



Application for a Planning Permit

Section 1: LAND DETAILS

Unit Number:	Street Number: 267	Street Name: North Canal Road
Town: Trafalagar		Postcode: 3824

FORMAL LAND DESCRIPTION (Please complete either A or B – this information can be found on the Certificate of Title)

Option A:

Lot No:	
Type of Plan: Please tick ✓	Lodge Plan <input type="checkbox"/> Title Plan <input type="checkbox"/> Plan of Subdivision <input type="checkbox"/>
Plan Number:	

Option B:

Crown Allotment Number:	21
Section Number:	A
Parish/Township Name:	Parish of Yarragon

Section 2: PERMIT APPLICANT

Name:	
Business:	
Postal Address:	
Telephone No. (H)	
Email Address:	

Section 3: OWNER DETAILS (If different to the Applicant)

Name(s):	
Postal Address:	
Telephone No. (H)	
Email Address:	

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Section 4: DEVELOPMENT COST - Estimated Cost of development for which the permit is required

550,000

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Section 5: PROPOSAL You must give full details of the proposal being applied for. Insufficient or unclear information will delay your application..

Advertised

For what use, development or other matter do you require a permit?

Development:

<input type="checkbox"/> Advertising Signage	<input type="checkbox"/> Development of 2 or more dwellings Qty: <input style="width: 50px;" type="text"/>
<input type="checkbox"/> Agricultural Outbuildings	<input type="checkbox"/> Mixed Use Development and Reduction of Carparking
<input type="checkbox"/> Buildings and Works and Reduction in Carparking	<input type="checkbox"/> Residential Outbuildings
<input type="checkbox"/> Commercial or Industrial Buildings and Works	<input checked="" type="checkbox"/> Single Dwelling
<input type="checkbox"/> Extension / Alteration to Dwelling	<input type="checkbox"/> Telecommunications

Use:

<input type="checkbox"/> Buildings and Works and Change of Use	<input type="checkbox"/> Home Based Business
<input type="checkbox"/> Change of Use	<input type="checkbox"/> Sale and Consumption of Liquor
<input type="checkbox"/> Change of Use and Single Dwelling	

Subdivision:

<input type="checkbox"/> Boundary Realignment	<input type="checkbox"/> 3 or more Lot Subdivision Qty: <input style="width: 50px;" type="text"/>
<input type="checkbox"/> Variation/ Removal of Restriction	<input type="checkbox"/> Create an easement
<input type="checkbox"/> 2 Lot Subdivision	<input type="checkbox"/> 100 or more Lot Subdivision Qty: <input style="width: 50px;" type="text"/>

Subdivision / Vegetation Removal:

<input type="checkbox"/> Native Vegetation Removal or Lopping	<input type="checkbox"/> Non Native Vegetation Removal or Lopping (ESO4)
<input type="checkbox"/> Subdivision Qty: <input style="width: 50px;" type="text"/>	<input type="checkbox"/> Alteration of access RDZ1

Other:

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, Section 173 agreement or other obligation such as an easement or building envelope?

Yes No Not Applicable (no such covenant, section 173 agreement or restriction applies)

If yes, you should contact Council for advice as to how to proceed with the application.

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FURTHER DETAILS OF PROPOSAL (optional)

DEVELOP THE LAND FOR A REPLACEMENT DWELLING	The information must not be used for any other purpose.
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Section 6: EXISTING CONDITIONS Describe how the land is used and developed now.

Advertised


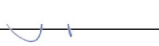
Provide a plan of the existing conditions. Photos are also helpful.

LAND DEVELOPED WITH A DWELLING AND SHEDDING

Section 7: PRE-APPLICATION MEETING Has there been a Pre-Application meeting with a Council Planning Officer?

No <input type="checkbox"/>	
Yes <input type="checkbox"/>	If yes, with whom?
	Date of this meeting

Section 8: DECLARATION This form must be signed. Complete box A or B

A. I declare that I am the Applicant and owner of this land and that all information given is true and correct.	Owner/ Applicant signature: 	26-07-24 Date:
B. I/We the Applicant declare that I/We have notified the owner about this application and that all information given is true and correct.	Applicant Signature: 	26-07-24 Date:

CHECK LIST Please ensure you have included the following items with your application form. *Failure to provide all the information above may result in a delay in the processing of the application.*

- A fully completed and signed copy of this form.
- Most applications require a fee to be paid. *Please make payment at time of lodgement if submitting at Councils Customer Service Centre or submitting through our on-line portal. If emailing your application, a payment link will be sent to your nominated email once registered on the system.*
Contact Council to determine the appropriate fee.
- Full and current copy of title and title plan (no older than 60 days) for each individual parcel of land forming the subject site. The title includes: the covering register search statement, the title plan and the associated title documents (known as instruments).
- Provided plans showing the layout and details of the proposal
- Provided any information required by the planning scheme, requested by Council
- Provided a description of the likely effect of the proposal (if required)
- Completed the declaration in Section 8
- Provided a contact phone number and e-mail address

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PLEASE FORWARD THIS APPLICATION TO

Advertised

E-mail:	planning@bawbawshire.vic.gov.au	Mail:	Planning Department, Baw Baw Shire Council PO Box 304 Warragul VIC 3820
Phone:	5624 2411		
In Person:	Customer Service Centre: 33 Young Street Drouin		

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.

All information collected and held by Council is managed in accordance with Councils Privacy Policy which is available on our website. If you choose not to supply the requested information it may impair the ability of Council to consider your application or prevent Council from communicating with you in relation to your application.

If you have any concerns or require access to the information held by Council, please contact us on 5624 2411.

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

Page 1 of 1

VOLUME 09056 FOLIO 791

Security no : 124119253911M
Produced 23/10/2024 10:20 AM

LAND DESCRIPTION

Crown Allotment 21 Section A Parish of Yarragon.
PARENT TITLES :
Volume 08892 Folio 783 to Volume 08892 Folio 784
Created by instrument F457430 13/09/1974

REGISTERED PROPRIETOR

Estate Fee Simple

ENCUMBRANCES, CAVEATS AND NOTICES

For details of any other encumbrances see the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP261863T 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)

Street Address: 267 NORTH CANAL ROAD TRAFALGAR VIC 3824

ADMINISTRATIVE NOTICES

NIL

eCT Control 24012G ARMOUR-CRAIG LEGAL
Effective from 13/02/2024

DOCUMENT END

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TITLE PLAN	EDITION 1	TP 261863T
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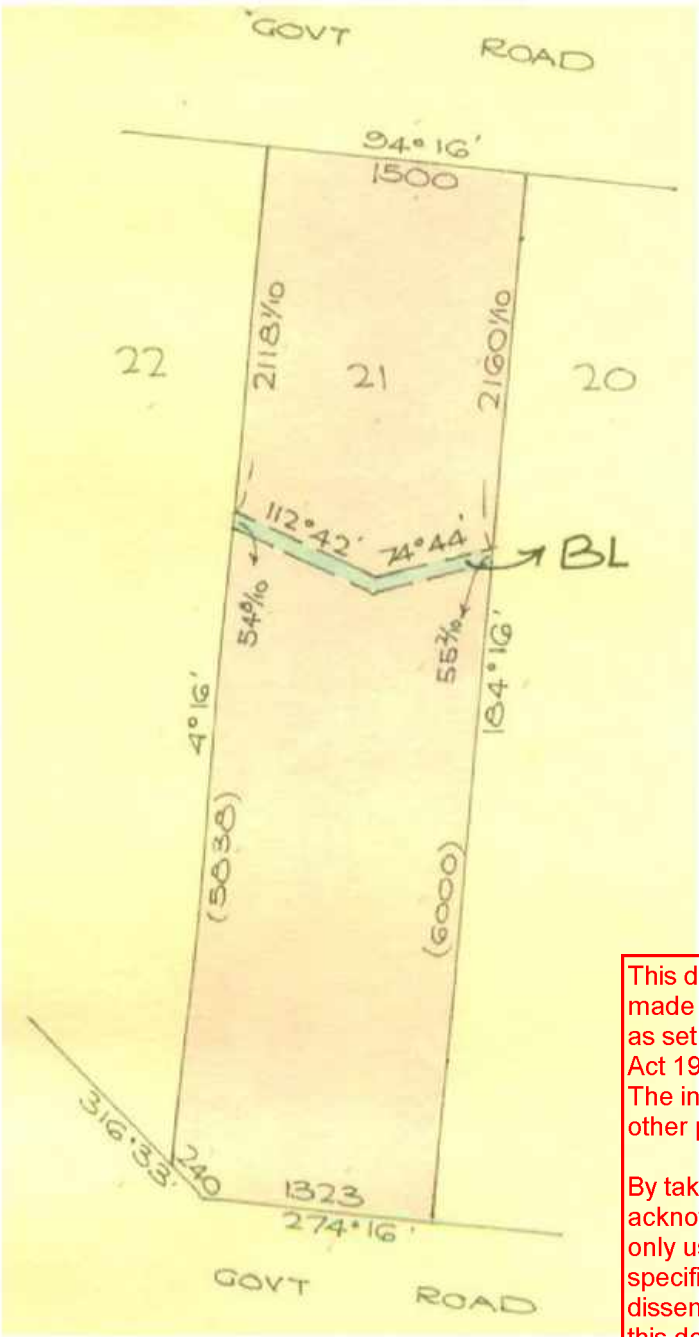
<p>Location of Land</p> <p>Parish: YARRAGON Township: Section: A Crown Allotment: 21 Crown Portion:</p> <p>Last Plan Reference: Derived From: VOL 9056 FOL 791 Depth Limitation: 50 FEET</p>	<p>Notations</p> <p>ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN</p>
---	--

Description of Land / Easement Information

ENCUMBRANCES REFERRED TO
 As to the land coloured blue - - -
THE EASEMENT to State Electricity-
 Commission of Victoria created by
 Instrument 2292149 - - - - -

THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT
 COMPILED: 07/01/2000
 VERIFIED: AD

COLOUR CODE
 BL = BLUE



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TOTAL AREA = 89A 3R 17P

Our Reference: 2400511

26 July 2024

ACN 006 197 235
ABN 38 006 197 235

Baw Baw Shire Council
PO Box 304
Warragul VIC 3820

Warragul Office
Suite 1, 71 Victoria St
PO Box 58
Warragul VIC 3820
Tel: (03) 5623 2257

beveridgewilliams.com.au

Dear Sir/Madam

**RE: APPLICATION FOR A PLANNING PERMIT
REPLACEMENT DWELLING
267 NORTH CANAL ROAD, TRAFALGAR
CA 21 SECTION A PARISH OF YARRAGON (VOLUME 8892: FOLIO: 784)**

I refer to the above matter and advise that Beveridge Williams & Co. Pty. Ltd. Acts on behalf of _____ who own the land above.

Richard and Lisa and their family have purchased this land which contains an existing dwelling that they currently reside in. The dwelling is not large enough for their family and they seek to replace this dwelling with a new home.

To facilitate this outcome Richard and Lisa have requested Beveridge Williams to seek an application for planning permit for a replacement dwelling. Richard and Lisa will decommission the existing dwelling on the land within 6 months of issue of an occupancy permit for their replacement home.

The proposed new dwelling will be sited in close proximity to the existing dwelling and associated shedding where there is existing access driveways and readily available power as shown in figure 1.

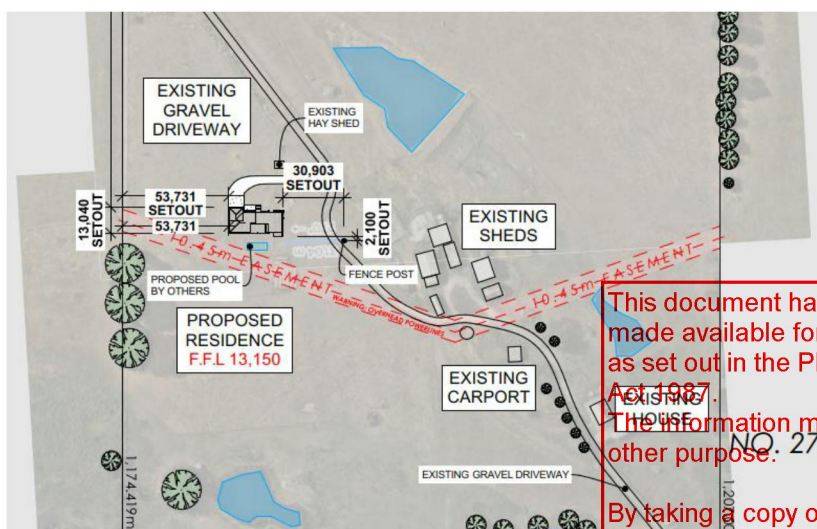


Figure 1: Proposed layout plan

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A review of the Baw Baw Planning Scheme reveals that the following Clauses are relevant to this proposal:

- **Clause 14.01-1S** (Protection of agricultural land)
- **Clause 14.01-1L** (Rural Zones Policy)
- **Clause 35.07** (Farming Zone), noting that **Clause 35.07** triggers a permit for a replacement dwelling
- **Clause 45.06** (Development Contributions Plan Overlay)
- **Clause 44.03** (Floodway Overlay), noting that the works are located outside of the Overlay and no permit is triggered by this provision
- **Clause 44.04** (Land Subject To Inundation Overlay), noting that the works are located outside of the Overlay and no permit is triggered by this provision
- **Clause 65.02** (Design Guidelines)

The following documents have been submitted along with this letter in support of the proposal:

- A title search statement and title plan for the subject site;
- A Planning Property Report for the subject site, which demonstrates the applicable zoning and overlay controls;
- A proposed plans for endorsement under any permit granted.

If you require any further information prior to making a decision on this application, please do not hesitate to call me on (

Yours sincerely,

Senior Town Planner
BEVERIDGE WILLIAMS

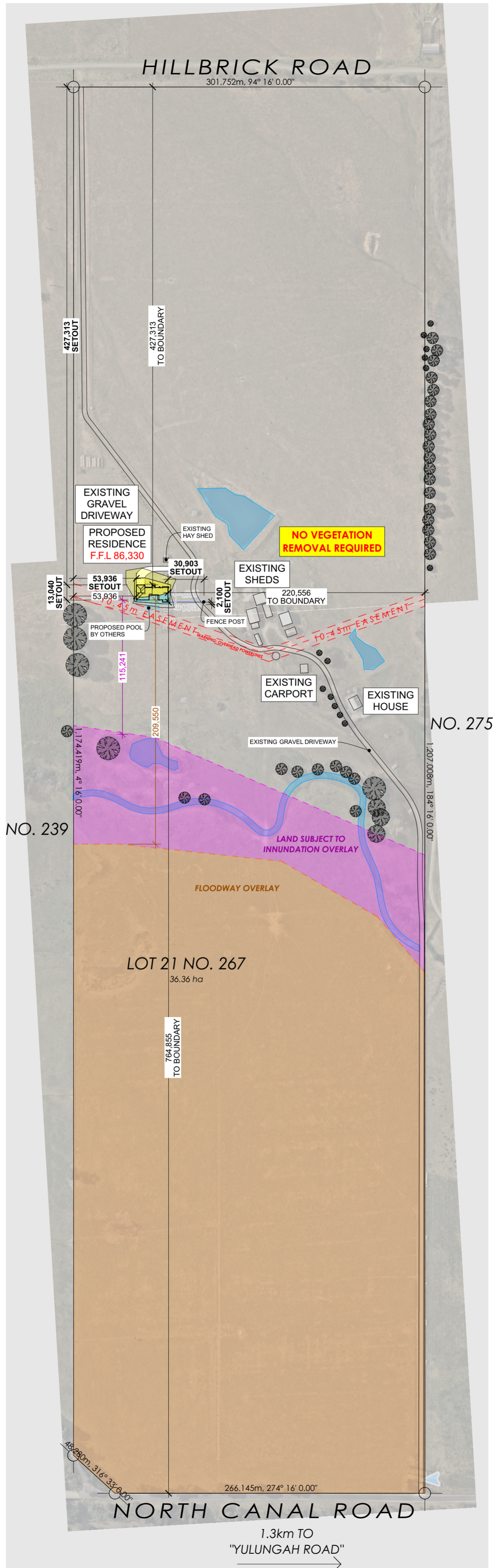
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EXTERNAL CONCRETE SCHEDULE	
AREA	M ²
ALFRESCO	33.51
PORCH	4.55
PROPOSED CROSSOVER	10.81
PROPOSED DRIVEWAY PAD	44.88
PROPOSED PAVING	16.34
	110.09 m²

ESTIMATED BOUNDARY DETAILS
 VIRTUE HOMES UNABLE TO ESTABLISH LEVELS AT TIME OF DESIGN, DRAFTING & QUOTING. POSITION OF DWELLING AND CROSS OVER SUBJECT TO CHANGE AND COSTS MAY APPLY TO OWNER.
 STORMWATER DISCHARGE REQUIREMENTS TO BE CONFIRMED PENDING ISSUE OF TITLE



SITE CONTEXT PLAN
 1:2500

CLIENT
RICHARD & LISA ROBERTS

PROJECT NAME
PROPOSED RESIDENCE

PROJECT ADDRESS
LOT 21 NO. 267 NORTH CANAL ROAD TRAFALGAR VIC 3824

PROJECT NO. _____ NORTH

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24002

PROJECT STATUS
PLANNING PLANS

DRAWING TITLE
SITE CONTEXT PLAN

DRAWING NO. _____ REVISION NO. _____

A1 SHEET SIZE A2

CLUT DATE: 11/02/24

DRAWN BY: E. HALES

WIND RATING: TBA

BAL RATING: TBA

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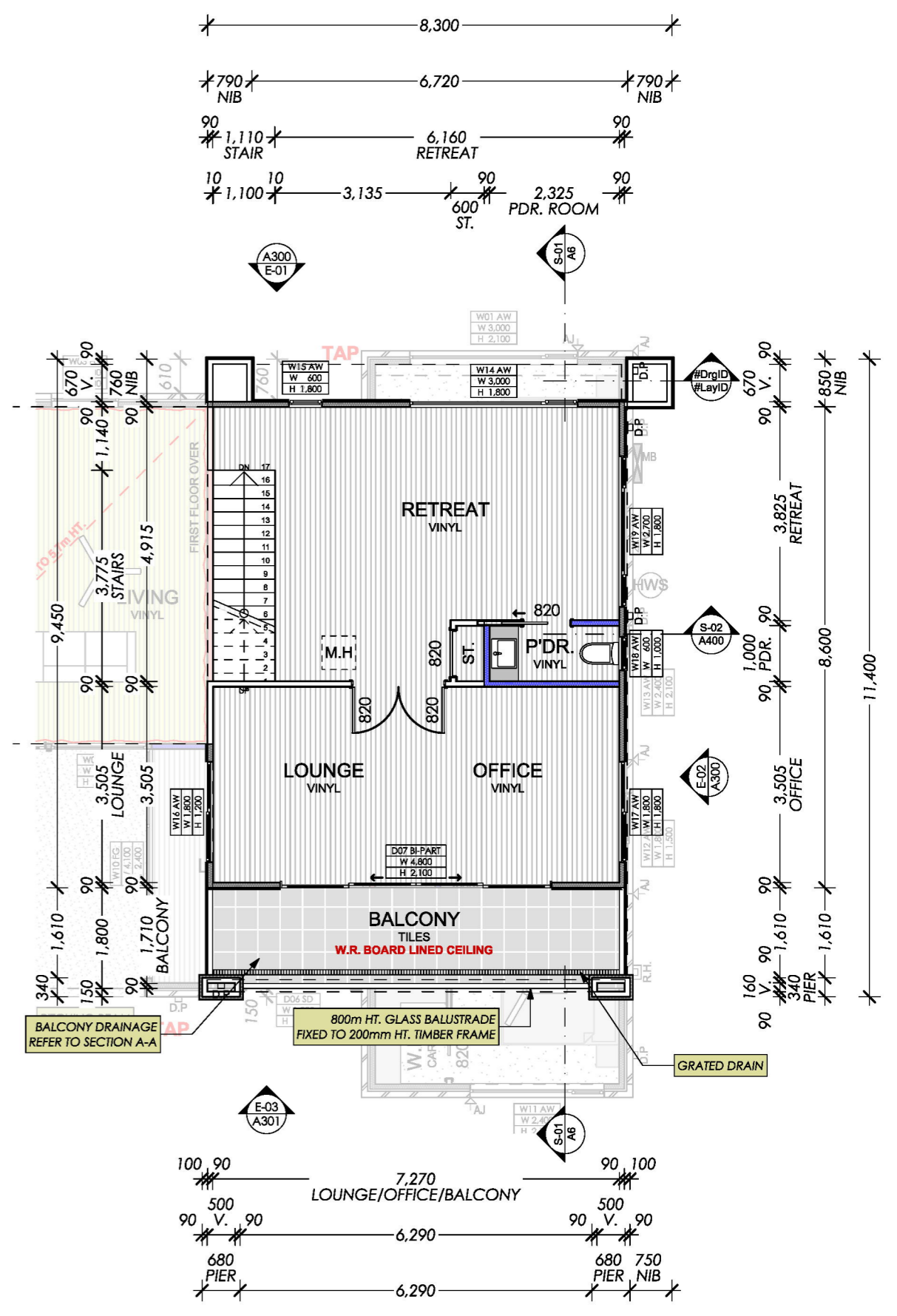
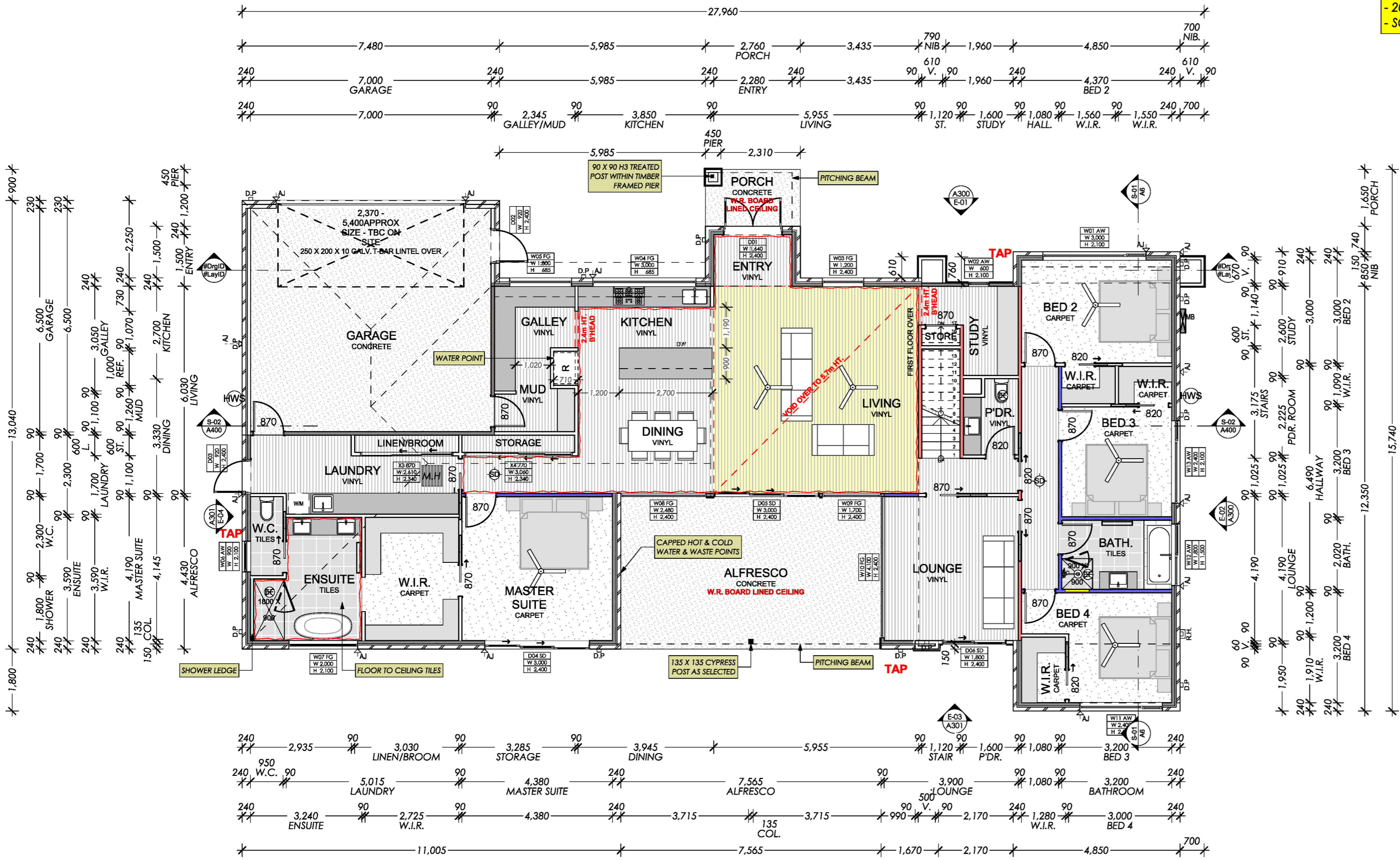
No. 88875 ABN 78 107 165 588

VIRTUE HOMES

GROUND FLOOR NOTE:
 - 2700mm CEILING HT.
 - 2400mm EXTERNAL WINDOW & DOOR HT.
 - 2340mm INTERNAL DOOR HT.
 - SQUARE SET CEILING CORNICES THROUGHOUT

FIRST FLOOR NOTE:
 - 2550mm CEILING HT.
 - 2100mm EXTERNAL WINDOW & DOOR HT.
 - 2040mm INTERNAL DOOR HT.
 - SQUARE SET CEILING CORNICES THROUGHOUT

AREA	SCHEDULE	METRE SQ.	BUILDERS SQ.
ALFRESCO		33.51	3.61
BALCONY		13.41	1.44
GARAGE		50.35	5.42
LIVING FIRST FLOOR		60.17	6.48
LIVING GROUND FLOOR		244.11	26.28
PORCH		4.55	0.49
TOTAL		406.10 m²	43.72



ENERGY RATING REQUIREMENTS
 REFER TO FIRSTSTRATES ENERGY RATING FOR FURTHER DETAILS
GENERAL
 ALL EXTERNAL DOORS TO BE SEALED
 ALL DOORS TO UNCONDITIONED ROOMS TO BE WEATHER STRIPED
 ALL EXHAUST FANS TO BE SEALED
 ALL DOWNLIGHTS TO BE SEALED
 ALL CONSTRUCTION GAPS & CRACKS TO BE SEALED
ROOF / CEILING
 SHEET ROOF, FOIL SARKING OVER RAFTERS
R5.0 BULK INSULATION BETWEEN CEILING JOISTS
60mm ANTICON ROOF BLANKET
WINDOWS
 ALUMINIUM FRAME, GLAZING AS PER WINDOW & DOOR SCHEDULE
 REFER TO ENERGY RATING REPORT
EXTERNAL WALLS
 R0.9 VAPOUR PERMEABLE WRAP
 FIXED TO EXTERNAL FACE OF STUDS.
R2.5 BATTS BETWEEN STUDS, LINED INTERNALLY
INTERNAL WALLS
 R2.0 BATTS BETWEEN STUDS TO INTERNAL GARAGE WALLS
FLOOR
 300mm THICK WAFFLE PODS
 CONCRETE WAFFLE POD SLAB TO ENGINEERS DESIGN
R4.0 BATTS BETWEEN FLOORS

CLIENT
 PROJECT NAME
PROPOSED RESIDENCE
 PROJECT ADDRESS
LOT 21 NO. 267 NORTH CANAL ROAD TRAFALGAR VIC 3824
 PROJECT NO. _____ NORTH
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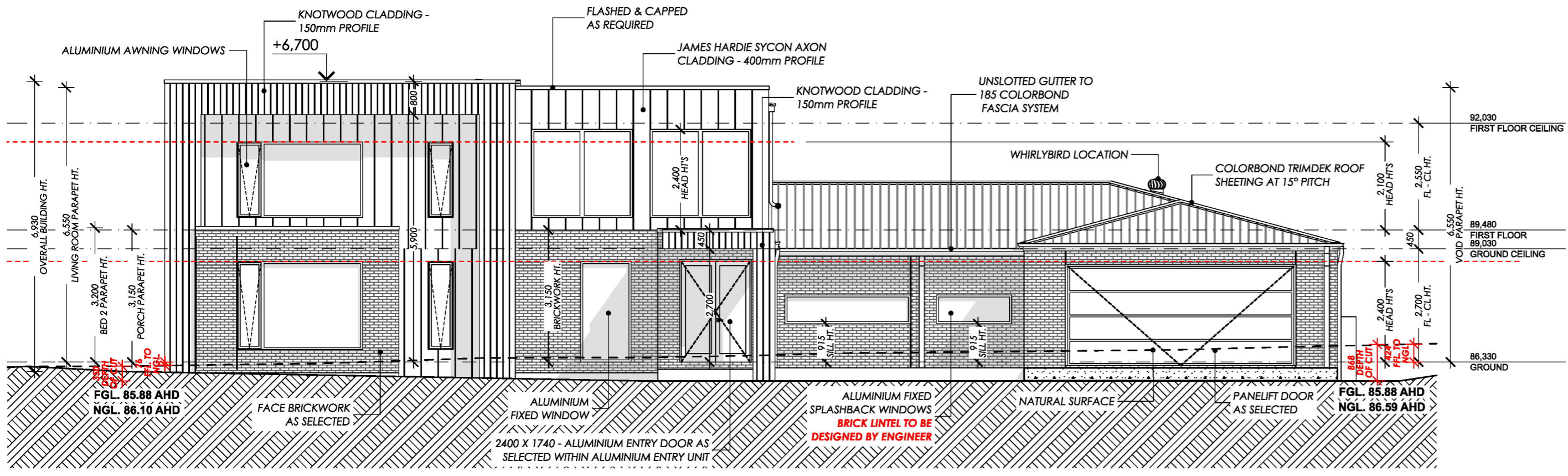
GROUND FLOOR PLAN
 1:100

FIRST FLOOR PLAN
 1:100

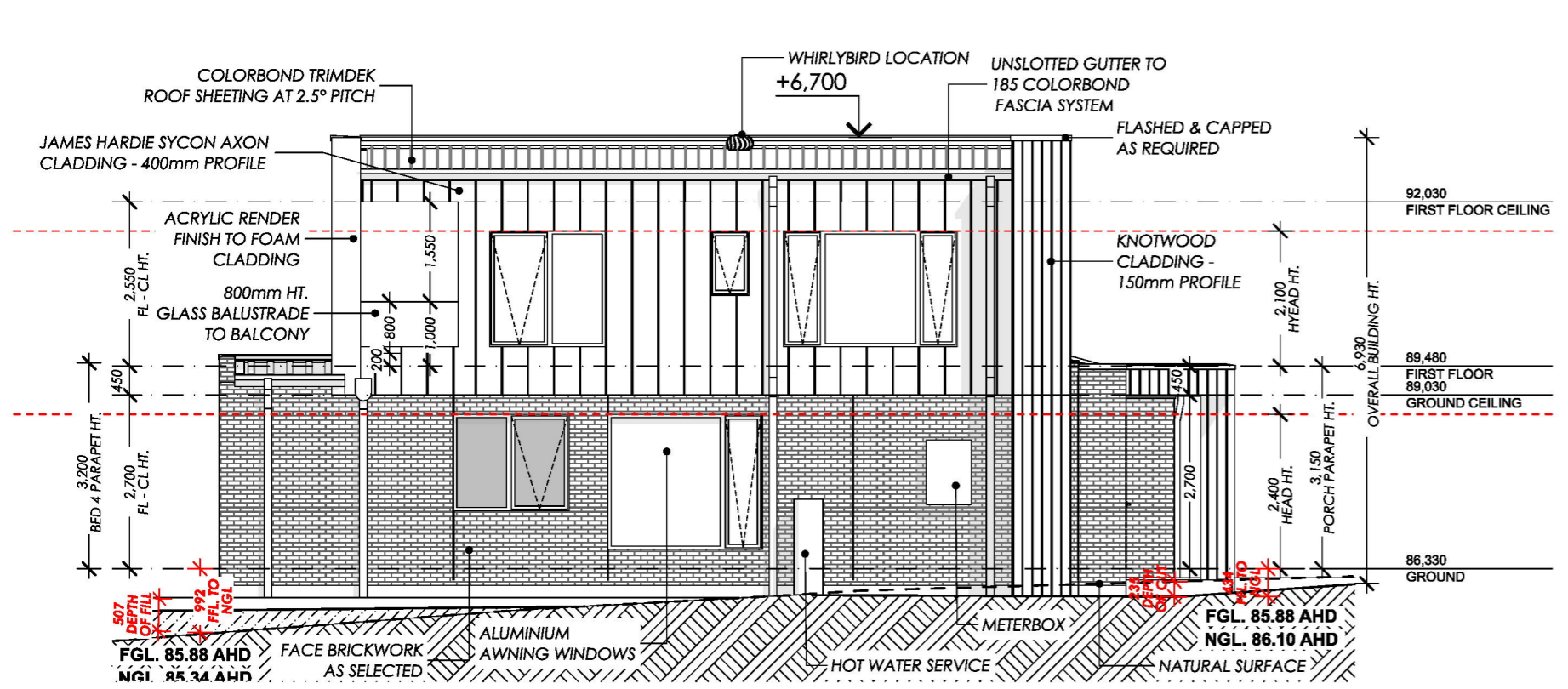


CLADDING TAKE OFFS AREA SUMMARY			
CLADDING TYPE	GROSS AREA	OPENINGS	NET AREA
JAMES HARDIE AXON CLADDING - 400mm PROFILE	98.57	33.42	65.14
KNOTWOOD CLADDING - 150mm PROFILE	43.18	0.00	43.18
			108.32 m²

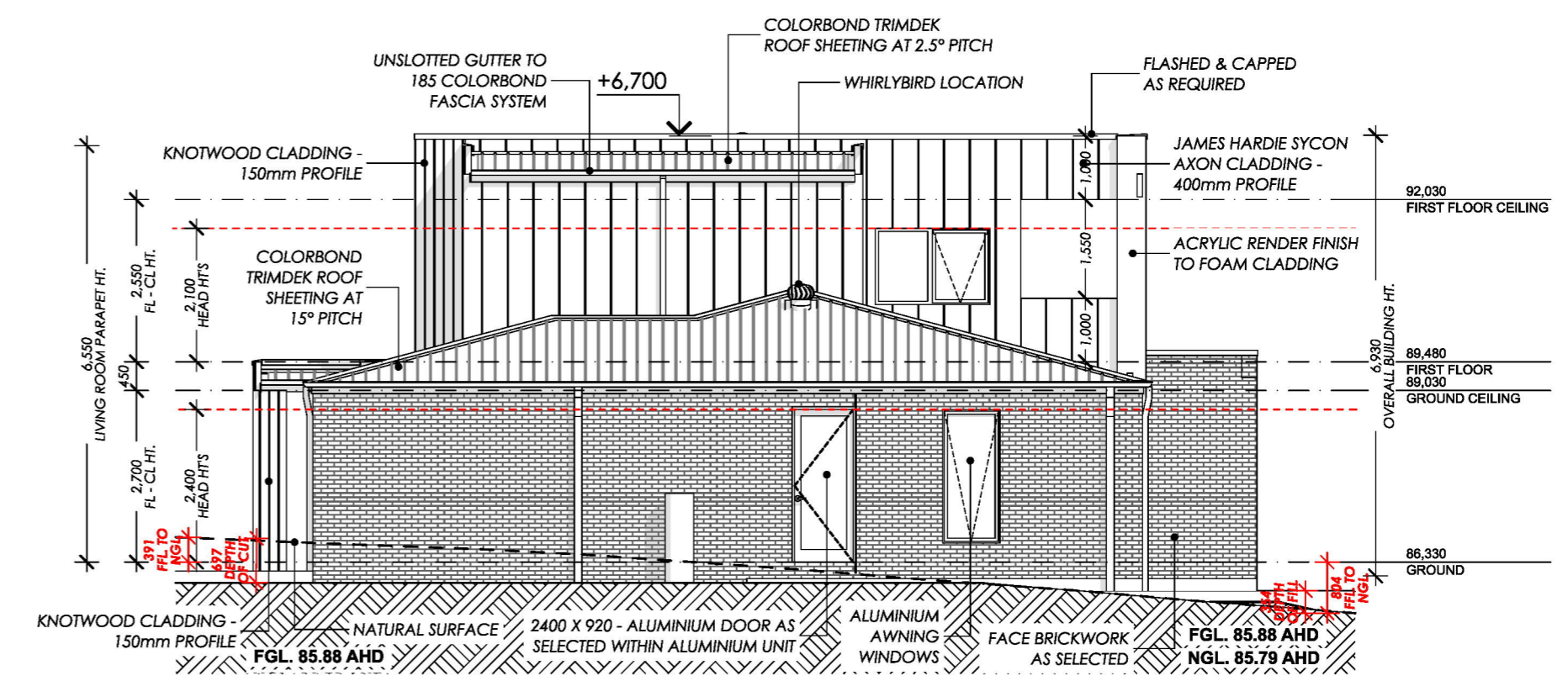
- MATERIALS SCHEDULE**
- JAMES HARDIE AXON CLADDING DULUX MONUMENT
 - FACE BRICKWORK AUSTRAL BRICKS INDULGENCE PRALINE
 - ACRYLIC RENDER SHALE GREY
 - KNOTWOOD CLADDING WHITE ASH
 - COLORBOND ROOF MONUMENT
 - COLORBOND GUTTERS & FASCIA MONUMENT
 - ALUMINIUM WINDOWS MONUMENT
 - PLAIN CONCRETE DRIVEWAY PAD



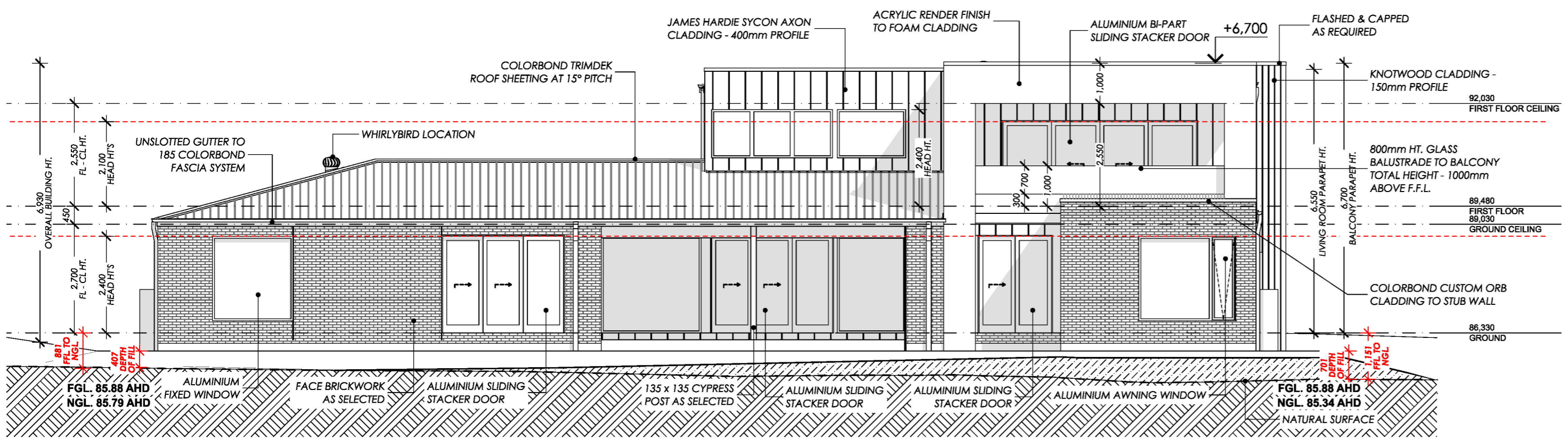
NORTH
1:100



EAST
1:100



WEST
1:100



SOUTH
1:100

CLIENT
PROJECT NAME
PROPOSED RESIDENCE

PROJECT ADDRESS
LOT 21 NO. 267 NORTH CANAL ROAD TRAFALGAR VIC 3824

PROJECT NO. _____ NORTH

24002

DATE 01/08/24 SHEET SIZE A2

PROJECT STATUS **PLANNING PLANS**

DRAWING TITLE **ELEVATIONS**

DRAWING NO. _____ REVISION NO. _____

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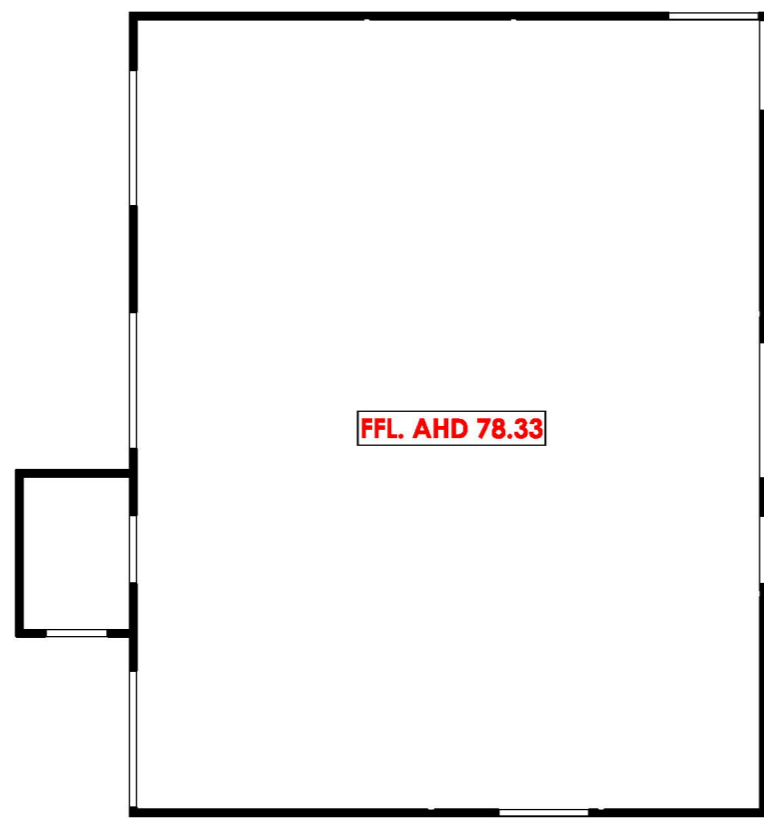
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A5

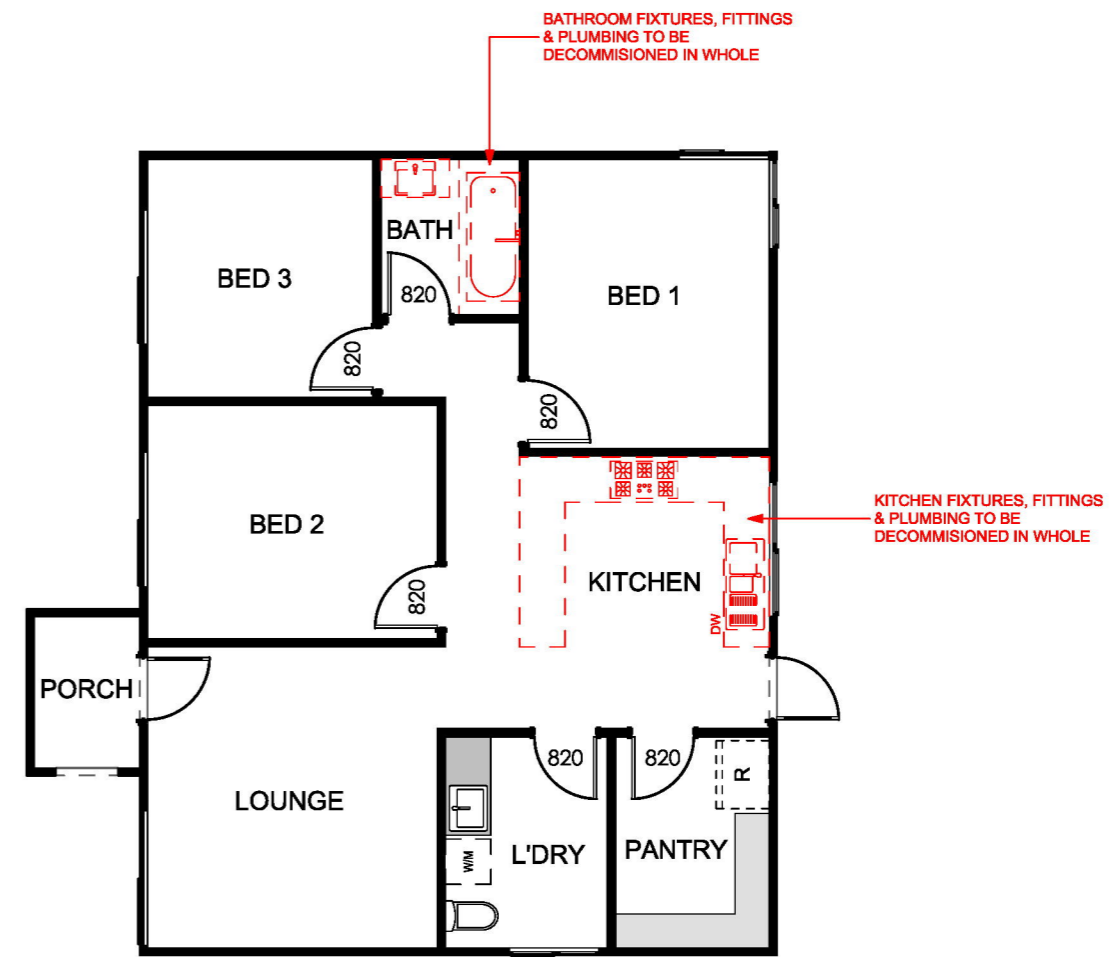
PP-3

VIRTUE

NO EARTHWORKS
OR RETAINING
WALLS



EXISTING DWELLING SITE PLAN
1:100



EXISTING DWELLING FLOOR PLAN
1:100

CLIENT

PROJECT NAME:
PROPOSED RESIDENCE

PROJECT ADDRESS:
**LOT 21 NO. 267 NORTH CANAL
ROAD TRAFALGAR VIC 3824**

PROJECT NO. NORTH

24002

PROJECT STATUS:
PLANNING PLANS

DRAWING TITLE:
**EXISTING DWELLING SITE PLAN
& FLOOR PLAN**

DRAWING NO. REVISION NO.

A29 'PP-3

SHEET SIZE A2

DRAWN BY: E. HALES
BAL RATING TBA

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Town Planning Report

Develop the land with a replacement dwelling

267 North Canal Road
Trafalgar

Client

Issued
18-07-24



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BW
Beveridge Williams

Introduction

Advertised

A planning permit is sought to develop land for a replacement dwelling.

The report provides details of the site and environs, the proposal, planning controls and an assessment against the provisions of the Baw Baw Planning Scheme.

Subject Site	
Address	267 North Canal Road, Trafalgar
Title Particulars	CA 21 Section A Parish of Yarragon Certificate of Title Volume 9057 Folio 791
Title Encumbrances	None
Area	36.36 Hectares
Zone	Farming
Overlays	Development Contributions Plan Overlay Schedule 1 Land Subject Inundation Overlay Floodway Overlay
Aboriginal Cultural Heritage	Yes, although the proposal is an exempt activity
Permit Triggers	Clause 35.07 – Develop land for a replacement dwelling (FZ)
Applicant	
Applicant Contact	Senior Town Planner Beveridge Williams & Co Pty Ltd PO Box 58, Warragul VIC 3820



Figure 1: Aerial View (Source: landvic.gov.au/lassi/)

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Site Context

The site is located approximately 2 kilometres north-west of the Trafalgar Township and 4 kilometres north-east of the Yarragon Township.

The site is currently occupied by a dwelling and multiple sheds located centrally on the land. The land has access from both North Canal Road to the south and Hillbricks Road to the north. A long gravel driveway extends from the dwelling in a north westerly direction to the corner of Hillbricks Road where there is access. The more formal access is via a better constructed driveway travelling in a south easterly direction from the dwelling to the south-eastern corner of the land to a crossover at North Canal Road.

The land has recently transferred into the ownership of the current owners and is used for grazing purposes.

The land contains the main waterway 'Little Moe River', which traverses the centre of the land in a roughly east-west direction. There is a secondary tribute to this waterway a short distance north of the river, on the northern side of the existing dwelling and buildings, running in a diagonal manner north-west to south-east.

The land contains limited vegetation comprising a small number of exotic trees along the driveway and around the existing building hub. There is also scattered native and exotic vegetation on the north side of Little Moe River. Aside from this there are two native trees within the southern paddock. Native and exotic trees on the eastern and western boundaries appear to be within neighbouring allotments and are unimpacted by the proposed development.

The majority of the balance land consists of cleared and improved pastures. Water supply to the farm exists via two dams fed by the tributary located on the northern side building hub and another dam sited on the north side of Little Moe River.

North Canal Road is a bitumen road on the north side of the Moe Drain. North Canal Road commences at its intersection with Yarragon Shady Creek Road to the west and terminates in a dead end approximately 10 kilometres east from the subject land.

Advertised

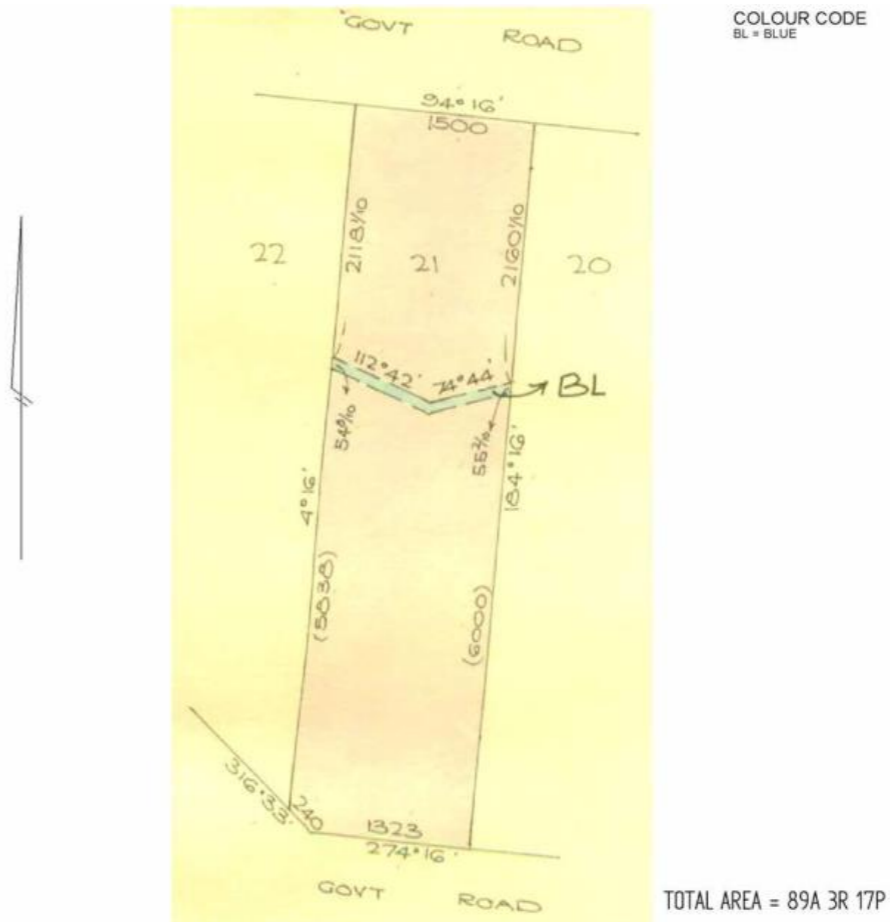


Figure 2: Title Plan



Figure 3: Aerial View of development area

(Source: nearmap.com)

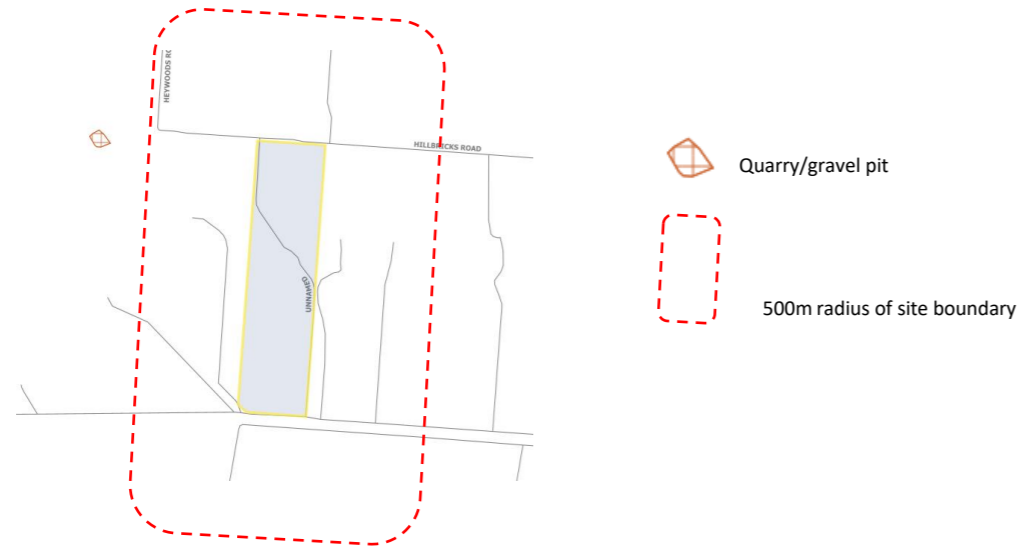
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SURROUNDING LAND

Advertised

The subject site is located Trafalgar's rural area, immediately north-west of the township centre.

The area is primarily used for grazing and dairying. A small gravel pit is sited 660 metres wet of the subject land. There is no formal quarrying activities within 500m of the subject land



- 1 To the west of the site is '239 North Canal Road', which has an area of approximately 68 hectares. The land appears to be used for farming and has a number of buildings which appear to include a dairy and a dwelling. The land has two silage pits located adjacent to the dairy however these, along with the dairy itself and other point sources of amenity impact on this farm, are more than 500 metres from the subject land.
- 2 To the east of the site is a parcel making part of '275 North Canal Road.' This land is known as CA 20 Parish of Yarragon and shares a similar lot size to the subject land. The land contains a dwelling and shedding sited centrally on the land and appears to be used for grazing. The dwelling is offset approximately 110 metres from the shared boundary with the subject land and gains access from North Canal Road in the south -western corner directly abutting the access to the subject land.
- 3 To the north of the site, on the north (opposite) side of Hillbricks Road, is 'Lot 2 PS636153'. It is comprised of vacant agricultural land which contains only two small sheds and which appears to be used for grazing.
- 4 To the south of the site, on the opposite side of North Canal Road, is '240 Nine Mile Road'. This is a property of roughly 17 hectares and is a smaller rural parcel which is developed with a dwelling fronting Nine Mile Rod to the west.
- 5 To the north-east of the site, on the opposite side of Hillbricks Road is a small lot of roughly 2 hectares known as '110 Hill bricks Road'. The land is developed with a dwelling sited in the north-western corner of the land and is set back roughly 75 metres from the shared boundary with the subject land



Figure 4: Surrounding land

(Map source: nearmap.com.au)

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Photos of Subject Site

Advertised



Photo 1: Existing Dwelling



Photo 2: Existing shedding



Photo 3: Existing shedding



Photo 4: Existing shedding



Photo 5: proposed dwelling site



Photo 6: Site entry from North Canal Road

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Planning Context

The site is located in the Farming Zone. It is fully affected by the Development Contributions Plan Overlay – Schedule 1.

The land is zoned Farming Zone (**Clause 35.07**) as depicted in **Figure 5**.

The purpose of the Farming Zone 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.

A planning permit is required for buildings and works in association with a Section 2 use in the Farming Zone.

The Development Contribution Plan Overlay (Schedule 1)(Clause 45.06) as depicted in **Figure 6**.

This purpose of the overlay is to:

- 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.

A permit is not required under the Overlay. As no additional dwelling is proposed there is no requirement for a Development Contributions Levy to be paid.



Figure 5: Farming Zone (Source: mapshare.vic.gov.au)



Figure 6: Development Contributions Plan Overlay (Source: mapshare.vic.gov.au)

Planning Context

The land is partly affected by the Floodway Overlay Clause 44.03) as depicted in **Figure 7**.

The purpose of the Overlay is to :

- 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.

The proposed works are located outside of the Floodway Overlay and therefore no trigger applies for a permit under these provisions.



Figure 7: Floodway Overlay (Source: mapshare.vic.gov.au)

Land Subject To Inundation Overlay

The site has a small area of land adjacent to Little Moe River is affected by the Land Subject To Inundation Overlay (Clause 44.04) as depicted in **Figure 8**.

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify flood prone land in a riverine or coastal area affected by the 1 in 100 (1 per cent Annual Exceedance Probability) year flood or any other area determined by the floodplain management authority.
- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
- To minimise the potential flood risk to life, health and safety associated with development.
- To reflect a declaration under Division 4 of Part 10 of the Water Act, 1989.
- 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, marine, coastal and wetland health, waterway protection and floodplain health.

The proposed works are located outside of the Floodway Overlay and therefore no trigger applies for a permit under these provisions.

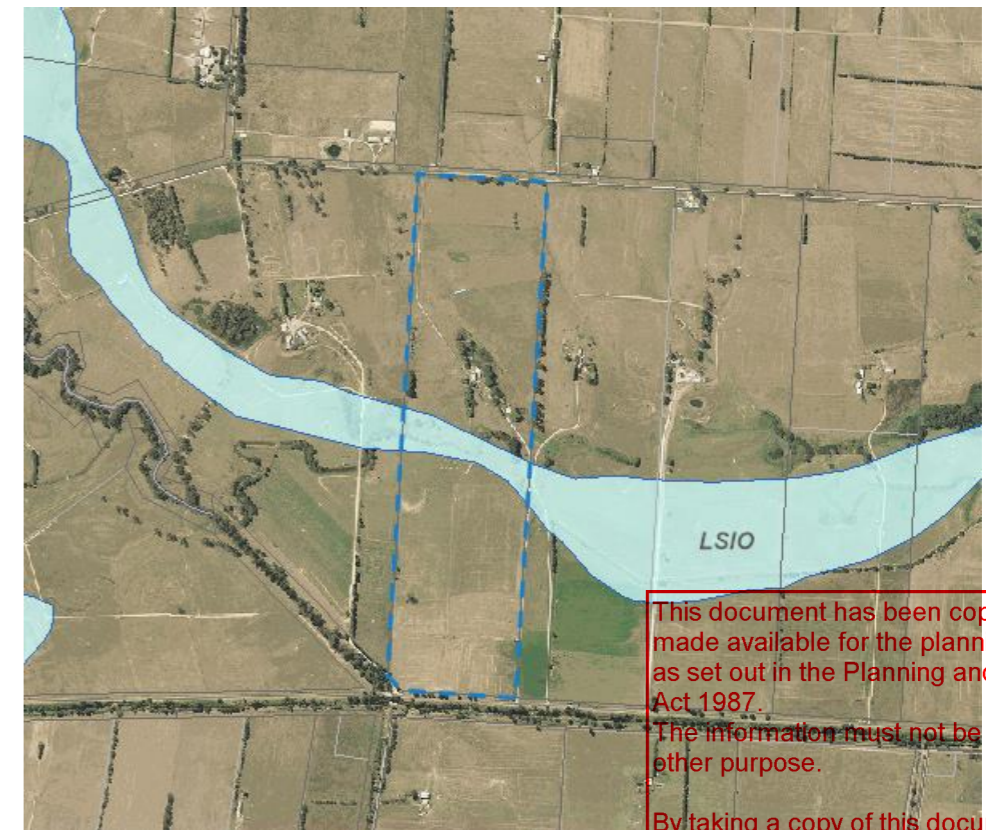


Figure 8: Land Subject to Inundation Overlay (Source: mapshare.vic.gov.au)

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The Proposal

It is proposed to develop the land with a replacement dwelling.

The proposed development is detailed in the accompanying plans and summarised as follows:

- The existing dwelling will be decommissioned but will remain on site. The dwelling will be decommissioned by the removal of the food preparation facilities as reflected on the proposed plans and will then be used as a farm building where farm workers can wash up after chemical usage/ dirty work, each lunch and undertake farm administration tasks as necessary.
- The replacement dwelling will be located on the western side of the entrance drive from Hillbricks Road and will be sited approximately 53.731 metres from the western boundary and 440 metres from Hillbricks Road (the northern boundary).
- The dwelling has 4 bedrooms and is largely single storey, apart from a two-storey eastern wing that has an overall maximum height of 7.15 metres;
- The dwelling comprises of a ground floor that has a master bedroom ensuite and walk in robe on the eastern end, an open plan kitchen, living and dining located centrally which opens to an alfresco on the southern side. The dwelling has an eastern wing that contains three bedrooms a lounge, study and bathroom. The first floor over the eastern wing will include a retreat, lounge and office. It will also have a toilet and a small balcony opening to the south.
- The dwelling will have an attached two car garage on its western side. Accessed via a short extension to the existing gravel drive.
- The modern, contemporary style dwelling will be constructed with face brickwork, a mix of rendered brick, scyon vertical panelling and knotwood vertical panelling on the external walls. The roof will be constructed from Colorbond.
- The proposal does not require removal of vegetation.
- The proposal does not require significant cut and fill and does not require retaining walls.

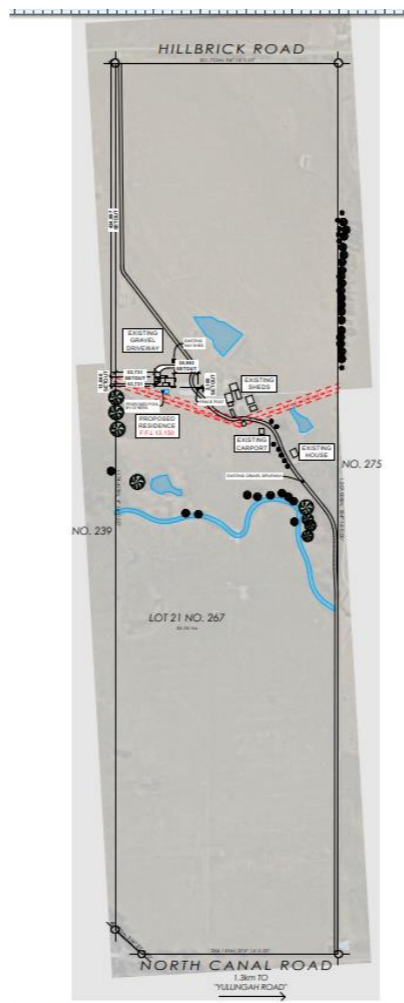


Figure 6: Proposed layout plan



Figure 7: Works relative to waterways and inundation and floodway overlaid

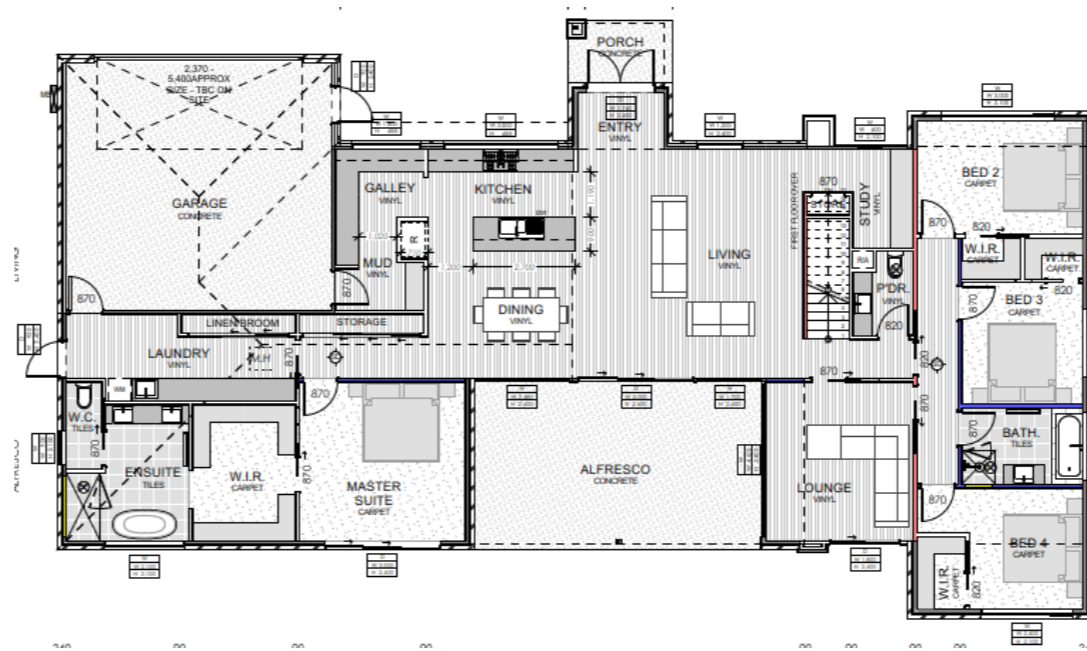


Figure 8: Proposed ground floor plan

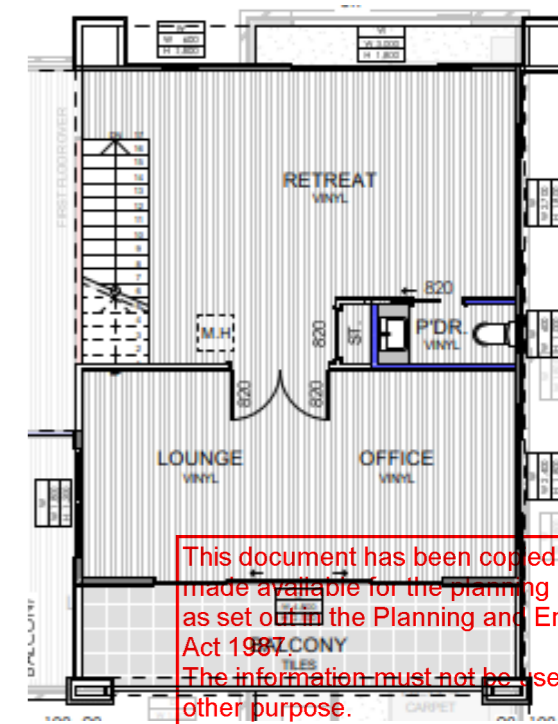


Figure 9: Proposed first floor plan

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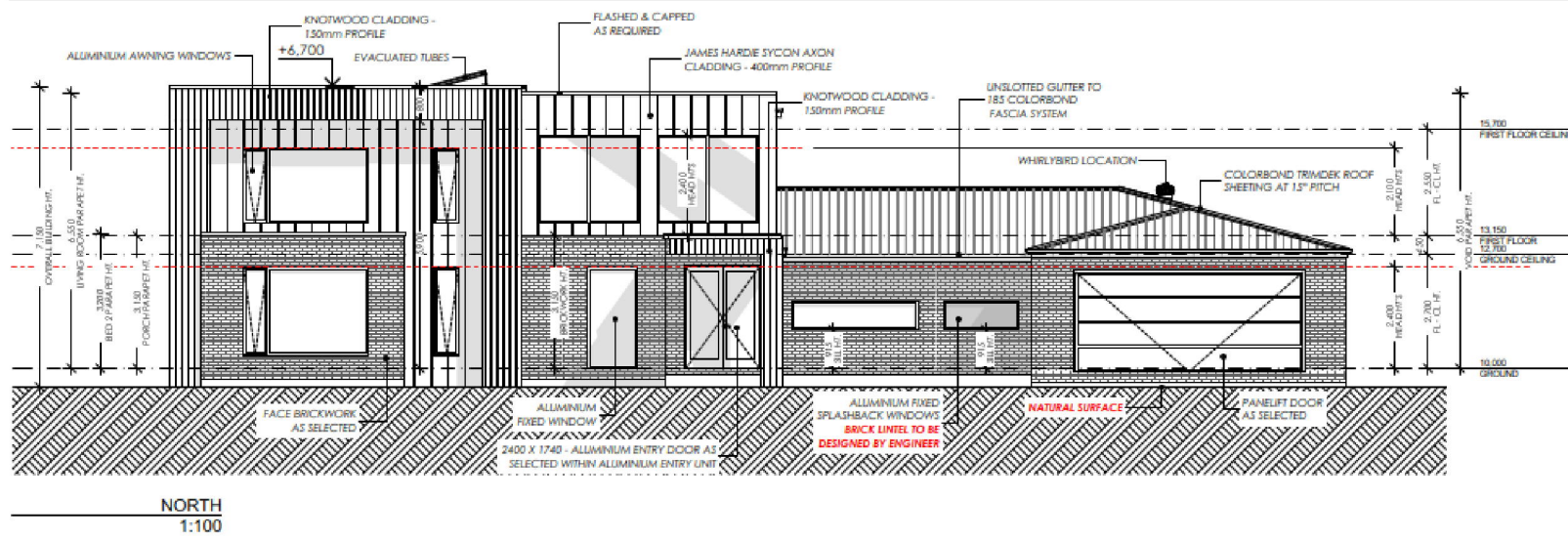


Figure 10: North Elevation

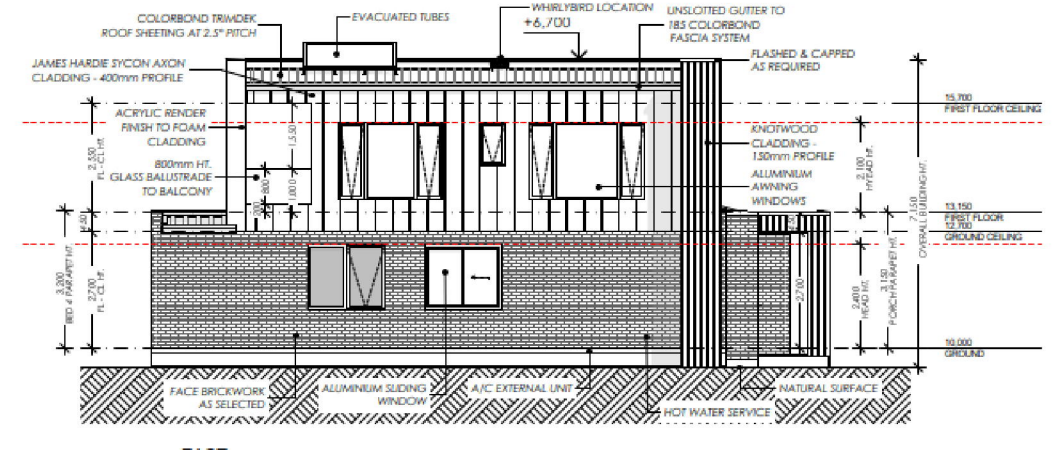


Figure 11: East Elevation

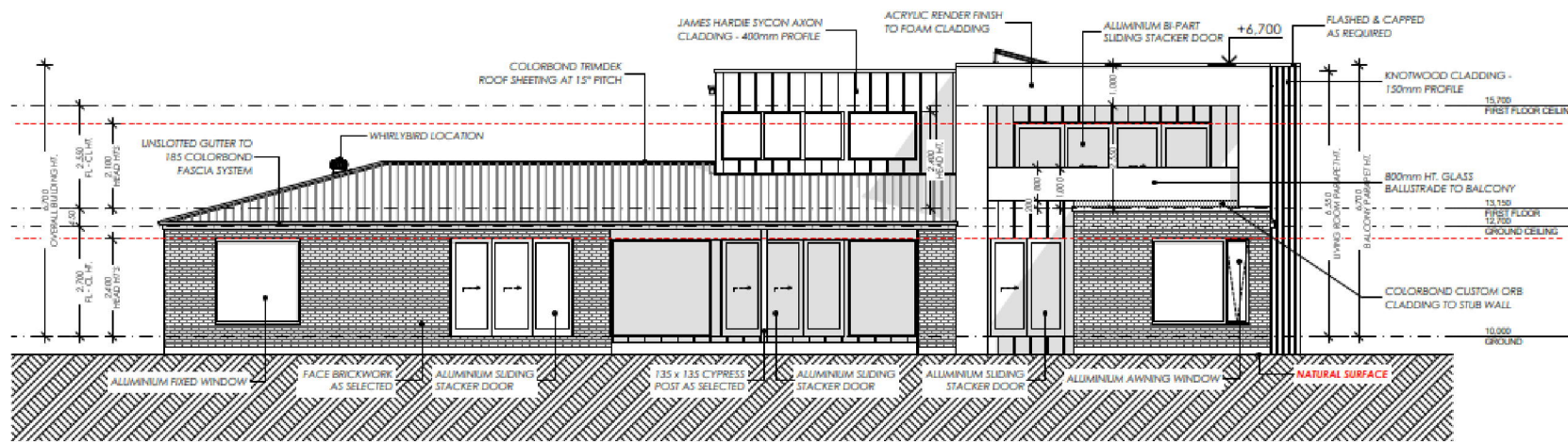


Figure 12: South Elevation

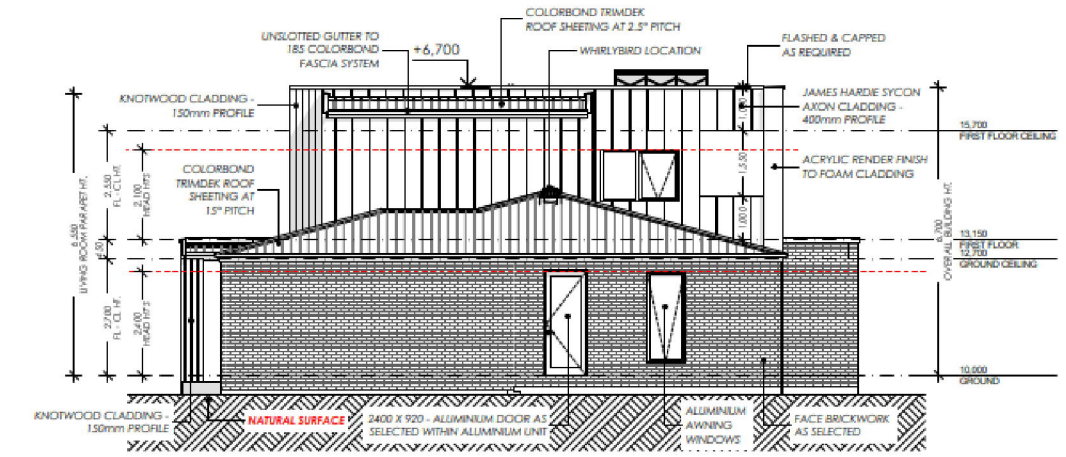


Figure 13: West Elevation

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The permit triggers for the proposal under the relevant provisions of the Baw Baw Planning Scheme are outlined in **Table 1** below.

Table 1: Permit triggers

Scheme Clauses Triggering a Planning Permit	Nature of permit trigger
Clause 35.07-4 (Farming Zone)	<ul style="list-style-type: none"> Building and works associated with a section 2 land use Buildings and works within 100 m of a waterway

Applicable Scheme Provisions in addition to **Clause 35.07-4** (Farming Zone – Buildings and works) and the decision guideless of **Clause 65** include:

Clause 11.01-1R Settlement - Gippsland contains the following relevant strategies:

- Support the continuing role of towns and small settlements in providing services to their districts, recognising their relationships and dependencies with larger towns.
- Provide regional social infrastructure in the regional city and regional centres.

Clause 11.03-6S Regional and local places has the objective:

- 'To facilitate integrated place-based planning.'

The strategies to achieve this objective are:

- 'Integrate relevant planning considerations to provide specific direction for the planning of sites, places, neighbourhoods and towns
- Consider the distinctive characteristics and needs of regional and local places in planning for future land use and development.'

Clause 14.01-1S Protection of agricultural land has the objective:

- 'To protect the state's agricultural base by preserving productive farmland.'

The strategies listed to achieve this are;

- Identify areas of productive agricultural land, including land for primary production and intensive agriculture.
- Consider state, regional and local, issues and characteristics when assessing agricultural quality and productivity.
- Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.
- Protect productive farmland that is of strategic significance in the local or regional context.
- Protect productive agricultural land from unplanned loss due to permanent changes in land use.
- Prevent inappropriately dispersed urban activities in rural areas. Protect strategically important agricultural and primary production land from incompatible uses. Limit new housing development in rural areas by:
 - Directing housing growth into existing settlements.
 - Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.
 - Encouraging consolidation of existing isolated small lots in rural zones.
 - Identify areas of productive agricultural land by consulting with the Department of Economic Development, Jobs, Transport and Resources and using available information.'

In considering a proposal to use, subdivide or develop agricultural land, consider the:

- Desirability and impacts of removing the land from primary production, given its agricultural productivity.
- Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.
- Compatibility between the proposed or likely development and the existing use of the surrounding land.
- The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.
- Land capability.
- Balance the potential off-site effects of a use or development proposal (such as degradation of soil or water quality and land salinisation) against the benefits of the proposal.'

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Clause 14.01-1R Protection of agricultural land – Gippsland has the following strategy;

- 'Protect productive land and irrigation assets, including the Macalister Irrigation District, that help grow the state as an important food bowl for Australia and Asia.'

Clause 19.03-3S Water supply, sewerage and drainage has the objective:

- 'To plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet state and community needs and protect the environment.'

Strategies are to:

- 'Improve alignment between urban water management and planning by adopting an integrated water management approach.
- Ensure water quality in water supply catchments is protected from possible contamination by urban, industrial and agricultural land uses.
- Provide for sewerage at the time of subdivision, or ensure lots created by the subdivision are capable of adequately treating and retaining all domestic wastewater within the boundaries of each lot.
- Plan urban stormwater drainage systems to:
 - Coordinate with adjacent municipalities and take into account the catchment context.
 - Include measures to reduce peak flows and assist screening, filtering and treatment of stormwater, to enhance flood protection and minimise impacts on water quality in receiving waters.
 - Prevent, where practicable, the intrusion of litter. Encourage the reuse of wastewater including urban run-off, treated sewage effluent and run-off from irrigated farmland where appropriate.
 - Protect significant water, sewerage and drainage assets from encroaching sensitive and incompatible uses. Minimise the potential impacts of water, sewerage and drainage assets on the environment'

Clause 14.01-2L-02, has the objective to 'avoid agricultural industries being prejudiced by removal or degradation of soil'. It is a strategy of this provision to:

- Discourage land uses that damage soil integrity.

Clause 14.01-1L Dwellings and Subdivisions in rural areas

The **Rural Zones Policy** contains the following relevant objectives (as relevant to the proposal):

- To support agriculture as a major contributor to the Shire's economy.
- To encourage a diverse range of agricultural enterprises which can use smaller landholdings.
- To ensure that the development of dwellings and the creation of small lots for existing dwellings minimises the loss of productive agricultural land and does not prejudice activities associated with agricultural production.

It is policy to:

- Require a proposal for a dwelling in the Farming Zone to be accompanied by a business plan and/or farm plan that justifies that the dwelling is an integral but ancillary part of the use of the land for a commercial farming purpose or for an approved tourism business that is intended to be carried out by the applicant.
- Discourage a proposal for a dwelling unless it can clearly be demonstrated through a business plan or farm management plan that it is required for a commercial farming purpose or for an approved tourism business. In general, a dwelling will not be supported if the farming enterprise comprises only small scale extensive animal husbandry unless it can be demonstrated that there are special management requirements relating to the grazing stock.
- Where a proposed dwelling would be an ancillary part of the use of the land for a commercial farming purpose, assess a business plan or farm plan, submitted with the proposal, having regard to issues including suitability of lot size, availability of a suitable water supply, suitability of topography and other natural features, as indicators of the site's inherent potential for a commercial farming operation.
- Require any rural dwelling, together with its domestic outbuildings, yards, pool, garden, primary and secondary waste-water envelopes etc to be contained within a 2000 square metre envelope.
- Require the owner of the lot on which the dwelling is proposed, to enter into an agreement under Section 173 of the Planning and Environment Act 1987, which ensures that the lot cannot be subdivided to create an additional lot and cannot be used for any further dwelling.
- Require consolidation of vacant lots within the property (being lots in the same ownership which adjoin each other or are separated only by a stream, stream reserve, or unmade or unused government road or rail reserve) on which the dwelling is proposed, where the property comprises of more than one lot.
- Discourage new dwellings being developed less than 100 metres from a neighbouring house or a farming activity node [stock yards, dairy shed, effluent treatment ponds etc].
- Consider a proposal for a new dwelling adjacent to two or more existing dwellings as constituting a 'concentration' or 'proliferation' of dwellings in the area when considering the Dwelling Issues Decision Guidelines under clause 35.07-6 of the Farming Zone.
- Discourage new dwellings being developed on lots where wastewater cannot be retained and treated within the lot through use of a conventional on site septic tank system.
- Discourage new buildings being located in visually prominent positions, including on ridgelines and hilltops. Where proposed buildings may be visible, ensure that they are visually blended into the landscape, through the use of non-reflective exterior material and cladding (in muted tones) and minimizing the building height.

Clause 65 (Decision Guidelines)

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Municipal Planning Strategy and Planning Policy Framework

The proposed development of the land for a replacement dwelling will satisfy the Municipal Planning Strategy and Planning Policy Framework of the Baw Baw Planning Scheme by:

- Protecting agricultural, environmental and landscape values in accordance with MPS **Clauses 02.03-1**, through a carefully considered design response that avoids loss of productive farmland;
- Proposing the siting of the replacement dwelling on land which is already within the existing buildings and infrastructure hub, serviced by existing driveways and services and therefore not removing land from agriculture, in accordance with **Clause 02.03.4, 14.01-1S & 14.01-1S**;
- Avoiding the potential for adverse impacts on existing agricultural activities on surrounding land, by siting the dwelling with adequate setbacks from adjacent farming properties to avoid potential land use conflict, in accordance with **Clause 02.03.4**;
- Proposing a dwelling that is sited to avoid unnecessary uptake of rural land and which is able to be contained within a domestic envelope of less than 2000m² in accordance with **Clause 14.01-1L**;
- Ensuring that there is adequate ability of the site to dispose of effluent safely by virtue of the vast rural land around the dwelling that is unencumbered and allows for sufficient area for an effluent system to service the dwelling in accordance with **Clause 14.01-1L**;
- Designing a building which will have minimal visual impact on the adjacent watercourse and surrounding land in accordance with **Clause 14.1-1L**, as it:
 - Will not be located on a ridgeline;
 - Will be largely single storey in height with only a small area of the building being two storey, and constructed in non-reflective external materials in muted tones;
 - Will be sited at an adequate distance from the western boundary, Hill bricks Road, North Canal Road , the watercourse and property boundaries;
 - Will not be located within 100 metres of agricultural production infrastructure that will be a source of amenity impact to the dwelling;
 - Will be more than 1 kilometre from the nearest title boundary of land subject to an approved or proposed wind energy facility;
 - Will be more than 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 or quarry activity; and
 - Will be serviced with existing crossover sand driveways and therefore does not require upgrade to infrastructure to facilitate access from either Hillbrick's Road or North Canal Road

Any Regional Catchment Strategy

The West Gippsland Catchment Management Strategy is relevant to this area, but does not contain any specifically relevant objectives in relation to the site or the proposal. The proposed dwelling has two waterways within reasonable proximity. However, the works will not pose a threat to these river systems as the works are greater than 100 metres from the main waterway and more than 60 metres from the tributary. On top of this, the dwelling is required to be connected to a suitable design effluent system that accords with the EPA Act 1970.

The capability of the land to accommodate the proposed use and development

The replacement dwelling is on a lot greater than 30 hectares that is largely unencumbered and is site more than 100 metre from the main waterway (Little Moe River). This demonstrates that the land is capable of accommodating a dwelling and associated infrastructure.

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

The site is surrounded by land which is used for agriculture (grazing and dairying) and a small number of rural lifestyle lots and already contains a dwelling. So, the development of a replacement dwelling is considered entirely compatible with the mixed rural land uses surrounding the site. The replacement dwelling is sited and designed appropriately to mitigate any potential impact to amenity of the nearby land uses. Its construction will ensure that the land continues to be actively managed and maintained into the future, which in turn will be beneficial to all adjoining and nearby land. It is further noted that the site is deemed suitable for rural residential or lifestyle purposes under the policy guidelines of **Clause 14.01-1L**, as the land has existing use rights for a dwelling and no additional dwellings are proposed.

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

The replacement dwelling is sited to ensure it can make good use of the available infrastructure.

The existing access arrangements, which are well constructed, will be used for the new dwelling to avoid the need to create a new point of access on either Hillbricks Road or North Canal Road.

Stormwater runoff from the dwelling will be directed to the legal point of discharge.

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

The siting of the dwelling is on disturbed land in an area of the farm that forms a central infrastructure hub. By siting the dwelling in this location it both avoids removal of agricultural land used in production on the farm and also avoids impacting soils that otherwise have been improved for pasture. Hence, the proposal will not permanently remove land from agricultural production or impact soil quality.

Any integrated land management plan prepared for the site

The nature of the proposal, i.e. replacement of an existing dwelling, does not warrant the preparation of an integrated land management plan.

The potential for future expansion of the development and the impact of this on adjoining and nearby agricultural and other land uses

This is not considered relevant to the proposal, as the development is not likely to be expanded in the future.

The impact on the natural physical features and resources of the area and in particular any impact caused by the proposal on soil and water quality and by the emission of noise, dust and odours

All proposed works associated with construction of the replacement dwelling have been located and designed to minimise any potential for erosion. The land at the siting of the dwelling generally a flattened area and the level of earthworks required to facilitate the proposal is minimal. This will lead to less disturbance and less of a likelihood of impacts on water quality through sediment laden runoff leaving the site.

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)

There is no proposed or approved Extractive Industry Work Authority on land within 500 metres of the site.

The potential for accommodation to be adversely affected by noise and shadow flicker impacts if it is located within 1 kilometre of land which is subject to a proposed or approved wind energy facility

There is no proposed or approved Wind Energy Facility on land within 1 kilometre of the site.

The impact of the development on the flora, fauna and landscape features of the locality

The proposal is not expected to have an adverse impact on the flora, fauna and landscape features of the locality. There is minimal vegetation on the land, native vegetation is limited to areas along waterways and scattered trees within southern paddocks. The area for the proposed dwelling is vacant pasture in very close proximity to existing shedding and the existing dwelling. There is no evidence through planning scheme mapping or biodiversity mapping that there is native fauna likely to be present around the building site. The building site is highly disturbed land and does not contain areas of potential habitat.

The need to protect and enhance the biodiversity of the area

The proposed development has been designed and sited to avoid any detrimental impact on the biodiversity of the area by locating the buildings and works on existing disturbed area that do not contain native vegetation or land considered to have habitat values.

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The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation

The proposed wastewater management system will be designed and located to meet EPA regulations, including minimum setback distances from property boundaries and the nearby waterways. This is easily achieved as the dwelling is greater than 100 metres from Little Moe Rvier and more than 60 metres from its tributary.

The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land

The dwelling is sited in the existing main infrastructure hub, which includes shedding, the existing dwelling and driveways. By siting the dwelling at this location, the proposal avoids the removal of land from production. This area of the land is also sited a significant distance from areas of abutting farms that may be impacted by its presence, including being offset more than 20 metre from a shared boundary with any abutting farm.

The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts

The proposed dwelling will be mostly single storey in height with a two storey component at the east end. The building is constructed of non-reflective building materials in muted tones and, despite the small area of two storey height, there will be minimal landscape impact as a result of the development. At its closest point, it will be positioned over 400 metres from Hillbricks Road and North Canal Road and at the change in elevation that runs east west through the land, the development avoids the development being skylined or forming a prominent feature in the landscape by having a backdrop of vegetation that existing in higher topography to the north of the dwelling and by being located adjacent to the existing gully form on the land.

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

There are no known features of architectural or scientific significance either on, or adjacent to, the site. Although all of the site is identified as an area of cultural heritage sensitivity due to its proximity to a named waterway, the use and development of a single dwelling on a lot is not a high impact activity under the *Aboriginal Heritage Regulations 2018*. Hence, a mandatory CHMP is not required for the proposal.

As stated previously, the careful siting and design of the proposed dwelling and associated works will minimise any visual impact on surrounding land. Furthermore, it is noted that the land is not affected by a Significant Landscape Overlay or other such planning control that seeks to preserve the visual amenity of the area.

The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities

Reticulated electricity, sewerage and natural gas are not available in proximity to the site, so these services cannot be provided.

Stormwater runoff from the dwelling will be directed to the legal point of discharge.

No new roads are proposed to be constructed and the existing access arrangement has been discussed previously in this submission.

Whether the development will require traffic management measures

It is not considered that the proposed use and development of the land for a dwelling will result in the need to implement traffic management measures in Hillbricks Road or North Canal Road. The current standard of both of these roads can adequately accommodate the vehicular movements generated by existing use which is unchanged by the proposal (estimated at 10 vehicle movements per day).

The decision guidelines of Clause 65 (not previously addressed)

- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

The land is not susceptible to erosion or bushfire. A small area of the land however is recognised as being subject to inundation and flooding, Whilst this is outside of the proposed works area, advice from the flood authority (WGCMA) has been obtained and the authority has no objection to a permit issuing for the proposal. The land is within a designated bushfire prone area and the Building Regulations 2006 will therefore apply bushfire protection standards for the construction of the dwelling at the building permit stage.

- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

There is existing access to the land from two separate roads. Internal driveways to the building site are available from both of these roads and there is no significant upgrade to them to allow access to the dwelling. There is sufficient area within the site to turn around, load and unload vehicles and exit in a forward direction.

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