

Form 2

NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	163 & 165 Morrison Road BROADLANDS 3875 Lot: 1 & 11 TP: 241915
The application is for a permit to:	Two Lot Subdivision (Boundary Realignment)
The applicant for the permit is:	Crowther & Sadler Pty Ltd
The application reference number is:	5.2024.161.1

You may look at the application and any documents that support the application free of charge at: <https://www.eastgippsland.vic.gov.au/building-and-development/advertised-planning-permit-applications>

You may also call 5153 9500 to arrange a time to look at the application and any documents that support the application at the office of the responsible authority, East Gippsland Shire. This can be done during office hours and is free of charge.

Any person who may be affected by the granting of the permit may object or make other submissions to the responsible authority.

An objection must

- ◆ **be made to the Responsible Authority in writing,**
- ◆ **include the reasons for the objection, and**
- ◆ **state how the objector would be affected.**

The responsible authority must make a copy of every objection available at its office for any person to inspect during office hours free of charge until the end of the period during which an application may be made for review of a decision on the application.

The Responsible Authority will not decide on the application before:	Subject to the applicant giving notice
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If you object, the Responsible Authority will tell you its decision.

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

VOLUME 11409 FOLIO 950

Security no : 124115101741Q
Produced 20/05/2024 10:23 AM

LAND DESCRIPTION

Lot 11 on Title Plan 241915P.
PARENT TITLE Volume 08122 Folio 697
Created by instrument AK222409S 05/03/2013

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
PAUL ANTHONY REID
REBECCA NADINE REID
AK222409S 05/03/2013

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 TP241915P 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: 163 MORRISON ROAD BROADLANDS VIC 3875

ADMINISTRATIVE NOTICES

NIL

DOCUMENT END

ADVERTISED

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TITLE PLAN

EDITION 2: TP241915P

LOCATION OF LAND

PARISH: BROADLANDS
 TOWNSHIP:
 SECTION: A
 CROWN ALLOTMENT: 37, 40, 41, 42, 43, 44, 12(PT), 16(PT), 17(PT), 21(PT), 38(PT), 39(PT) & 46(PT)
 CROWN PORTION:
 LAST PLAN REFERENCE:
 DERIVED FROM: VOL 8122 FOL 697
 DEPTH LIMITATION: NIL

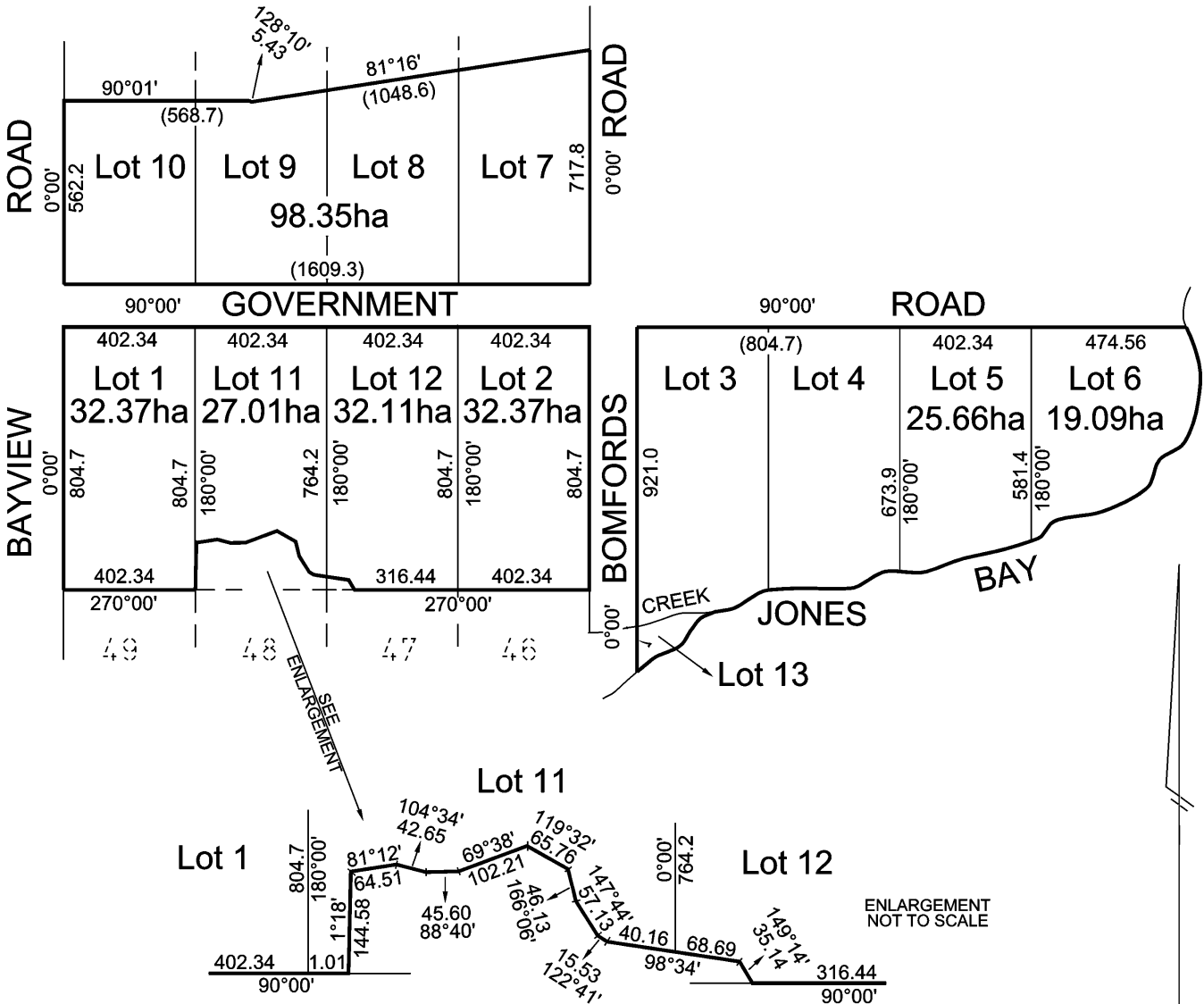
EASEMENT INFORMATION

E - ENCUMBERING EASEMENT. R - ENCUMBERING EASEMENT (ROAD). A - APPURTENANT EASEMENT.

THIS PLAN HAS BEEN PREPARED BY LAND VICTORIA FOR TITLE DIAGRAM PURPOSES

Easement Reference	Purpose / Authority	Width (Metres)	Origin	Land benefited / In favour of

Checked by:
 Date:
 Assistant Registrar of Titles



LENGTHS ARE IN METRES	SCALE	DEALING / FILE No:	DEALING CODE:
		GOVERNMENT GAZETTE No:	SHEET 1 OF 1

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

VOLUME 11409 FOLIO 951

Security no : 124115101695Q
Produced 20/05/2024 10:23 AM

LAND DESCRIPTION

Lots 1,2,5,6,7,8,9,10,12 and 13 on Title Plan 241915P (formerly known as part of Crown Allotment 12 Section A, part of Crown Allotment 16 Section A, part of Crown Allotment 17 Section A, part of Crown Allotment 21 Section A, Crown Allotment 37 Section A, part of Crown Allotment 39 Section A, Crown Allotments 40,43 and 44 Section A, part of Crown Allotment 46 Section A Parish of Broadlands).

PARENT TITLE Volume 08122 Folio 697
Created by instrument AK222409S 05/03/2013

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
WILLIAM PATRICK REID
N255635M 22/01/1988

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 TP241915P FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

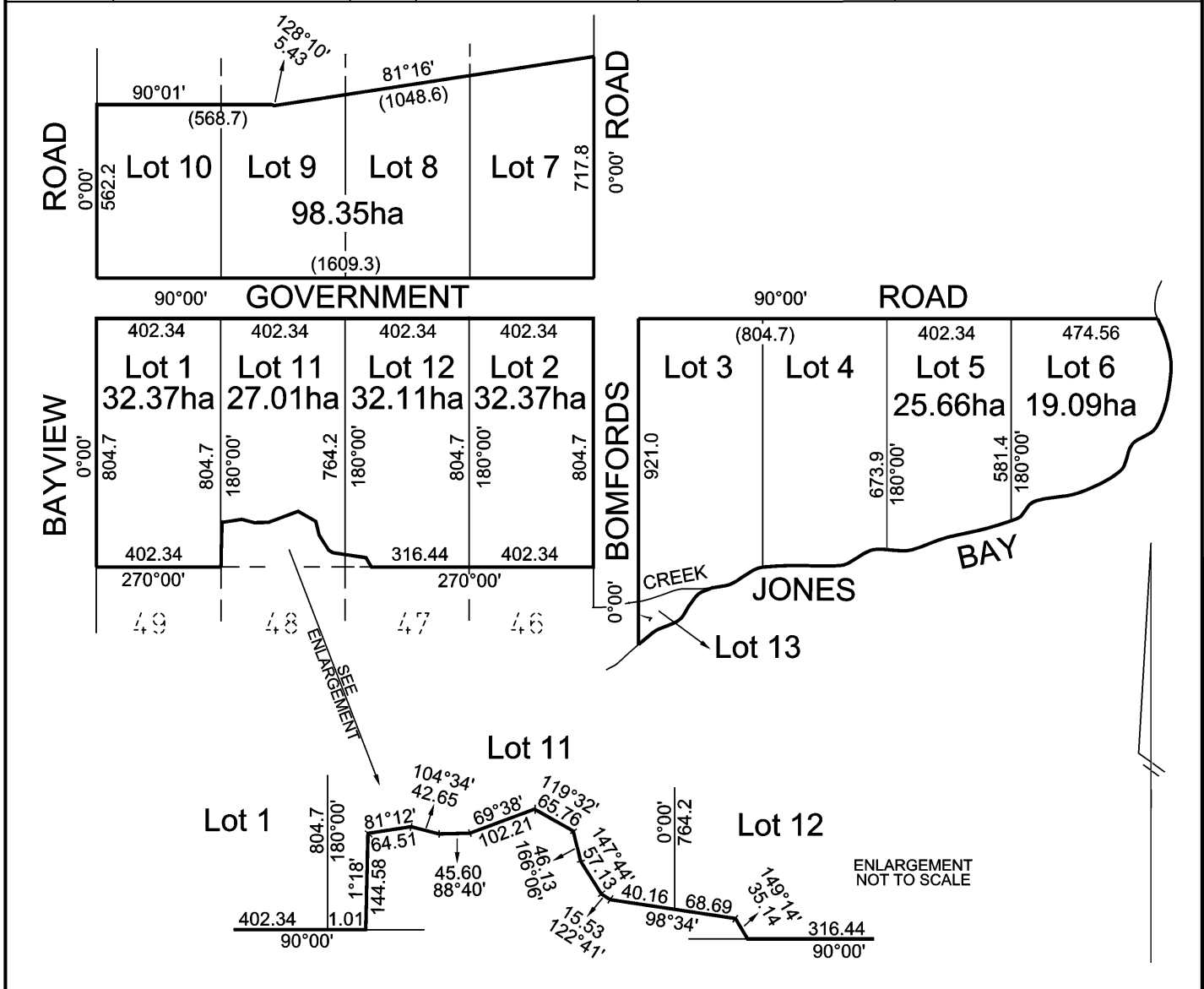
DOCUMENT END

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TITLE PLAN	EDITION 2: TP241915P
LOCATION OF LAND PARISH: BROADLANDS TOWNSHIP: SECTION: A CROWN ALLOTMENT: 37, 40, 41, 42, 43, 44, 12(PT), 16(PT), 17(PT), 21(PT), 38(PT), 39(PT) & 46(PT) CROWN PORTION: LAST PLAN REFERENCE: DERIVED FROM: VOL 8122 FOL 697 DEPTH LIMITATION: NIL	NOTATIONS

EASEMENT INFORMATION					THIS PLAN HAS BEEN PREPARED BY LAND VICTORIA FOR TITLE DIAGRAM PURPOSES Checked by: Date: Assistant Registrar of Titles
E - ENCUMBERING EASEMENT. R - ENCUMBERING EASEMENT (ROAD). A - APPURTENANT EASEMENT.					
Easement Reference	Purpose / Authority	Width (Metres)	Origin	Land benefited / In favour of	



LENGTHS ARE IN METRES	SCALE	DEALING / FILE No:	DEALING CODE:
		GOVERNMENT GAZETTE No:	SHEET 1 OF 1

Planning Report

Two Lot Subdivision (Boundary Realignment)
163 & 165 Morrison Road, East Bairnsdale

Our reference – 20869

May 2024



FS 520900



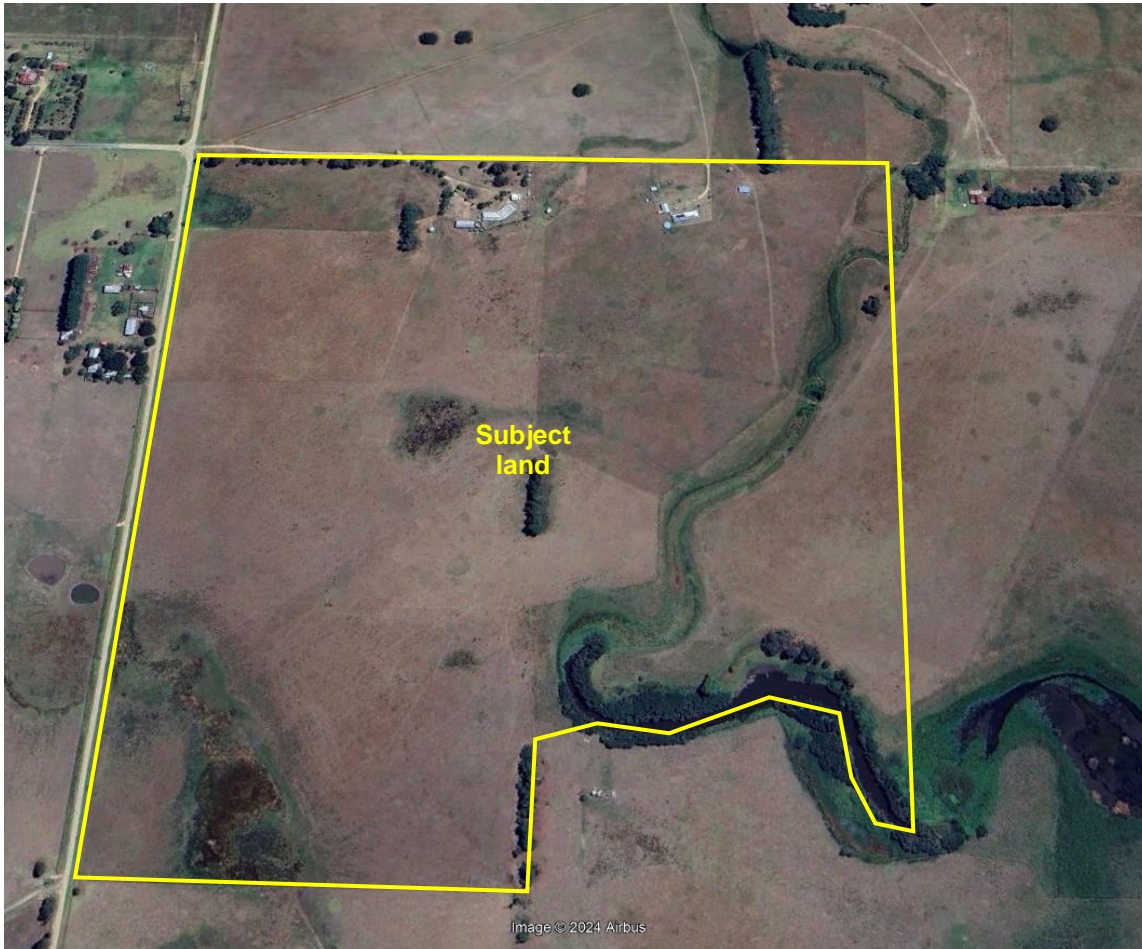
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	Proposed Subdivision Plan (Version 4)	
	Copy of Titles (Lot 11 on TP241915 and Lot 1 TP241915)	

Note: Applicable Planning Application fee is \$1415.10

1. Introduction

This Planning Report is prepared in support of a proposed two lot subdivision (boundary realignment) at 163 and 165 Morrison Road, East Bairnsdale. The Report addresses the provisions of the Farming Zone 1 and Land Subject to Inundation Overlay as contained within the East Gippsland Planning Scheme.



Aerial image of the subject land (Source: Google Earth)

2. Subject Land & Surrounding Context

The subject land consists of two separate allotments being 163 Morrison Road, East Bairnsdale, formally known as Lot 11 on TP241915 and 165 Morrison Road, East Bairnsdale, formally known as Lot 1 TP241915.

The subject land has frontage to Broadlands Road to the north which is constructed part way along the property frontage with a gravel road. It also has frontage to Bayview Road to the west which also comprises a gravel pavement.



Image of Broadlands Road looking to the west

Lot 1 is approximately 32.37ha in area and comprises an existing dwelling which takes direct access from Broadlands Road to the north.



Image of the existing dwelling on proposed on lot 1

Lot 11 is approximately 27.01ha in area and contains an existing dwelling which also takes direct access to Broadlands Road.



Image of the existing dwelling on proposed lot 2

The dwellings are situated on reasonably flat land approximately 250 metres, and 400 metres east of Morrison Road respectively. The land is currently being used for farming purposes producing super-fine wool.

The site is well positioned being approximately 5 kilometres east of the main township of Bairnsdale which provides for a large array of services and facilities.

Although the surrounding precinct predominately comprises farming land which many of the allotments are relatively small ranging in size between 16ha to 30ha.

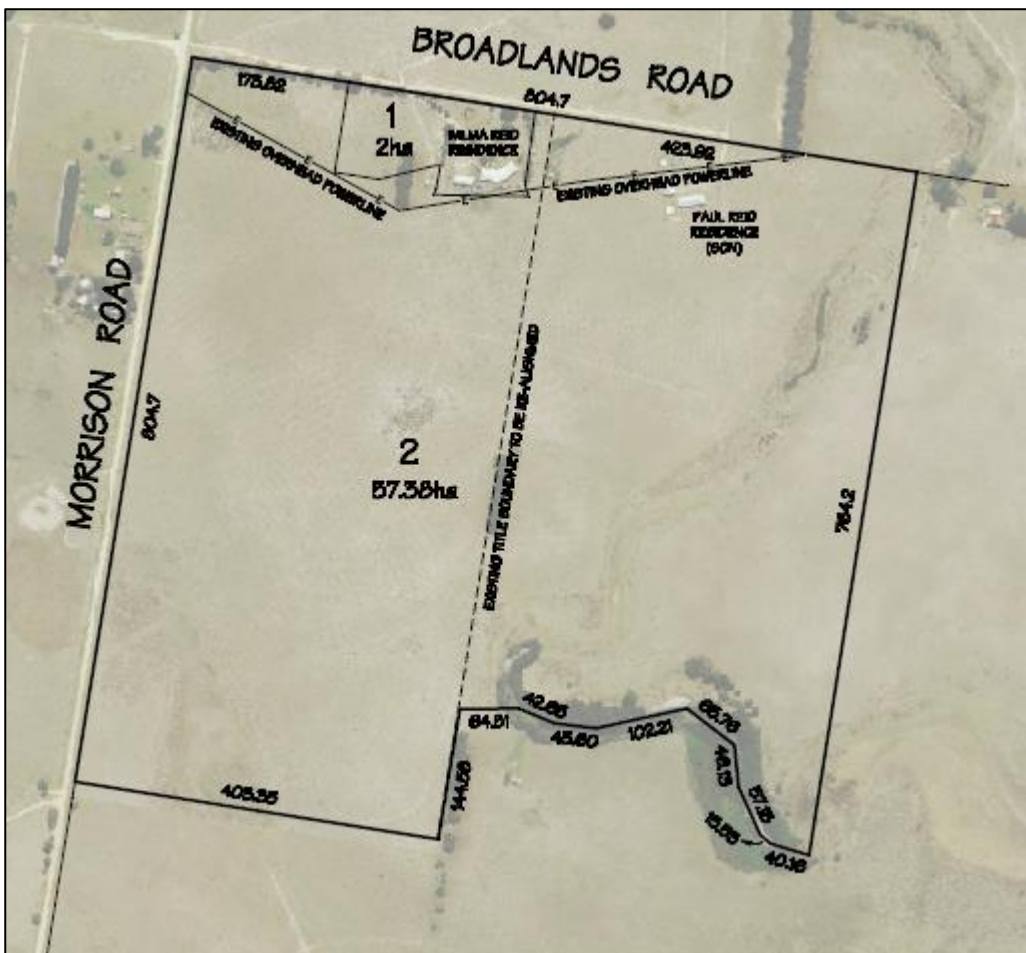
3. The Application & Proposal

It is proposed to subdivide the subject land into two lots in the form of a re-subdivision of two existing lots.

The purpose of the subdivision is to provide for more farming land for the landowner of 163 Morrison Road, which currently has other closely located land parcels that form his greater farming operations.

It is proposed to create Lot 1 being 2 hectares in area and containing the existing dwelling owned by a long term resident that has retired from farming. Proposed Lot 2 will have an area of 57.38 hectares and contains an existing dwelling.

Existing access to both the dwellings from Broadlands Road will remain as exists.



Proposed plan of subdivision

In layout of the proposed subdivision has taken into consideration the location of all the farming infrastructure will be retained within Lot 2. The southern boundary of Lot 1 has been surveyed to ensure the livestock feed silo has been positioned within Lot 2. The eastern boundary has been determined to ensure the water tank and windmill remains in Lot 2 and the existing septic tank lines for the dwelling have been retained within Lot 1.



Farm infrastructure located closely to the dwelling on 165 Morrison Road

Planning approval is required pursuant to the following Clauses of the East Gippsland Planning Scheme:

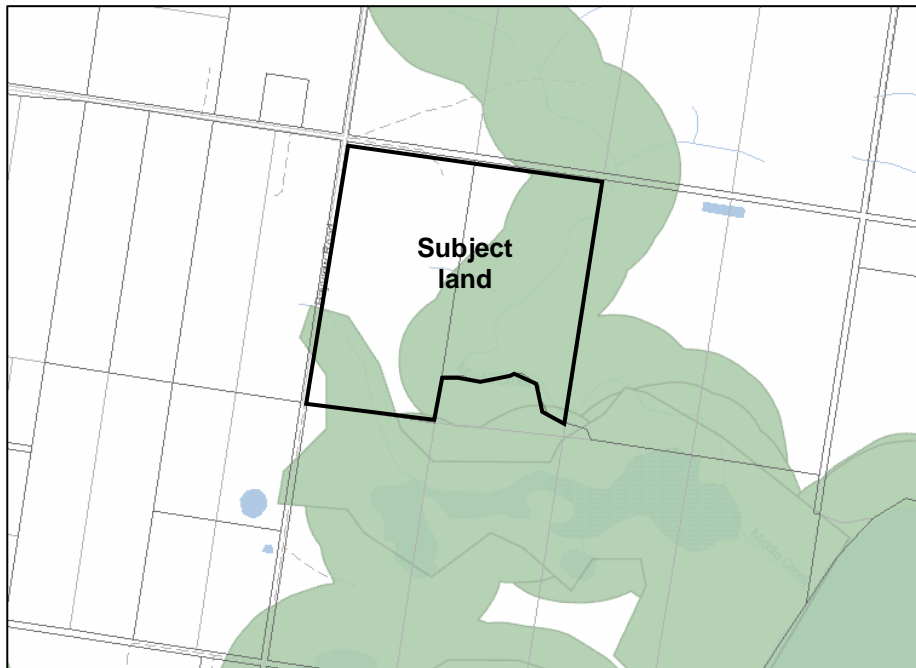
Planning Scheme Clause No.	Description of what is Proposed
35.07-3 Farming Zone 1	Subdivision
44.04-3 Land Subject to Inundation Overlay	Subdivision

The subdivision will require referral to the East Gippsland Catchment Management Authority in accordance with Section 55 of the *Planning and Environment Act 1987*.

4. Cultural Heritage

Pursuant to Regulation 7 of the *Aboriginal Heritage Regulations 2018*, a CHMP is required for an activity if:

- (a) *all or part of the activity area for the activity is in an area of cultural heritage sensitivity; and*
- (b) *all or part of the activity is a high impact activity*



Cultural Heritage Sensitivity Mapping with cultural heritage sensitive areas shown in green (Source: VicPlan)

Part of the subject land is within an area of cultural heritage sensitivity however, a two lot subdivision is not a high impact activity pursuant to r49 of the *Aboriginal Heritage Regulations 2018* and therefore a CHMP is not required for the proposed subdivision.

5. Planning Policy

5.1 Planning Policy Framework

The subdivision respects the existing waterway on the subject site maintaining it within one allotment to allow for appropriate management by a single landowner consistent with Clause 12.03-1S *River and riparian corridors, waterways, lakes, wetlands and billabongs*.

Part of the subject land is included within the Land Subject to Inundation Overlay as such Clause 13.03-1S *Floodplain management* is relevant. The subdivision will not impact the floodplain or remove floodplain storage and the risk to property will remain unchanged from the current situation.

To protect the state's agricultural base by preserving productive farmland is the objective of Clause 14.01-1S Protection of agricultural land. The purpose of the proposed subdivision is to increase agricultural landholdings of an established and successful farming enterprise.

The subdivision will not introduce any urban activities and will promote the land for agricultural production associated with the super fine wool enterprise. The farming enterprise currently provides wool to the domestic and export markets and the ability to grow the agricultural landholdings for the enterprise will allow for additional agricultural production.

Clause 14.01-2S Sustainable agricultural land use, supports the proposed subdivision through the provision of further farming land to the current farming enterprise allowing flexibility to market changes and climatic conditions, through the ability to increase or decrease flock numbers as the situation requires.

5.2 Municipal Planning Strategy

The existing waterway on the subject land will remain within the larger allotment (Lot 2) allowing for appropriate land management by a single landowner as sought within Clause 02.03-2 *Environmental and landscape values*.

Part of the land is within the Land Subject to Inundation Overlay. The proposed subdivision will not increase the risk to persons or property and will continue to provide for flood storage as sought within Clause 02.03-3 *Environmental risks and amenity*.

Strategic directions within Clause 02.03-4 Natural resource management will be satisfied:

- Water quality as a result of the subdivision will not be diminished.
- The land is not within a water catchment used for domestic supply.
- The subdivision will not result in inappropriate development and protects valuable agricultural land.
- The subdivision will facilitate an enhancement of the current rural enterprise production through increasing landholdings.

Clause 02.03-6 *Economic development* advises that one of the traditional major industries within the region is agriculture. The subdivision will assist to increase production of a highly valued rural commodity being super fine wool supporting the agricultural sector.

5.3 East Gippsland Rural Land Use Strategy

The East Gippsland Rural Land Use Strategy (strategy) advises that livestock production is the most widespread agricultural industry in East Gippsland.

The strategy also advises *that farm size and business scale is increasing with greater production per unit area to maintain productivity and profitability and spread business risk.*

The proposed subdivision will provide for an enlarged farm size and allows for adaption to market changes and climatic conditions.

The agricultural enterprise that will be carried out on the enlarged property which will be super fine wool production. The additional land will be owned and added to the family's landholdings within the area.

It is considered that the proposed subdivision will promote the outcomes sought within the strategy.

6. Planning Elements

6.1 Farming Zone 1

The subject land is contained within the Farming Zone 1 in accordance under the East Gippsland Planning Scheme.



Planning scheme zone mapping (Source: VicPlan)

The purposes of the Farming Zone are fostered by the proposed subdivision:

- Planning policy support is contained within the Municipal Planning Strategy and Planning Policy Framework.
- The subdivision of the land will result in the majority of the property being utilised for farming purposes.
- Productive agricultural land will be retained with active farm management use and practices.
- The proposed subdivision will not result in an additional dwelling entitlement.
- Employment of the landowner within the agriculture sector is further secured.
- Sustainable land management will take place given the need to ensure good agricultural production.

Clause 35.07-3 requires a planning permit to subdivide within the Farming Zone. A permit may be granted to create smaller lots than 40 hectares if the subdivision is the re-subdivision of existing lots and the number of lots is not increased.

Decision Guidelines

The proposal is considered to meet the decision guidelines:

- Solid planning policy support is contained within the Municipal Planning Strategy and Planning Policy Framework.
- The subdivision will not detrimentally affect the Regional Catchment Strategy.

- Lot 1 has been designed to accommodate the onsite wastewater treatment system.
- Sustainable land management will be achieved as it is within the farmer's interest and a review of the current landholding reveals that sustainable and good farming practice are being actively undertaken.
- Adjoining land uses are generally broad scale livestock properties developed with dwellings. The subdivision will be compatible with adjoining land uses.
- The subdivision has been designed to retain agricultural infrastructure within the enlarged farming lot.
- The proposal supports and enhances agricultural production providing for additional land to be incorporated into a genuine agricultural enterprise.
- There will be a minor loss of agricultural land associated with the creation of Lot 1 however, this is well offset by the additional land being incorporated into a farming property.
- The operation and expansion of adjoining and nearby agricultural uses is minimised by the significant setback of the existing dwellings from neighbouring properties.
- Capacity of the land to sustain the super fine wool enterprise is enhanced with further land coming into the business operation.
- On farm infrastructure will be retained in the farming allotment allowing for livestock watering and supplementary feeding.
- The subdivision will not result in any detrimental environmental outcomes.

6.2 Land Subject to Inundation Overlay

Part of the land is contained within a Land Subject to Inundation Overlay.



Planning scheme overlay mapping (Source: VicPlan)

The proposed subdivision addresses the purposes of the Overlay as free passage and temporary storage of floodwaters will continue and there will not be an increase in the risk to life and property.

Decision Guidelines:

It is considered that the proposed subdivision satisfies the relevant decision guidelines:

- The existing use and development of the land will not alter as a result of the proposed subdivision.
- Dwellings on the subject land are located on flood free land and have access to Broadlands Road which provides access/egress at times of flooding.
- The current risk to life, health and safety in times of a flood will not be increased as a result of the subdivision.
- No redirecting of floodwater, stormwater or drainage will occur.
- There will be no reduction of flood storage on the subject land.
- It is considered that the proposed subdivision will not detrimentally effect on river, marine and coastal health values.

7. Conclusion

The proposed two lot subdivision (boundary realignment) at 163 & 165 Morrison Road, East Bairnsdale is considered to accord with all relevant provisions of the Farming Zone 1 and Land Subject to Inundation Overlay of the East Gippsland Planning Scheme. The proposal is consistent with the Planning Policy Framework and Municipal Planning Strategy and has been designed to provide for a better farming outcome.

For these reasons we respectfully request that Council consider the merits of the application favourably and resolve to issue a Planning Permit.

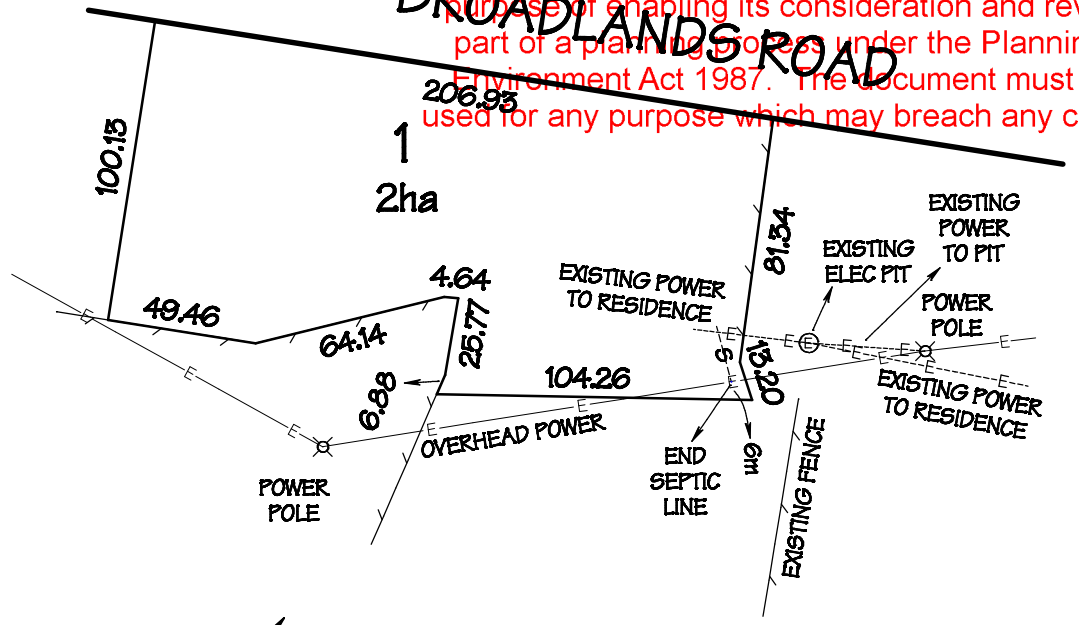
PROPOSED SUBDIVISION

PARISH OF BROADLANDS
SECTION A
CROWN ALLOTMENT 37 & 38 (PART)

LOTS 1 & 11 - TP241915P
C/T VOL 11409 FOL 951 (PART)
C/T VOL 11409 FOL 950

ADVERTISED

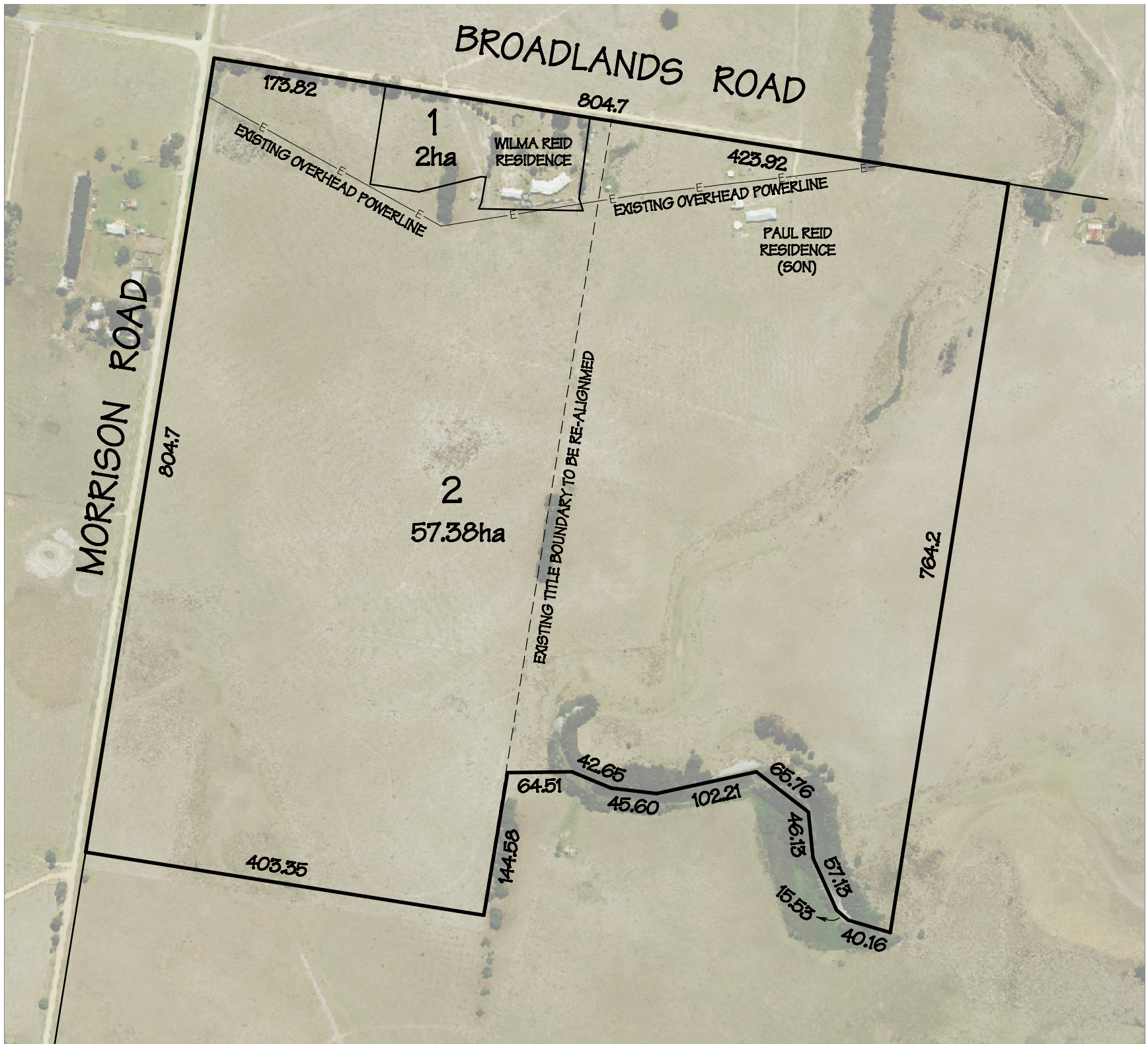
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SCALE OF ENLARGEMENT
1:2500

SEE ENLARGEMENT

MGA2020 ZONE 55



AREAS ARE APPROXIMATE ONLY
DIMENSIONS ARE SUBJECT TO SURVEY

Crowther & Sadler Pty. Ltd.

LICENSED SURVEYORS & TOWN PLANNERS
152 MACLEOD STREET, BAIRNSDALE, VIC., 3875
P. (03) 5152 5011 E. contact@crowthersadler.com.au

FILENAME: Proposed Sub v4.pro

WILMA REID

163 & 165 MORRISON ROAD, EAST BAIRNSDALE

SCALE (SHEET SIZE A3)

SURVEYORS REF.

1 : 5000

20869 Printed 3/06/2024

VERSION 4 - DRAWN 4/4/2024 Page 21 of 21