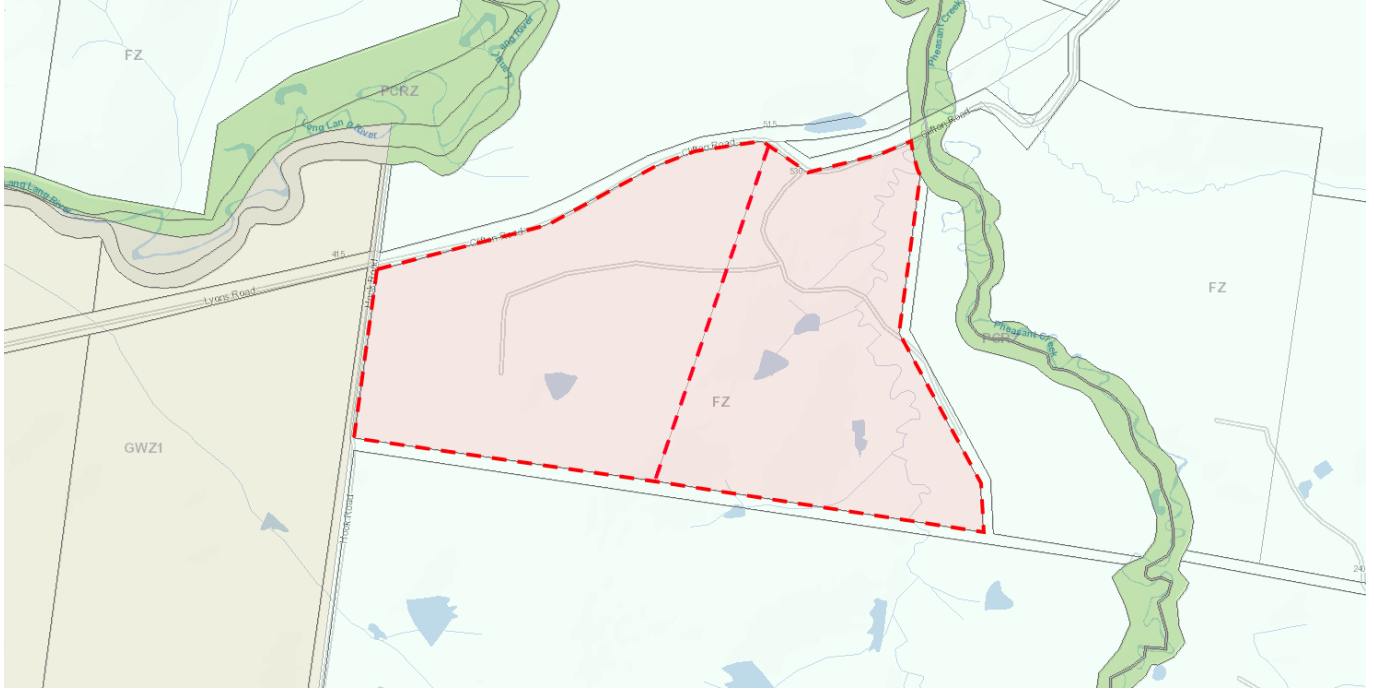


FIGURE 7 – EXCERPT FROM VICPLAN DISPLAYING ZONING OF SUBJECT SITES (SOURCE: VICPLAN)

The purpose of the Farming Zone (FZ) (Clause 35.07) is:

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

Clause 35.07-3 provides that a Permit may be granted to create Lots smaller than 40 hectares, provided it is the re-subdivision of existing Lots and the number of Lots is not increased.

The proposed re-subdivision is consistent with the purpose of this zone by amalgamating productive agricultural land into a large >40ha parcel which is separate from the domestic area.

This Application provides for the retention of productive agricultural land, as the separation of the domestic assets from the agricultural assets ensures that the agricultural activities will not be detrimentally affected by the domestic activities, especially if the house were to ever be disposed of in the future. Furthermore, it is common practice for farmers to separate out their assets for ongoing financial security.

Given the nature of the Application, no land is taken out of agricultural production.

It is anticipated that if a Planning Permit is granted for this re-subdivision, it would include a Condition requiring a Section 173 Agreement to be registered on proposed Lot 2 prohibiting further subdivision to create additional Lots, in accordance with State and Local Policy relating to re-subdivision. This provides added protection of the agricultural

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land by limiting further development potential of a significant agricultural landholding through appropriate use of covenant agreement.

It is anticipated that a Planning Permit issued for this re-subdivision will require proposed Lot 1 containing an existing dwelling to have an ongoing covenant registered to run with this Lot to ensure that owners acknowledge and accept the possibility of nuisance from adjoining agricultural operations including animal production, spray drift, agricultural machinery use, pumps and associated hours of operation necessary for agricultural production.

The proposed new Title structure ensures that the domestic activities will not adversely affect the use of the remainder of the land for agriculture and formalise the current and historic use of the land.

The proposed boundaries are sympathetic to the built form and current uses associated with the land.

It is not anticipated that the proposed re-subdivision will cause any adverse amenity impacts to adjacent land, nor to Pheasant Creek nearby.

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4.2 SITE OVERLAYS

CLAUSE 42.01 – ENVIRONMENTAL SIGNIFICANCE OVERLAY – SCHEDULE 4

Land in this Application is subject to Schedule 4 of the Environmental Significance Overlay (ESO4), as evidenced in the below excerpt from VicPlan.

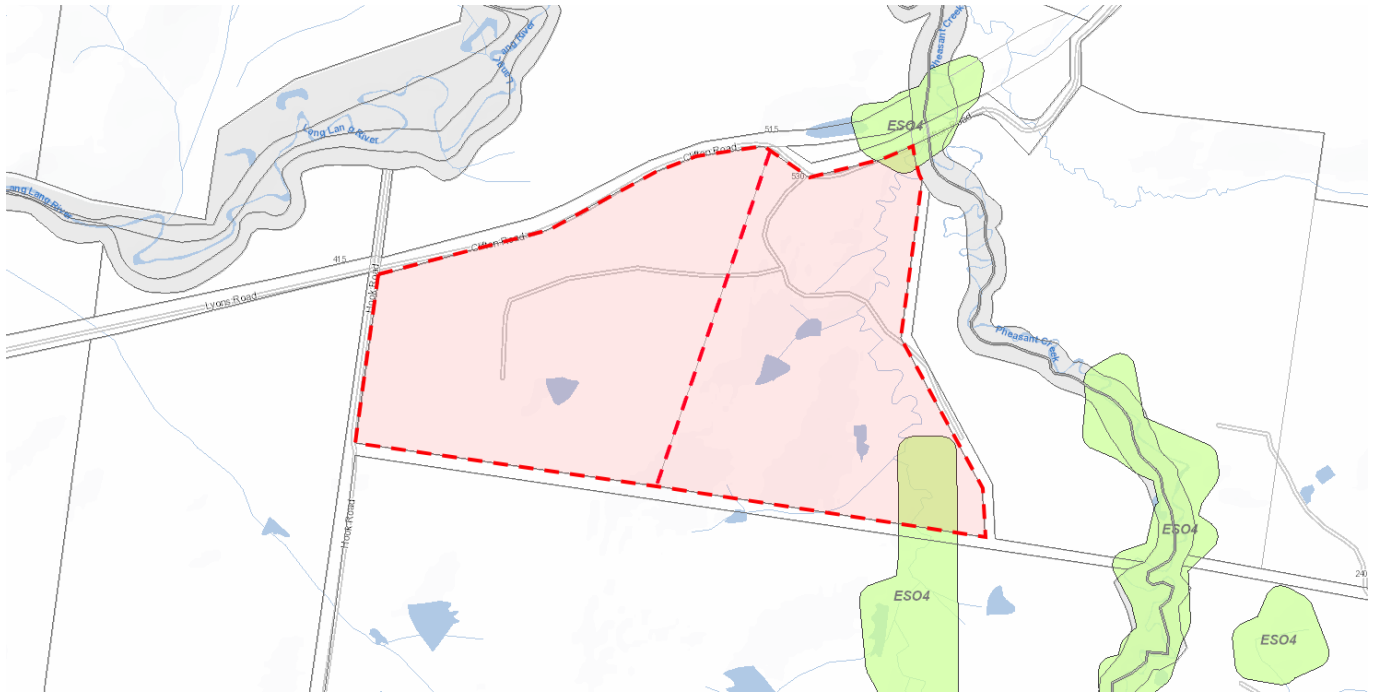


FIGURE 8 - EXCERPT FROM VICPLAN DISPLAYING ESO4 ON SUBJECT SITES (SOURCE: VICPLAN)

The purpose of the Environmental Significance Overlay (Clause 42.01) is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas where the development of land may be affected by environmental constraints.
- To ensure that development is compatible with identified environmental values.

Clause 42.01-2 stipulates that a Planning Permit is required to subdivide land within the Environmental Significance Overlay. Schedule 4 applying to the land does not provide an exemption from Permit requirement.

The Statement of Environmental Significance listed at Schedule 4 to Clause 42.01 relates to the protection of the Giant Gippsland Earthworm population, and habitat areas. The Environmental Objective to be achieved reads:

"To protect and maintain populations and habitat of Giant Gippsland Earthworm by ensuring that the type, density and layout of works or development minimises adverse impacts on its individuals, colonies or the habitat requirements."

This proposed re-subdivision will not have any impact on Giant Gippsland Earthworm population or habitat area, given that no construction, development, works, or change in use is proposed as part of the Application. Furthermore it is highlighted that the Application proposes to subdivide the built form of the land, and does not create any additional points within the ESO area identified as a potential habitat area; for this reason, it is submitted to Council that a formal assessment of the environmental impacts of the proposal on Giant Gippsland Earthworm habitat by a suitably qualified individual is not required, and it is requested that Council waive this Application Requirement.

It is submitted that the purpose of the overlay is satisfied, and no further Planning consideration is required under this Clause.

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CLAUSE 44.03 – FLOODWAY OVERLAY

Land in this Application is subject to the Floodway Overlay (FO), as evidenced in the below excerpt from VicPlan.

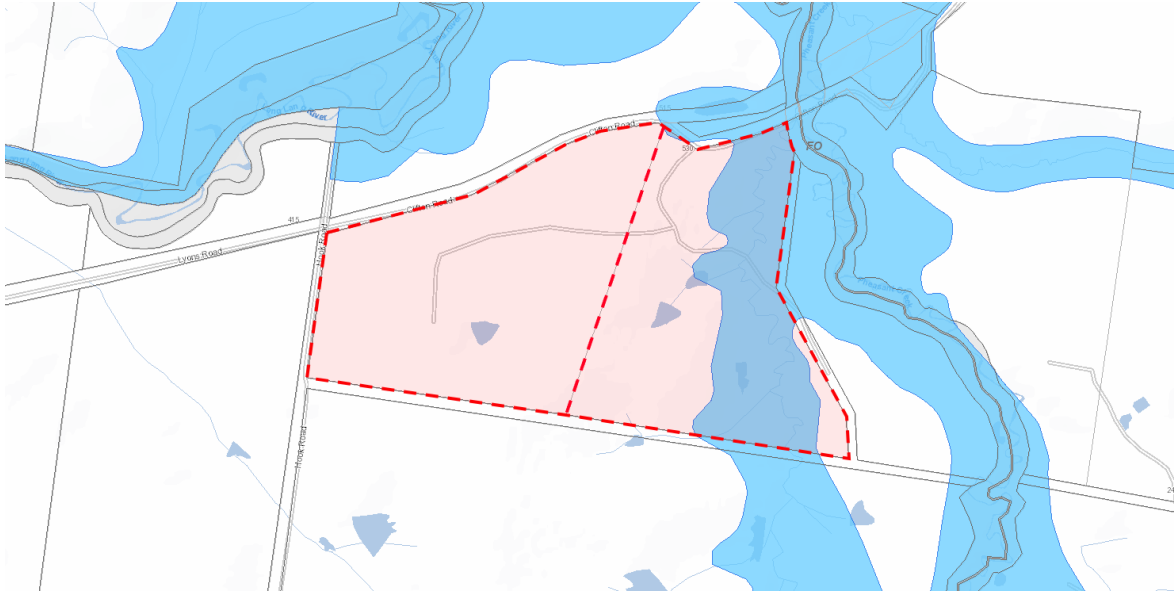


FIGURE 9 - EXCERPT FROM VICPLAN DISPLAYING FO ON SUBJECT SITES (SOURCE: VICPLAN)

The purpose of the Floodway Overlay (Clause 44.03) is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify waterways, major floodpaths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding.
- To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.
- To reflect any declarations under Division 4 of Part 10 of the Water Act, 1989 if a declaration has been made.
- To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.
- To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

Clause 44.03-3 stipulates that a Planning Permit is required to subdivide land within the Floodway Overlay. The Schedule applying to the land does not provide an exemption from the Permit requirement. Clause 44.03-3 states that:

"A permit may only be granted to subdivide land if the following apply:

- The subdivision does not create any new lots, which are entirely within this overlay. This does not apply if the subdivision creates a lot, which by agreement between the owner and the relevant floodplain management authority, is to be transferred to an authority for a public purpose.
- The subdivision is the re-subdivision of existing lots and the number of lots is not increased, unless a local floodplain development plan incorporated into this scheme specifically provides otherwise."

The proposal satisfies both of these requirements, and is therefore permissible under Clause 44.03.

The Schedule does not specify any Floodway objectives to be achieved. The Statement of Risks in the Schedule to Clause 44.03 relates to damage and risk of damage to assets, person and property as a result of flooding.

This proposed re-subdivision will not have any impact on the existing flood risk to assets, person or property, given that no construction or works are proposed as part of the Application. Furthermore, it is highlighted that the Application proposes to re-subdivide the built form of the land, and does not create any additional Lots.

It is noted that the section of the Schedule relating to 'Application Requirements stipulates that these items are required as appropriate. Due to the nature of the proposal, it is submitted that these items are not required.

It is submitted that the purpose of the overlay is satisfied, and no further Planning consideration is required under this Clause.

Statement of Risks in the Schedule to Clause 44.03 and made available for the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose.

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CLAUSE 44.06 – BUSHFIRE MANAGEMENT OVERLAY

A portion of land in this Application is subject to the Bushfire Management Overlay (BMO), as evidenced in the below excerpt from VicPlan.

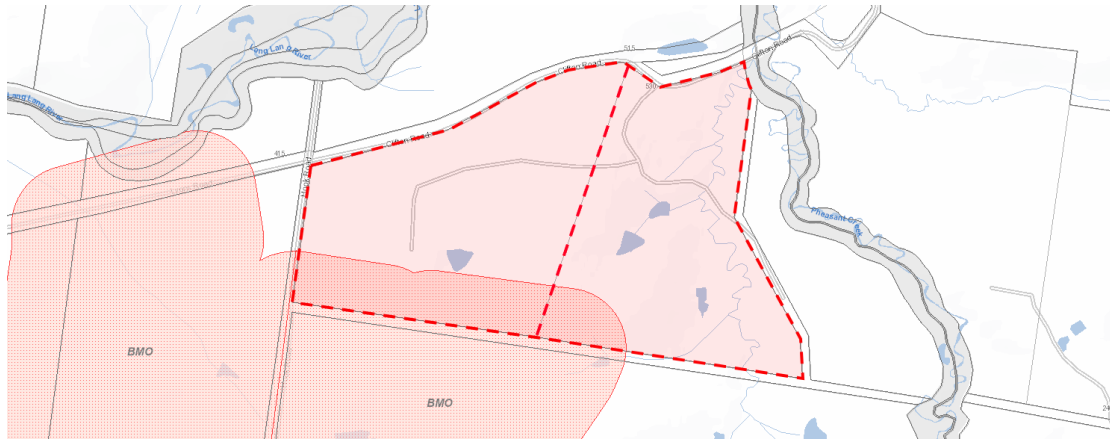


FIGURE 10 - EXCERPT FROM VICPLAN DISPLAYING BMO ON SUBJECT SITES (SOURCE: VICPLAN)

The purpose of the Bushfire Management Overlay (BMO) (Clause 44.06) is:

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

Clause 44.06-2 stipulates that a permit is required subdivide land affected by a Bushfire Management Overlay.

Clause 44.06-5 outlines specific Application requirements for land affected by a Bushfire Management Overlay. Additionally, Clause 44.06-5 provides a Mandatory Condition as follows:

A permit which creates a lot for a single dwelling on land zoned for residential or rural residential purposes must include the following condition:

“Before the statement of compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement must:

- *State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the [*insert name of applicable planning scheme] Planning Scheme.*
- *Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.*
- *State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.*

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.”

It is anticipated that any Permit issued for this proposed development will include the Section 173 Agreement. Unless the relevant fire authority states in writing that it is not required.

Given that the Application proposes a re-subdivision, and does not create any additional lots, it is submitted to Council that the Application will not result in any increase in bushfire risk above what is already existing. Additionally, given the nature of the proposal, it is requested that Council waive the requirement for a full bushfire hazard site assessment, a bushfire hazard landscape assessment, and a bushfire management statement.

It is submitted that the proposed development is consistent with the purpose of this Overlay. A further assessment against Bushfire Planning and the relevant Clauses is provided below at ‘Section 4.4 Bushfire Controls’.

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CLAUSE 45.06 – DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY SCHEDULE 1

Land in this Application is subject to Schedule 1 of the Development Contributions Plan Overlay (DCPO1), as evidenced in the below excerpt from VicPlan.

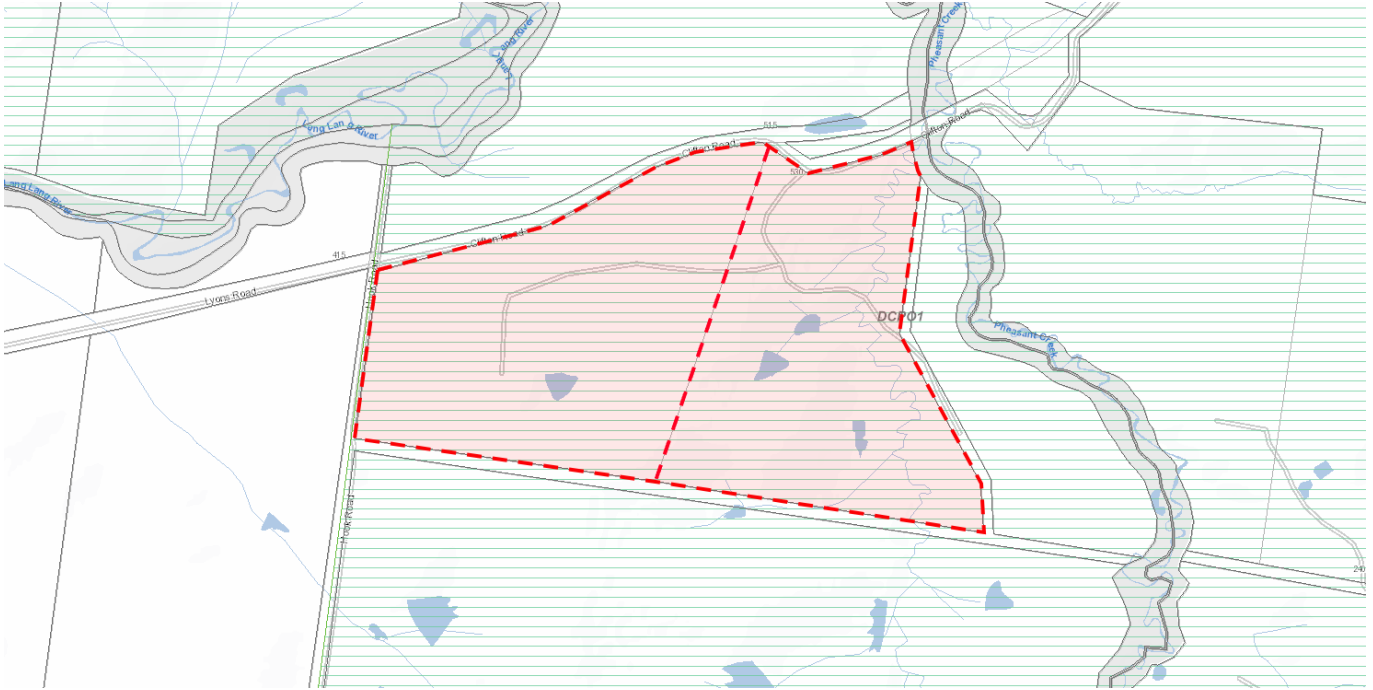


FIGURE 11 - EXCERPT FROM VICPLAN DISPLAYING DCPO1 ON SUBJECT SITES (SOURCE: VICPLAN)

The purpose of the Development Contributions Plan Overlay (Clause 45.06) is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.

It is acknowledged that the appropriate levy will be required as a Permit Condition in accordance with the requirements of the DCPO1. No further Planning Assessment is required under this Clause.

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4.3 ABORIGINAL CULTURAL HERITAGE SENSITIVITY

A portion of land in this Application has been identified on the Aboriginal Cultural Sensitivity maps, as shown on the below map excerpt from Aboriginal Victoria's Aboriginal Cultural Sensitivity Map online tool. The area identified as having Cultural Sensitivity is associated with the Pheasant Creek and Lang Lang River Water Frontages.

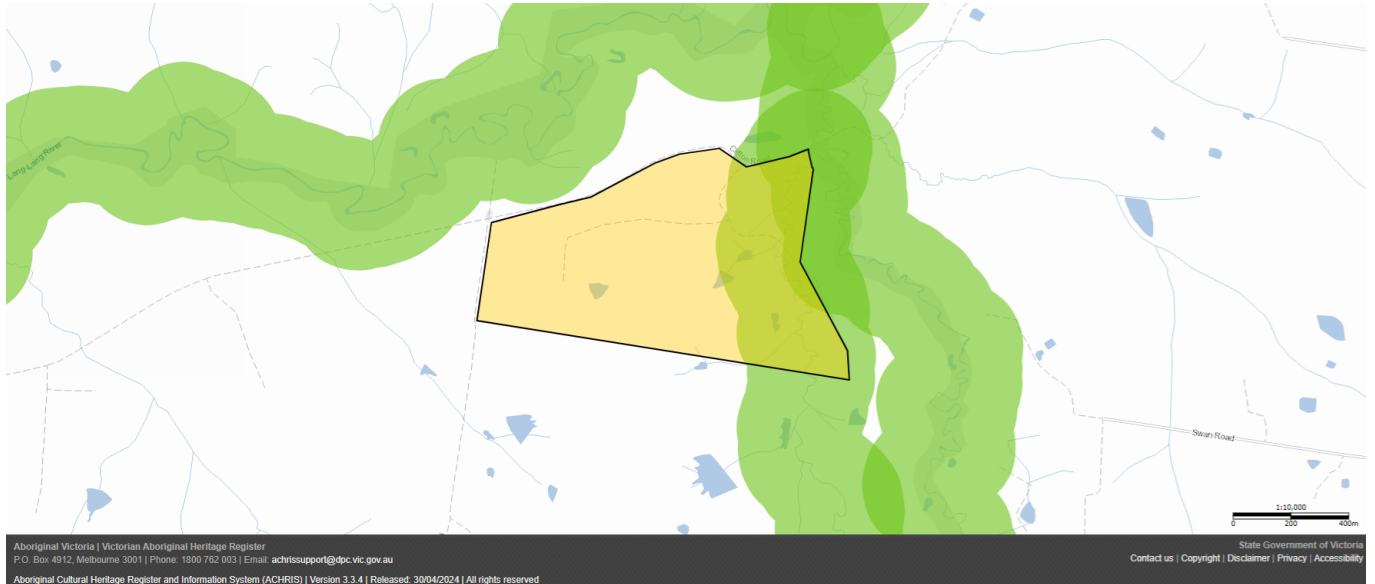


FIGURE 12 – MAP EXCERPT OF SITES WITH ABORIGINAL CULTURAL HERITAGE SENSITIVITY (SOURCE: ACHRIS)

An assessment was undertaken on the site utilising the Aboriginal Victoria exemption questionnaire, and the activity has been found to be an exempt activity given that it is a re-subdivision of existing Lots. Furthermore, given the Application proposes a re-subdivision, with no creation of additional Lots, change in use, development, buildings, works or earthworks, the area with potential cultural heritage sensitivity is not anticipated to be impacted. For these reasons, no further heritage consideration is required.

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4.4 BUSHFIRE CONTROLS

As discussed above at Section 4.2 of this Report, land subject to this Application is partially covered by a Bushfire Management Overlay. The remainder of the land in the Application is identified as a Designated Bushfire Prone Area.

In accordance with Amendment VC140, subdivision in areas affected by Bushfire Planning Controls must be assessed against Victorian Bushfire Planning Policy to ensure that the bushfire risk has been adequately assessed and mitigated. This includes assessing the proposed development against Clause 13.02.

The objective of **Clause 13.02 Bushfire Planning** is 'to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life', with the strategies employed to meet this objective comprising of:

- Protection of human life over all other policy considerations by directing population growth and development to low risk locations and reducing the vulnerability of communities to bushfire through careful Planning consideration.
- Bushfire hazard identification and assessment through the application of best available science, information, and consultation with emergency management agencies and the relevant fire authority to identify bushfire hazards, apply appropriate Planning Overlays and documents, and implement appropriate bushfire protection measures.
- Settlement Planning to direct population growth and development to low risk locations, and to ensure that the bushfire risk to existing and future residents, property and community infrastructure will not increase as a result of future land use and development.
- Areas of biodiversity conservation value to ensure that settlement growth and development approvals can implement bushfire protection measure without unacceptable biodiversity impacts.

The purpose of **Clause 44.06 Bushfire Management Overlay** is:

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

The purpose of **Clause 53.02 Bushfire Planning** is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.
- To ensure that the location, design and construction of development appropriately responds to the bushfire hazard. To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.
- To specify location, design and construction measures for a single dwelling that reduces the bushfire risk to life and property to an acceptable level.

The singular objective of **Clause 13.02-1S Bushfire planning** is 'To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life'. The strategies listed at achieving this are:

- Prioritisation of the protection of human life over all else through considered planning and directing population growth and development to low risk locations
- Science-based bushfire hazard identification and appropriate risk assessment through consultation with relevant agents and authorities, including utilisation of planning controls to guide development
- Strategic settlement planning that strengthens the resilience of settlements and communities
- Ensure development can implement bushfire protection measures without unacceptable biodiversity impacts
- Use and development control in a Bushfire Prone Area

A full Bushfire Risk assessment has not been provided as part of this Application, as the proposal applies for a re-subdivision of existing Lots, without the creation of any additional Lots. It is submitted that the proposed re-subdivision will not contribute to any additional bushfire risk, or risk to person or property above what is already existing. For these reasons, no further assessment is required under this Clause.

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4.5 VICTORIAN & LOCAL PLANNING POLICY FRAMEWORK

Clause 02 Municipal Planning Strategy

Clause 02 Municipal Planning Strategy provides a context for Planning within the Municipality, describing the valued and characteristic aspects of the Shire. It speaks to natural resource management, with particular regard to the rural land of the Shire that largely forms of high quality, highly productive agricultural land, comprising some of the nation's most fertile and productive rural land with extensive existing infrastructure, and potential for further investment and agribusiness. Besides the agricultural sector, the Shire contains other high value habitat areas, high quality water catchments, extensive areas for ecologically sustainable timber production, and highly valued landscapes. Aside from the natural environment, the area is highly desirable for residential living, and is one of the fastest growing and fastest developing regions within the State, currently in a large development boom to accommodate the estimated population growth projected for within 'Victoria in Future, 2019'. The location of the Shire means that it is well serviced along major transport and infrastructure links, with excellent access to services. All of these elements combined sees the Baw Baw region providing a major contribution to the State's economy through agriculture, service industries, administration, health, education, production, and tourism. However, Strategic Planning has identified that the region's productive agricultural land must be protected as a highest priority; as well, the rural character and heritage of the towns of the Shire are so highly valued by the community, and ought to be enhanced and protected even in the midst of the significant population growth the Shire is currently experiencing.

Clause 02.02 Vision highlights the '2017-2021 Baw Baw Council Plan' vision for the municipality, being "Happy, healthy people sharing prosperity and knowledge from living sustainably and in harmony with our rural identity, thriving villages, productive and inspiring landscapes". It states the objectives listed within that Plan that are relevant to land use planning, including creating "Vibrant communities", "A Thriving Economy", and "Safe and sustainable environments", with a number of sub-strategies listed below each.

Clause 02.03 Strategic Directions outlines the main strategic directions for the municipality, which guide planning. Although the Planning Scheme does not refer directly to Athlone, Strategic Planning would classify it as a Rural Settlement, constrained by lack of infrastructure and earmarked for Limited Growth. The Strategic Directions listed to guide development and Planning within the whole of the Shire are:

- "Develop Warragul and Drouin as sustainable high-growth settlements.
- Accommodate a medium level of growth in Trafalgar, Yarragon and Longwarry, consistent with their more limited infrastructure.
- Provide only moderate growth in Neerim South due to the environmentally sensitive setting.
- Develop the smaller communities, particularly those outside the Princes Freeway corridor, as follows:
- Modest to limited growth for Willow Grove and Thorpdale curtailed by reticulated sewer capacity or availability.
- Limited to restricted growth in Erica, Rawson and Noojee to support tourism uses while recognising the risk of bushfire.
- Low or no growth for smaller settlements Tanjil Bren and Walhalla which are subject to environmental and servicing constraints and bushfire risks.
- Limited growth for the other small towns and rural settlements which are subject to servicing constraints, environmental constraints and bushfire risk.
- Direct growth to townships that have reticulated infrastructure, such as water, sewerage and stormwater drainage.
- Discourage rezoning of land for urban uses outside of township boundaries as shown in respective framework plans.
- Retain high visual quality of rural landscapes, including preservation of view corridors and vantage points within the urban area.
- Respect the existing rural village character of smaller towns while providing for infill development.
- Limit further dispersed housing on agricultural land by defining preferred locations for rural lifestyle living within and surrounding existing settlements."

The Application aligns with the Strategic Directions, as it restructures the existing Titles to provide increased agricultural capacity for the land, whilst being sensitive to servicing, environmental constraints and bushfire risk. The re-subdivision retains the high visual quality rural landscapes, view corridors and vantage points available to the site, and it respects the existing rural character of the precinct. Furthermore, it ensures that the domestic activities associated with the existing dwelling on the site are limited to the boundaries of proposed Lot 193. They cannot encroach into productive agricultural land.

By careful re-subdivision of the existing Titles to maximise utilisation of productive agricultural land, the Application aligns with **Clause 02.03-3 Natural resource management**. This Clause speaks to the protection of the natural and agricultural qualities of land within the Shire and, whilst recognising the integral part that dwellings in rural areas has played in the development of the municipality as a farming area, also emphasises the potential for rural lifestyle

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properties and associated activities to impact upon agricultural land use – particularly broadacre farming; this in turn impacts on agriculture’s contribution to the economy. The listed strategic directions for natural resource management planning in Baw Baw that are supported by this Application are:

- “Maintain the integrity of the land resource and its protection from unplanned urban and residential encroachment.
- Protect and develop the Shire’s resources relating to dairying, horticulture, grazing, timber production, tourism and high quality water.
- Protect agricultural uses by minimising land use conflicts between agricultural and sensitive uses.
- Restrict dwellings and small lots that would result in the loss of productive agricultural land or that prejudice agricultural production.
- Encourage the consolidation and restricting of existing fragmented agricultural landholdings.”

Clause 11 Settlement

This Clause highlights the requirement for the anticipation of and response to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure. As stated in this Clause in the Planning Scheme, “Planning is to prevent environmental, human health and amenity problems created by siting incompatible land uses close together”, and further, “Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services”.

The Settlement objective for Victoria, as described at **Clause 11.01-1S Settlement**, is “to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements”. An important Strategy listed at this Clause is “balancing strategic objectives to achieve improved land use and development outcomes at a regional, catchment and local level”. It is submitted that this Application supports sustainable development of the region by allowing for the sustainable farming of the land ongoing, by separating the domestic assets from the agricultural assets, so that the ability to use the land for agriculture ongoing is ensured. This also provides for improved land use.

Specifically, **Clause 11.01-1R Settlement – Gippsland** lists strategies to aid in supporting growth, settlement and development in Gippsland. The re-subdivision, as aforementioned, is purposed to separate the domestic assets from the agricultural assets to provide for better asset management ongoing. Separating the assets will aid in ensuring sustainable farming ongoing, to allow a large-scale agricultural business to continue contributing to the local economy and supporting the continuing role of regional areas in this pursuit.

Also relevant to this Application is **Clause 11.03-5S Distinctive areas and landscapes** which lists “Protect areas that are important for food production” as a key strategy.

Clause 12 Environmental and Landscape Values

Clause 12.03 Water Bodies and Wetlands centres around the protection and enhancement of waterways, and outlines the requirement for careful Planning to protect environmental assets and not compromise the integrity of water bodies and wetlands. As aforementioned, the two Titles subject to this Application are proximate to Pheasant Creek and Lang Lang River, and are traversed by Eliza Creek, containing numerous wetland areas. No adverse impacts to the Creek and the associated wetlands are anticipated to arise as a result of this Application, because the locations of the proposed new boundaries are not proximate to any wetland area. Furthermore, the Application does not propose any change in use, development, construction, or creation of any additional Lots – it merely proposes a restructure of the existing Titles to better reflect the current built form and uses of the land.

Clause 13 Environmental Risks and Amenity

This Clause highlights the requirement for Planning to “identify, prevent and minimise the risk of harm to the environment, human health and amenity through: Land use and development compatibility; [and] Effective controls to prevent or mitigate significant impacts”.

Relevant to this Application is **Clause 13.02-1S Bushfire planning**, which aims “to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life”. This Clause is relevant to the Application due to the Bushfire Management Overlay affecting land in this Application. Bushfire risk has been addressed earlier in this report, but it is again emphasised that the re-subdivision, will not contribute to, or

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additional bushfire risk to person or property as it does not propose any change in use, development, construction, or creation of any additional Lots; therefore, this Clause is considered satisfied.

Of particular significance to this Application is **Clause 13.03 Floodplains**, which centres around protection of person and property from flood hazard, and maintaining the health and function of floodplains and water bodies. This Clause is relevant to the Application due to the Floodway Overlay affecting land in this Application. This Overlay has been addressed earlier in this report, but it is again emphasised that the re-subdivision will not contribute to flooding as it does not propose any change in use, development, construction, or creation of any additional Lots; therefore, this Clause is considered satisfied.

Of particular significance to this Application is **Clause 13.07-1S Land use compatibility**, which lists a key strategy of "Ensure that use or development of land is compatible with adjoining and nearby land uses". It is emphasised that this Application is for re-subdivision only. Abutting land is also contained within the Farming Zone. There are no sensitive land uses associated with the properties surrounding the subject site, and no anticipated land use conflicts will arise through this Application.

Clause 14 Natural Resource Management

This Clause explicitly states "Planning should ensure agricultural land is managed sustainably, while acknowledging the economic importance of agricultural production".

Clause 14.01 Agriculture outlines a State-wide Policy to guide Planning in agricultural areas. **Clause 14.01-1S Protection of agricultural land** is purposed "To protect the state's agricultural base by preserving productive farmland", with a number of strategies listed that are relevant to this Application. This Application makes available more high quality agricultural land for primary production via the restructure of Titles, thereby improving the land use; it will also resolve land conflict issues associated with domestic activities and agricultural activities both being conducted on the same parcel. One of the final strategies listed at this Clause reads "Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land". This Application works to enhance and support the long-term productive capacity of the land through the Title restructure which will ensure the separation of the domestic activities from the agricultural activities; furthermore, the Application does not involve the creation of an additional Lot. At its core, this Application certainly is designed to optimise availability of productive agricultural land. This Clause operates in conjunction with **Clause 14.01-1R Protection of agricultural land – Gippsland**, which advocates these outcomes specifically for Gippsland, to aid in growing the state as an important food bowl for Australia and Asia.

Clause 14.01-1L Dwellings and subdivision in rural areas has recently been added to the Planning Scheme, intended to operate as a blanket Policy to guide Planning in agricultural areas across the State. The amendment of Clause 14 to include this sub-clause, along with **Clause 14.01-2L-01 Sustainable agricultural land use in Baw Baw**, **Clause 14.01-2L-02 Agricultural soil protection**, **Clause 14.01-3S Forestry and timber production** and **Clause 14.01-3L Sustainable forestry and timber production in Baw Baw**, through Amendments C139 & VC210 (which also incorporate other changes to the State and Local Planning Framework) has also removed Clauses 20-22 from the Planning Scheme, meaning that the Rural Zones Policy no longer applies to land in the Farming Zone.

Clause 14.01-1L Dwellings and subdivision in rural areas applies to all land in the Farming Zone. An objective listed at this Clause is "To ensure that the development of dwellings and subdivision, including the creation of small lots for existing dwellings, minimises the loss of productive agricultural land and does not prejudice activities associated with agricultural production". This Application is for re-subdivision and does not propose the creation of any additional Lots;

furthermore, the dwelling on the site is existing, therefore this Application does not propose the takeover and use of agricultural production because the land associated with the domestic area is already in the title. The information available for the planning process, as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document, you acknowledge and agree that you will not disseminate the information specified above and that approval of this document will be used as a result of planning this document is strictly prohibited.



Permit Condition requiring a Section 173 Agreement to be registered prohibiting further subdivision to create additional Lots; this aligns with the purposes of this Clause and with the objectives of the Farming Zone with regards to protection of agricultural land.

The Application will not lead to abandonment of primary production on any of the land; rather the Application facilitates ongoing, sustainable large-scale, broadacre farming by consolidating all of the productive agricultural land into a singular large Title, thereby providing for more efficient agricultural production. This also aligns with **Clause 14.01-2S Sustainable agricultural land use** by ensuring the long-term sustainability of a genuine farming enterprise. As aforementioned, this Application will aid in tidying up the Title structure, as it will ensure that all of the domestic activities and infrastructure are contained within the boundaries of the house Lot, thereby ensuring that activities and assets are kept distinctly separated. Furthermore, the Application also aligns with **Clause 14.01-2L-01 Sustainable agricultural land use in Baw Baw** and **Clause 14.01-2L-02 Agricultural soil protection**.

The strategies and objectives listed throughout **Clause 14.02 Water** have already been addressed in relation to Pheasant Creek and Lang Lang River proximate to the site, and Eliza Creek which traverses the site. It is noted that the sites do not fall within a proclaimed water catchment area, however the Application will not give rise to any negative impacts on the Creek, nor will it contribute to existing flooding and inundation currently affecting the area.

Clause 71.02-3 Integrated decision making in the Baw Baw Planning Scheme outlines that "*Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations*".

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4.6 DECISION GUIDELINES

CLAUSE 35.07-6 – FARMING ZONE (FZ) – DECISION GUIDELINES

The Decision Guidelines listed at **Clause 35.07-6** outline a number of matters that must be considered as appropriate, including:

Considerations	Assessment
GENERAL ISSUES	
The Municipal Planning Strategy and the Planning Policy Framework.	COMPLIES Outcomes of this proposal are consistent with State & Local Planning Policy Framework objectives, as described in the assessment provided above.
Any Regional Catchment Strategy and associated plan applying to the land.	COMPLIES The West Gippsland Regional Catchment Strategy is relevant to the area, however the nature of the proposal means there is no anticipated impact on water catchments.
The capability of the land to accommodate the proposed use or development, including the disposal of effluent.	COMPLIES Land is considered suitable for agricultural production, as is evidenced by it being zoned for Farming. The Application will ensure that the septic system associated with the existing dwelling on proposed Lot 1 will be fully contained within the boundaries of that Lot. As aforementioned, the existing septic system has recently been upgraded to ensure it is compliant with current EPA standards.
How the use or development relates to sustainable land management.	NOT APPLICABLE Existing use is not proposed to change. No development proposed. The proposed re-subdivision will allow for better and more sustainable land management for the farmer, through the effective separation of the residential assets from the farm assets, thus ensuring ongoing security of the farm
Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.	NOT APPLICABLE Existing use is not proposed to change. No development proposed.
How the use and development makes use of existing infrastructure and services.	NOT APPLICABLE Existing use is not proposed to change. No development proposed.
AGRICULTURAL ISSUES AND THE IMPACTS FROM NON-AGRICULTURAL USES	
Whether the use or development will support and enhance agricultural production.	COMPLIES The proposed re-subdivision will result in the transfer of approximately 29.87ha into the overall farm, thereby consolidating all of the productive agricultural land into a single larger Lot. The proposed Title restructure will ensure the ongoing use of the land for agriculture. The proposed re-subdivision will ensure that land used for the agricultural activities is kept totally separate from land used domestically, to enable sustainable farming ongoing, thereby supporting and enhancing agricultural production. Existing use is not proposed to change. No development proposed.
Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.	COMPLIES The proposed re-subdivision will consolidate all of the agriculturally productive land into a singular larger Title, whilst ensuring separation from the domestic land and activities. No foreseeable adverse effects on soil quality. Existing use is not proposed to change. No development proposed.
The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.	NOT APPLICABLE Existing use is not proposed to change. No development proposed. No adverse impacts on adjoining and nearby agricultural uses foreseen.
The capacity of the site to sustain the agricultural use.	COMPLIES The land has already demonstrated its capacity to sustain the existing agricultural use. It is highlighted that this Application does not propose a change in use, and is for re-subdivision only.
The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.	COMPLIES Agricultural qualities of the land, including soil quality, access to water and access to rural infrastructure, are considered excellent.
Any integrated land management plan prepared for the site.	NOT APPLICABLE No integrated land management plan has been prepared for the site.
Whether Rural worker accommodation is necessary having regard to: <ul style="list-style-type: none"> The nature and scale of the agricultural use. 	NOT APPLICABLE No proposal for Rural worker accommodation within this Application.

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<ul style="list-style-type: none"> The accessibility to residential areas and existing accommodation, and the remoteness of the location. 	
The duration of the use of the land for Rural worker accommodation.	NOT APPLICABLE No proposal for Rural worker accommodation within this Application.
ACCOMMODATION ISSUES	
Whether the dwelling will result in the loss or fragmentation of productive agricultural land.	NOT APPLICABLE No buildings or works proposed.
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.	NOT APPLICABLE No buildings or works proposed.
Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.	NOT APPLICABLE No buildings or works proposed.
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.	NOT APPLICABLE No buildings or works proposed.
The potential for accommodation to be adversely affected by noise and shadow flicker impacts if it is located within one kilometre from the nearest title boundary of land subject to: <ul style="list-style-type: none"> A permit for a wind energy facility; or An application for a permit for a wind energy facility; or An incorporated document approving a wind energy facility; or A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the Environment Effects Act 1978. 	NOT APPLICABLE No buildings or works proposed.
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.	NOT APPLICABLE No buildings or works proposed.
ENVIRONMENTAL ISSUES	
The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.	COMPLIES No foreseeable adverse impacts to soil or water quality.
The impact of the use or development on the flora and fauna on the site and its surrounds.	COMPLIES No foreseeable adverse impacts to flora or fauna.
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.	COMPLIES No foreseeable adverse impacts vegetation and faunal habitat. No need to revegetate.
The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.	COMPLIES The existing septic system on proposed Lot 1 is located well away from waterways and native vegetation.
DESIGN AND SITING ISSUES	
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.	NOT APPLICABLE No buildings or works proposed.
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	NOT APPLICABLE No buildings or works proposed.

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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.	NOT APPLICABLE No buildings or works proposed.
The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.	NOT APPLICABLE No buildings or works proposed.
Whether the use and development will require traffic management measures.	NOT APPLICABLE No buildings or works proposed. Use is not proposed to change.
The need to locate and design buildings used for accommodation to avoid or reduce noise and shadow flicker impacts from the operation of a wind energy facility if it is located within one kilometre from the nearest title boundary of land subject to: <ul style="list-style-type: none"> A permit for a wind energy facility; or An application for a permit for a wind energy facility; or An incorporated document approving a wind energy facility; or A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the Environment Effects Act 1978. 	NOT APPLICABLE No buildings or works proposed.
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.	NOT APPLICABLE No buildings or works proposed.

CLAUSE 42.01-5 – ENVIRONMENTAL SIGNIFICANCE OVERLAY (ESO) – DECISION GUIDELINES

The Decision Guidelines listed at **Clause 42.01-5** outline a number of matters that must be considered as appropriate, including:

Considerations	Assessment
The Municipal Planning Strategy and the Planning Policy Framework.	COMPLIES Outcomes of this proposal are consistent with State & Local Planning Policy Framework objectives, as described in the assessment provided above.
The statement of environmental significance and the environmental objective contained in a schedule to this overlay.	COMPLIES The statement of environmental significance and the environmental objective contained in Schedule 4 to the ESO relate to the protection of Giant Gippsland Earthworm and habitat areas. As this Application does not propose any buildings or works, or the creation of any additional Lots, it is not anticipated that there will be any arising impacts on Giant Gippsland Earthworm or habitat areas.
The need to remove, destroy or lop vegetation to create a defensible space to reduce the risk of bushfire to life and property.	NOT APPLICABLE No need to remove, destroy or lop vegetation.
Whether the proposal conflicts with the objectives of the overlay.	NOT APPLICABLE No conflicts with the objectives of the overlay.
Whether the proposal can be accommodated on land considered not to contain Giant Gippsland Earthworm habitat.	NOT APPLICABLE As this Application does not propose any buildings or works, or the creation of any additional Lots, it is not anticipated that there will be any arising impacts on Giant Gippsland Earthworm or habitat areas. It is also emphasised that the new Lot boundaries do not impact upon areas covered by the ESO as being potential habitat areas.
The significance of a site with respect to Giant Gippsland Earthworm habitat extent,	NOT APPLICABLE The site is not considered significant.

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quality and connectivity, population density or genetic distinctiveness.	
Opportunity to mitigate the negative impacts of a proposal on Giant Gippsland Earthworm.	NOT APPLICABLE No negative impacts are anticipated, so no mitigation measures are required.
Whether the proposal conforms to the statutory requirements of the Environment Protection and Biodiversity Conservation Act 1999 or the Flora and Fauna Guarantee.	COMPLIES The proposal is considered to conform to all relevant Statutory requirements of the Environment Protection and Biodiversity Conservation Act 1999 and the Flora and Fauna Guarantee.
Whether the proposal conforms to the statutory requirements of the Water Act 1989.	COMPLIES The proposal is considered to conform to all relevant Statutory requirements of the Water Act 1989.

CLAUSE 44.03-7 – FLOODWAY OVERLAY (FO) – DECISION GUIDELINES

The Decision Guidelines listed at **Clause 44.03-7** outline a number of matters that must be considered as appropriate, including:

Considerations	Assessment
The Municipal Planning Strategy and the Planning Policy Framework.	COMPLIES Outcomes of this proposal are consistent with State & Local Planning Policy Framework objectives, as described in the assessment provided above.
The local floodplain development plan or flood risk report.	COMPLIES No local floodplain development plan or flood risk report applying to the sites.
Any comments of the relevant floodplain management authority.	NOT APPLICABLE No comments from the relevant floodplain management authority.
The Victorian River Health Strategy (2002) and any relevant regional river health strategy and associated wetland plan.	COMPLIES The Application aligns with these documents.
Any other matters specified in a schedule to this overlay.	NOT APPLICABLE No other matters specified in the schedule to the overlay.

CLAUSE 44.06-8 – BUSHFIRE MANAGEMENT OVERLAY (BMO) – DECISION GUIDELINES

The Decision Guidelines listed at **Clause 44.06-8** outlines several matters to be considered as appropriate, including:

Considerations	Assessment
The Municipal Planning Strategy and the Planning Policy Framework.	COMPLIES Outcomes of this proposal are consistent with State & Local Planning Policy Framework objectives, as described in the assessment provided above.
Any other matters specified in a schedule to this overlay.	NOT APPLICABLE Land in this Application is not subject to the Schedule to the Bushfire Management Overlay.

CLAUSE 53.02-4.5 – BUSHFIRE PLANNING – DECISION GUIDELINES

The Decision Guidelines listed at **Clause 53.02-4.5** outlines several matters to be considered as appropriate, including:

Considerations	Assessment
The Municipal Planning Strategy and the Planning Policy Framework.	COMPLIES Outcomes of this proposal are consistent with State & Local Planning Policy Framework objectives, as described in the assessment provided above.
The bushfire hazard landscape assessment, the bushfire hazard site assessment and the bushfire management statement submitted with the application.	COMPLIES Analysis provided within 'Section 4.4 – Bushfire Controls' of this Report.
The impact of any State, regional or local bushfire management and prevention actions occurring around the site and in the wider area on the bushfire hazard and the level of risk to the proposed development.	COMPLIES Analysis provided within 'Section 4.4 – Bushfire Controls' of this Report.
Whether the proposed development meets the objectives of Clause 53.02-4 regardless of other measures which may be available, including private bushfire shelters,	COMPLIES The proposal meets the specified objectives – Bushfire Controls' of this Report.

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community shelters and the presence of places of last resort.	
Whether the proposed measures can be practically implemented and maintained in conjunction with the ongoing use of the land.	COMPLIES Proposed measures can be practically implemented and maintained.
Whether the use of an alternative measure meets the relevant objective having regard to the bushfire hazard and the nature of any constraint that prevents the applicable approved measure from being implemented.	COMPLIES Analysis provided within 'Section 4.4 – Bushfire Controls' within this Report.
If one or more of the objectives in Clause 53.02-4 will not be achieved in the completed development, whether the development will, taking all relevant factors into account, reduce the bushfire risk to a level that warrants it proceeding.	COMPLIES Analysis provided within 'Section 4.4 – Bushfire Controls' within this Report.
Whether the risk arising from the broader landscape can be mitigated to an acceptable level or warrants the development not proceeding.	COMPLIES Analysis provided within 'Section 4.4 – Bushfire Controls' within this Report.

CLAUSE 65.02 – APPROVAL OF AN APPLICATION TO SUBDIVIDE LAND – DECISION GUIDELINES

The Decision Guidelines listed at **Clause 65.02** outline a number of additional matters that must be considered as appropriate, including:

Considerations	Assessment
The suitability of the land for subdivision.	COMPLIES The land is considered suitable.
The existing use and possible future development of the land and nearby land.	COMPLIES Existing use of both Lots in this Application is associated with agricultural purposes; additionally, the dwelling on proposed Lot 1 provides an added use for this Lot, being associated with rural lifestyle purposes. Use of surrounding land is zoned for farming.
The availability of subdivided land in the locality, and the need for the creation of further lots.	NOT APPLICABLE No additional Lots are proposed to be created.
The effect of development on the use or development of other land which has a common means of drainage.	COMPLIES No foreseeable adverse impacts.
The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.	COMPLIES The re-subdivision has been designed to consider the existing built form on proposed Lot 1.
The density of the proposed development.	COMPLIES The density is considered suitable.
The area and dimensions of each lot in the subdivision.	COMPLIES The Application proposes lot sizes that are consistent in size with the neighbourhood pattern already established.
The layout of roads having regard to their function and relationship to existing roads.	COMPLIES No additional road proposed to be created. Existing major thoroughfares, being Clifton Road and Hook Road, provide access to the sites.
The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.	COMPLIES The proposed Lots have all been designed to facilitate forward vehicle movements. Both Lots have direct frontage to the road.
The provision and location of reserves for public open space and other community facilities.	NOT APPLICABLE No reserves or other community facilities proposed as part of this development. The land is sited in close proximity to existing community facilities, reserves and public open space.
The staging of the subdivision.	NOT APPLICABLE This is not a staged subdivision.
The design and siting of buildings having regard to safety and the risk of spread of fire.	NOT APPLICABLE No additional buildings proposed.
The provision of off-street parking.	COMPLIES Both Lots have existing provision for off-street parking.
The provision and location of common property.	NOT APPLICABLE No common property proposed in the development.

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<i>The functions of any body corporate.</i>	NOT APPLICABLE No common property proposed in this development.
<i>The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.</i>	COMPLIES The subdivision design maximizes potential to connect in to existing infrastructure.
<i>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 sewerage and sullage within the boundaries of each lot.</i>	COMPLIES Sewer is unavailable to the area. The dwelling on proposed Lot 1 has an existing septic system that is within the proposed Lot boundaries, and has recently been upgraded to ensure it is compliant with current EPA standards.
<i>Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.</i>	COMPLIES No native vegetation removal is proposed through this Application.

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5.0 | CONCLUSION

For reasons stated in this report, the proposed development is considered to accord with all relevant provisions of the Farming Zone, and Particular Provisions of the Baw Baw Planning Scheme, including Development Contributions Plan Overlay, Floodway Overlay, Environmental Significance Overlay and Bushfire Management Overlay. The proposal is considered consistent with State and Local Policy, as is detailed in the relevant sections of this report, and has been designed in conjunction with the character and pattern of development in the area.

We respectfully request that Council consider the merits of this Application, and resolve to issue a Planning Permit in a timely manner such to facilitate the proposal.

Director, Principal & Licensed Surveyor

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