

Form 2

NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	320 Dockertys Road WY YUNG 3875 Lot: 1 LP: 122604
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:	5.2023.477.1

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 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

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VOLUME 08941 FOLIO 995

Security no : 124110078494R
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CROWN GRANT

LAND DESCRIPTION

Lots 1 and 2 on Plan of Subdivision 122604.
Created by instrument LP122604 27/06/1977

REGISTERED PROPRIETOR

Estate Fee Simple

ENCUMBRANCES, CAVEATS AND NOTICES

Any crown grant reservations exceptions conditions limitations and powers noted on the plan or imaged folio set out under DIAGRAM LOCATION below.
For details of any other encumbrances see the plan or imaged folio set out under DIAGRAM LOCATION below.

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 or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE LP122604 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NUMBER	STATUS	DATE
AW991893L (E)	Completed	29/06/2023
AW997898S (E)	Registered	30/06/2023

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

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

See MI307506X for WATER FRONTAGE LICENCE details

ADMINISTRATIVE NOTICES

NIL

eCT Control 20726L HIBBERT & HODGES LAWYERS
Effective from 30/06/2023

DOCUMENT END

122604

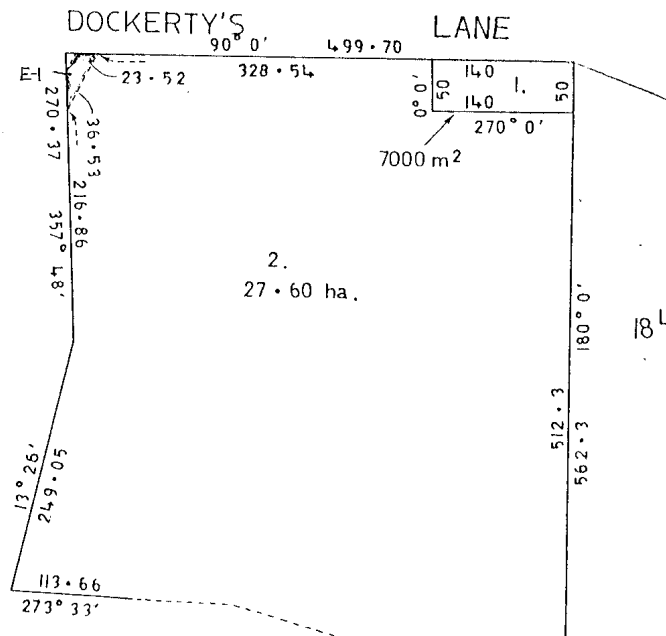
ADVERTISED

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LPI22604
EDITION 1
APPROVAL 2/10/76

PLAN OF SUBDIVISION OF: CROWN ALLOTMENT 18 ^H PARISH: WY YUNG COUNTY: DARGO DEPTH LIMITATION: 15 METRES LENGTHS ARE IN METRES <i>Vol. 8941 Fol 995</i>	APPROVALS
	ENCUMBRANCES THE LAND COLOURED BLUE IS ENCUMBERED BY AN EASEMENT IN FAVOUR OF THE S.E.C. OF VICTORIA, VIDE C/G VOL.8941 FOL.995
	NOTATIONS WATERWAY NOTATION: LOT 2 IN THIS PLAN MAY ABUT CROWN LAND THAT MAY BE SUBJECT TO A CROWN LICENCE TO USE

COLOUR CONVERSION FOR EASEMENTS
E-1 = BLUE



CONSENT OF COUNCIL <i>Opinion</i> <i>H. Holden</i>	SURVEYORS CERTIFICATION I certify that this plan has been made by me, and agrees with Title and is mathematically correct. Licensed Surveyor <i>Michael Paul</i> 14/10/76
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122604

Printed 19/12/2023
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Planning Report

Two Lot Subdivision (Boundary Realignment)
320 Dockertys Road, Wy Yung

Our reference – 20690

23 November 2023



FS 520900



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	Application Form	
	Proposed Subdivision Plan (Version 1)	
	Copy of Title (Lot 1 on PS122604 and Lot 2 on PS122604)	

Note: Applicable Planning Application fee is \$1,415.10

1. Introduction

This Planning Report is prepared in support of a proposed two lot subdivision (boundary realignment) at 320 Dockertys Road, Wy Yung. The Report addresses the provisions of the Farming Zone 2 & 4, Environmental Significance Overlay 2, Environmental Significance Overlay 1-38 and Land Subject to Inundation Overlay as contained within the East Gippsland Planning Scheme.



Aerial view of the subject land and immediate surrounds (Source: Intramaps)

2. Subject Land & Surrounding Context

The subject land is formed from two land parcels being Lot 1 on PS122604 and Lot 2 on PS122604, with both land parcels commonly known as 320 Dockertys Road, Wy Yung.

The subject land is a 27.59 hectare rural land holding that is developed with a dwelling and rural outbuildings within the northern part of the property.

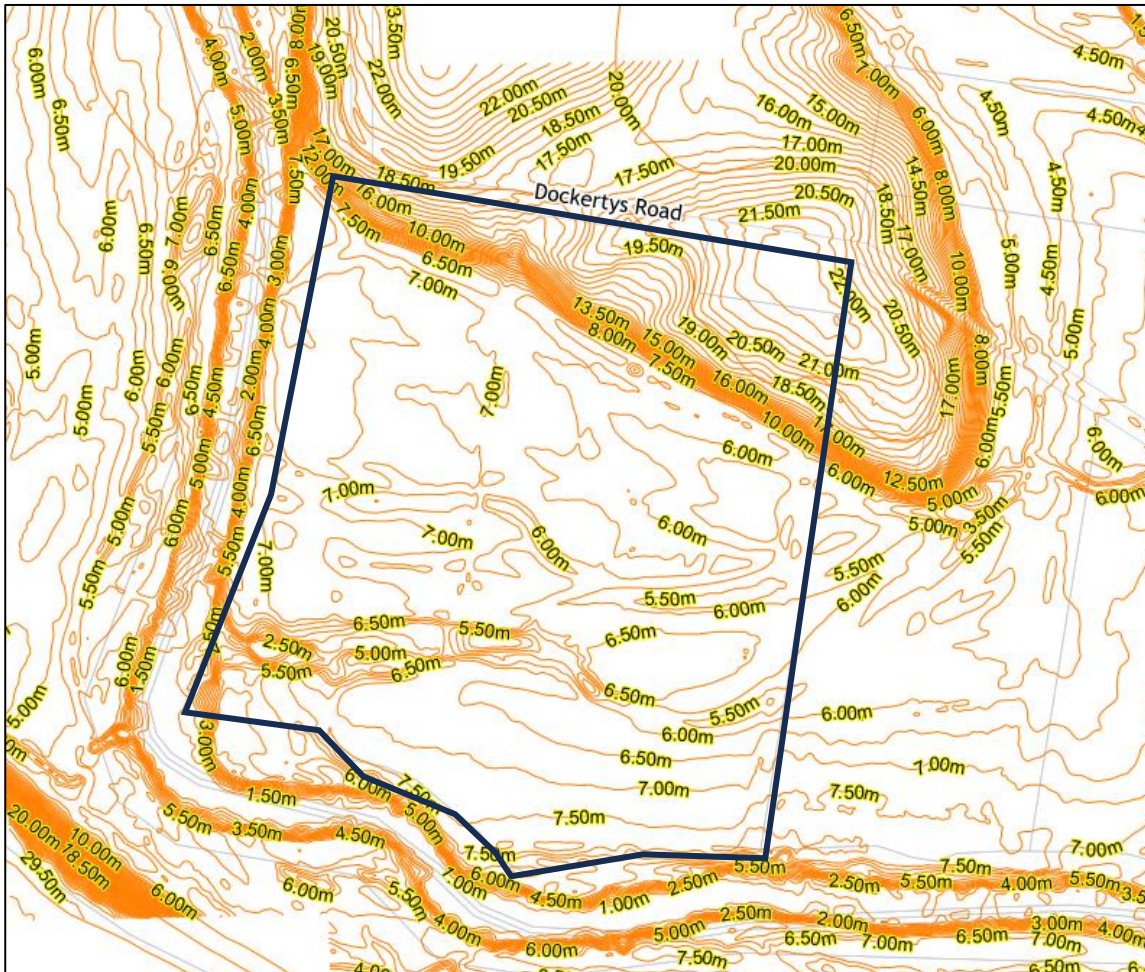


Image of 320 Dockertys Road dwelling taken from Dockertys Road looking south



Image 320 Dockertys Road dwelling looking north from within the house paddock

The landform of the property varies with the northern part of the land being elevated and located on an escarpment and quickly drops off into the Mitchell River floodplain.



Contour mapping of the subject land showing the escarpment to the north and floodplain to the south (Source: Intramaps)



Merged above images of the escarpment looking south providing site context

West and south of the subject land is the Mitchell River, to the east is an agricultural property developed with a dwelling and outbuildings within the northern part of the land and north across Dockertys Road is an agricultural landholding developed with a dwelling and outbuildings.

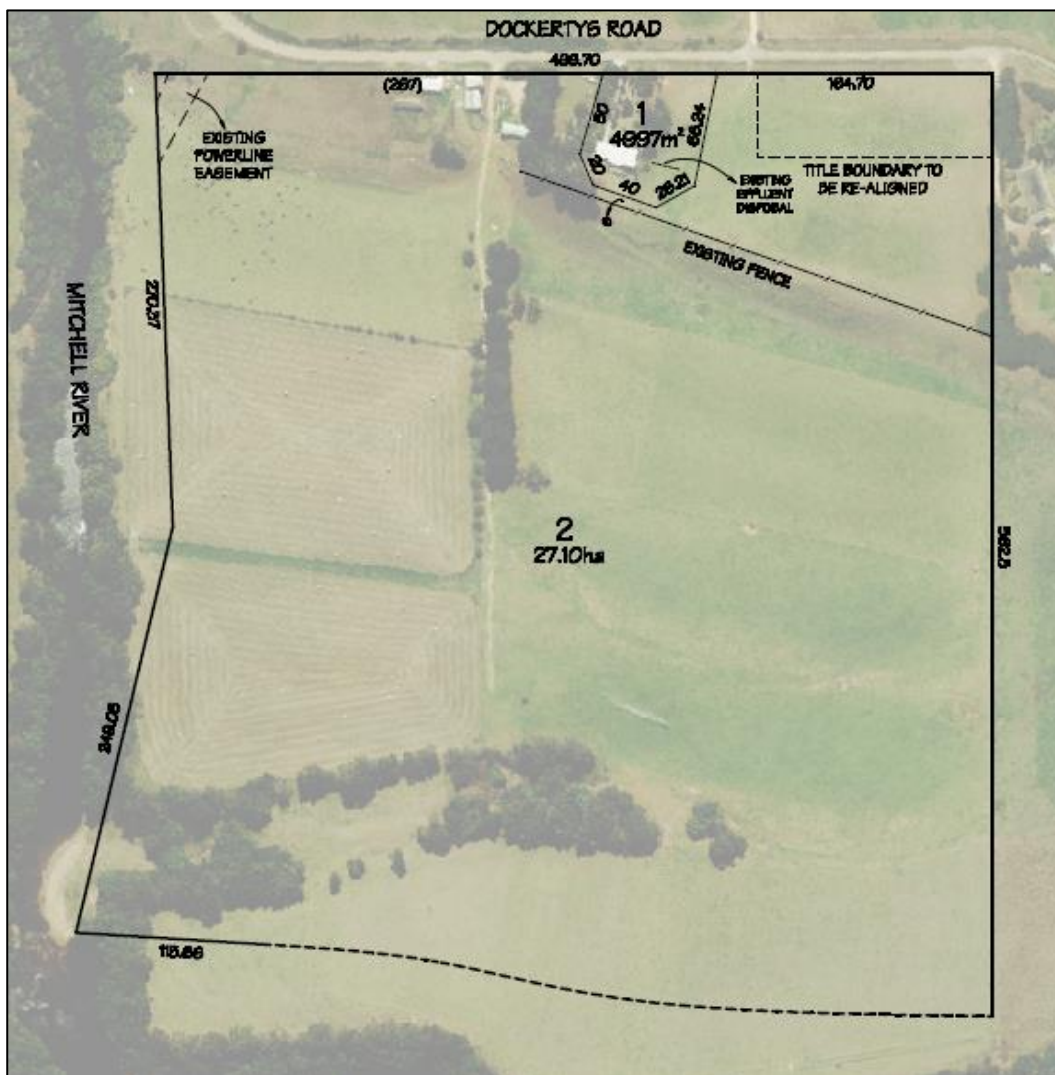
3. The Application & Proposal

It is proposed to undertake a two lot subdivision, through a boundary realignment of land parcels.

Proposed lot 1 is to contain the existing dwelling within a lot of 4997 square metres. Proposed lot 2 will be the balance of the property on an allotment of 27.1 hectares and will contain the farming infrastructure such as shedding, access tracks and paddock fencing.

The subdivision design was carefully considered. Proposed lot 1 has been minimised to allow for the majority of the balanced allotment to be maintained for farming purposes, while ensuring lot 1 is of sufficient area to contain existing effluent disposal areas within the boundaries of the lot.

Boundaries of proposed lot 1 were struck to ensure a six metre wide access area is provided between the lot boundary and an existing paddock fence, to maintain access across lot 2.



Proposed plan of subdivision

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	Subdivision
42.01-2 Environmental Significance Overlay	Subdivision
44.04-3 Land Subject to Inundation Overlay	Subdivision

Required Referrals

Clause	Kind of application	Referral authority	Type of referral authority
44.04-7 (LSIO) – Section 55 of the Act.	Application within the LSIO	East Gippsland Catchment Management Authority	Recommending
Sub-clause 4 (ESO)	Application in the Overlay	Department of Energy, Environment and Climate Action	Comment

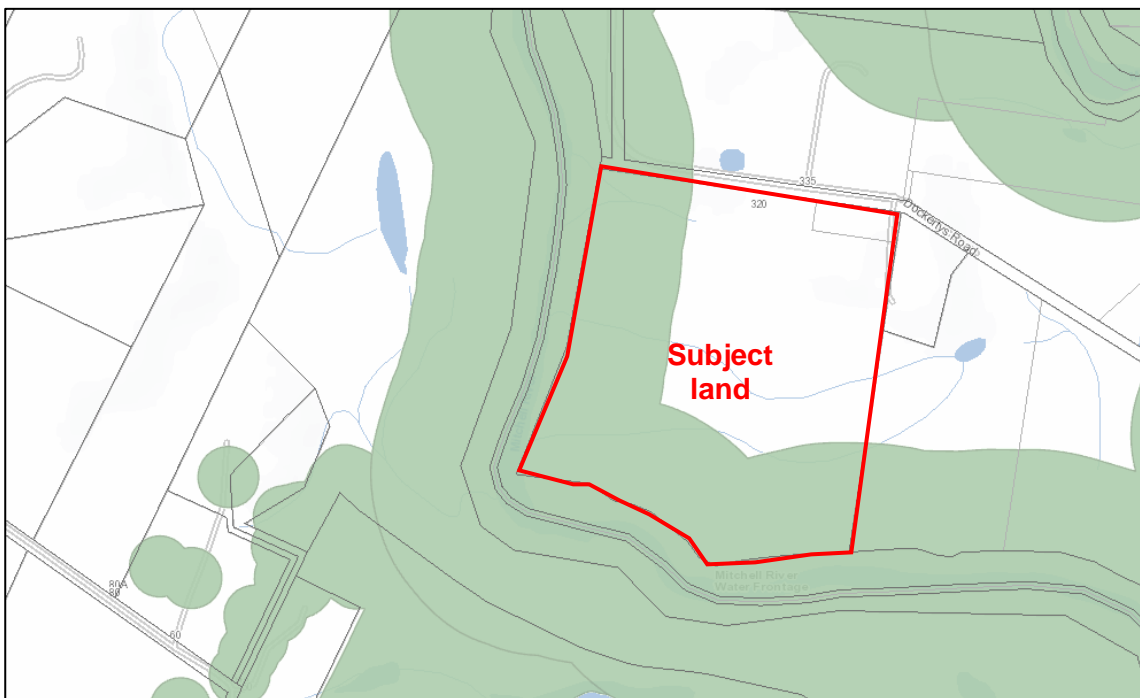
Prior to preparing this submission, a pre-application meeting was held on 25 September 2023 with the Manager Planning and Statutory Planning Coordinator. The proposed boundary realignment of the land parcels was verbally supported with an indication that any future dwelling on proposed lot 2 would be considered at that time on merit.

4. Cultural Heritage

The proposal does not trigger any mandatory requirements to provide a Cultural Heritage Management Plan (CHMP) under the *Aboriginal Heritage Act 2006*.

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*



*Extract from Cultural Heritage Sensitivity mapping,
with sensitive areas shown in green (Source: VicPlan)*

The subject land is partly mapped as an area of cultural heritage sensitivity. A two lot subdivision is not considered a high impact activity, therefore there is no mandatory requirement to provide a CHMP in support of the application.

5. Planning Policy

5.1 Planning Policy Framework

Located within an area identified within the Land Subject to Inundation Overlay, Clause 13.03-1S Floodplain Management is relevant to the proposed boundary realignment. The subject land is positioned on the escarpment of the Mitchell River floodplain and the floodplain itself. The dwelling is located within a well elevated northern position of the subject land on the upper terrace, while the majority of the property is located within the Mitchell River floodplain. The proposed boundary realignment will provide a title for the existing dwelling which is not located within an area subject to flooding. Access to the proposed allotment will continue to be provided via Dockertys Road which is a rural road and provides a northern egress in times of flooding.

The subdivision has been designed with Clause 14.01-1S Protection of agricultural land in mind. The boundary realignment will provide title for the existing dwelling and will incorporate the previous land parcel within the remainder of the agricultural land holding.

Located within an area recognised for its strategic significance for rural land, the subdivision will allow for the existing dwelling to be separated from the current encumbered property, allowing for a land parcel that can be sold at agricultural values as opposed to rural lifestyle values. Unencumbered land within this highly fertile and productive farmland area provides an opportunity for rural enterprises to broaden and diversify land holdings, to increase farm operations/production and reduce impacts from adverse climatic conditions.

The subdivision layout will provide for proposed lot 2 to have an area of 27.1 hectares, close to the Schedule 2 area of 30 hectares and above the Schedule 4 area of 1 hectare as sought by Clause 14.01-1L-01, ensuring the maximum area of the landholding is provided for farming land, free of a residential encumbrance.

High quality soils at Clause 14.01-1L-02 of the planning scheme are being protected by the proposed boundary realignment. Proposed lot 1 has minimised the area removed from rural productivity, while ensuring effluent disposal for the dwelling is contained within allotment boundaries.

To encourage sustainable agricultural land use is the objective of Clause 14.01-2S. The proposal will allow for the aggregation of this important and strategic significant landholding within lot 2 and will allow the property to be available without residential encumbrance to rural enterprises. The property is located within an area of rich fertile soils that produce significant fodder, crops and livestock, enabling rural enterprises in the district to diversify and expand.

Clause 14.02-2S Water quality will be maintained by the proposed subdivision as lot 1 will provide sufficient area to provide for on site disposal of wastewater.

5.2 Municipal Planning Strategy

The proposed boundary realignment will maintain the rural landscape and scenic landscape of the Mitchell River environs. Creation of an allotment that will contain the existing dwelling will maintain the current status quo on the land, from a landscape perspective as sought by Clause 02.03-2 Environmental and Landscape Values.

The land is subject to the Land Subject to Inundation Overlay that reflects the flooding potential associated with the Mitchell River. Proposed lot 1 incorporating the existing dwelling is located on a high ridgeline. The possible impacts of flooding to lot 1 are minimal given the landform and flooding data supplied by the East Gippsland Catchment Management Authority (Clause 02.03-3 Environmental Risks).

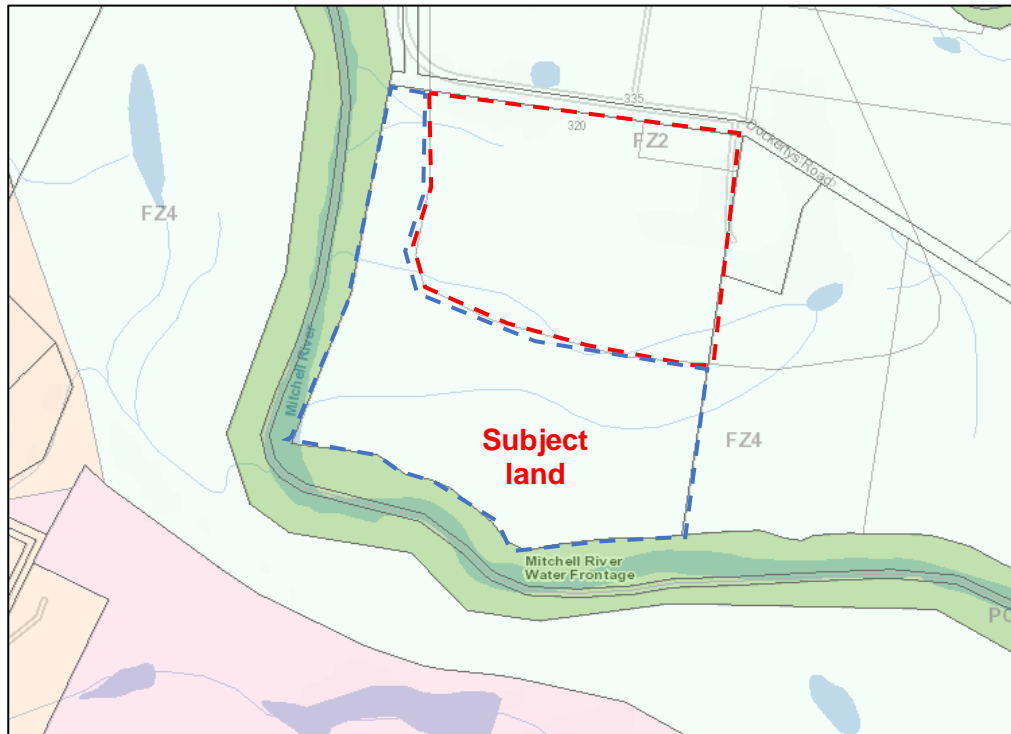
Clause 02.03-4 Natural resource management supports the proposed subdivision. The proposed subdivision will separate a dwelling, from this very fertile soil rural land parcel. Lot 2 will assist an existing rural enterprise to strengthen its landholdings, allowing for fodder production and a higher grazing rate at times of adverse climatic conditions.

Clause 02.03-6 Economic development advises that the agricultural sector of the economy to East Gippsland is a significant part of the local economy. The subdivision will allow for the creation of a large unencumbered parcel of strategic significant farming land within the Mitchell River floodplain, which will assist an existing rural enterprise seeking to grow and develop their business.

6. Planning Elements

6.1 Farming Zone 2 & 4

The subject land is located within the Farming Zone and is subject to two zone schedules being the Farming Zone (Schedule 2) and the Farming Zone (Schedule 4).



Planning scheme zone mapping – red dashed line highlights Schedule 2 land and blue dashed line highlights Schedule 4 land (Source: VicPlan)

Planning approval is required to subdivide land in accordance with Clause 35.07-3 of the Farming Zone. Schedule 2 of the Overlay has a minimum subdivision size of 30 hectares and Schedule 4 to the Overlay has a minimum subdivision size of 1 hectare.

A permit maybe issued to re-subdivide existing land parcels provided the number of land parcels is not increased. It is proposed to re-subdivide the land to create two land parcels, from two land parcels.

The purposes of the zone are forwarded by the proposed subdivision, the creation of lot 2 being unencumbered by a dwelling and being on land of strategic farming significance with farming infrastructure provides an opportunity for a rural enterprise to grow and expand, given the different farming activities that can be undertaken on the property.

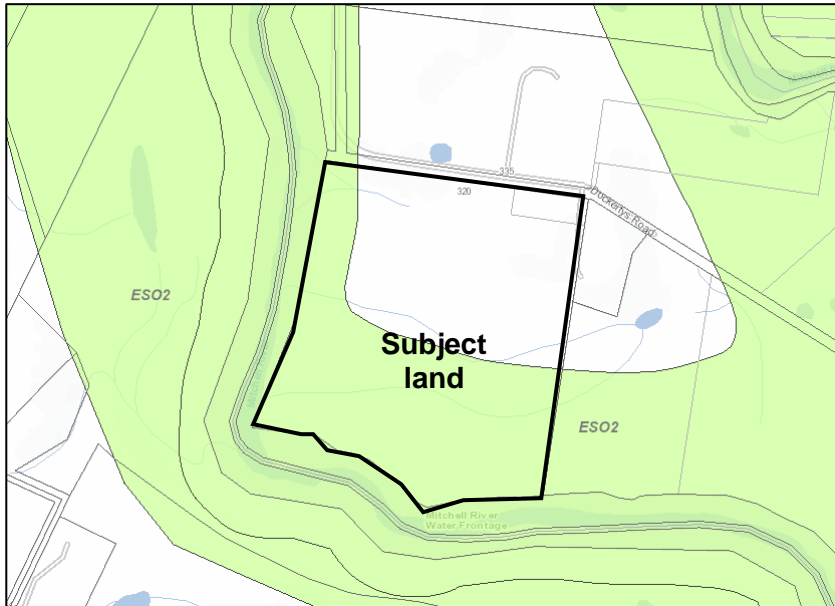
Decision Guidelines

Subdivision of the land as proposed positively addresses the decision guidelines:

- Strong support for the re-subdivision of the land is contained within the Planning Policy Framework and Municipal Planning Strategy.
- The purposes of the zone are met by the proposal.
- Proposed lot 1 has been designed to ensure septic tank infrastructure is contained wholly within the lot.
- Proposed lot 2 will maintain the farming infrastructure on the proposed lot advancing the farming qualities of the land.
- Agricultural production of the land will be enhanced by the proposal as lot 2 will be available for sale or rental allowing for an existing agricultural enterprise to diversify and grow.
- Proposed lot 1 will not see a disruption of farming activities in the area, given the farming activities are more benign being fodder cropping and grazing.
- The rural landscape will not be diminished or detrimentally impacted by the subdivision.
- Environmental outcomes will not be reduced by the proposed subdivision as waterways and established vegetation will remain in the ownership of a single entity.
- The proposed subdivision does not give rise to an additional dwelling entitlement in the Farming Zone 2 portion of the site, noting development in the Farming Zone 4 area of the property is unlikely due to flooding risk and valuable soils.

6.2 Environmental Significance Overlay

Part of the land is subject to the Environmental Significance Overlay (Schedule 1-38) and Environmental Significance Overlay (Schedule 2).



Planning scheme overlay mapping – ESO 1-38 is to the far south of the subject land and ESO 2 is the Farming Zone schedule 4 land (Source: VicPlan)

Schedule 1 of the Overlay is East Gippsland Sites of Biological Significance.

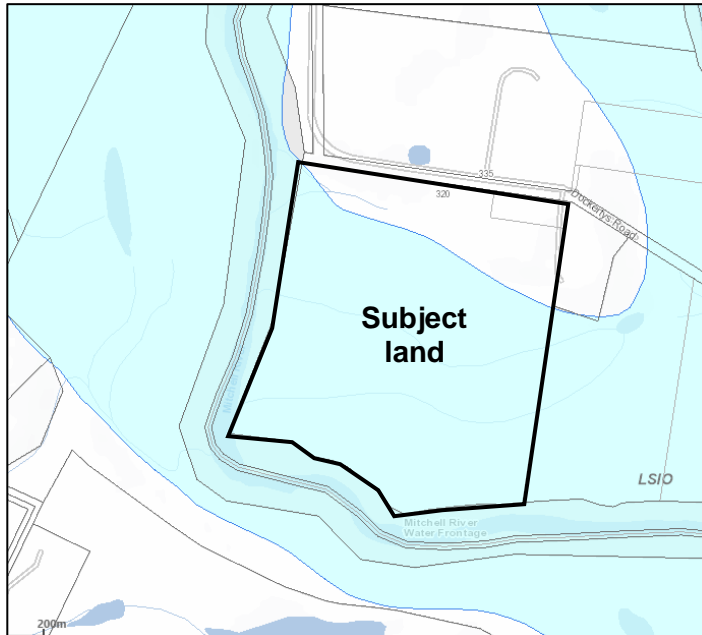
ESO 1-38 is the Mitchell River and the statement of significance is the Australian Bass, Australian Grayling and Broadfin Galaxias. The subdivision will promote the management practices maintaining the southern boundary fence to exclude stock from the Mitchell River environs and maintaining the southern waterway within a single landownership allowing for continued land management stewardship.

Schedule 2 of the Overlay is High Quality Agricultural Land.

The subdivision promotes the decision guidelines and objectives of the schedule. The subdivision will allow lot 2 to be created that is unencumbered by a dwelling, providing the opportunity for lot 2 to be actively farmed by a landowner, taking advantage of the high-quality soils and higher carrying capacity of the land.

6.3 Land Subject to Inundation Overlay

The majority of the land is contained within the Land Subject to Inundation Overlay.



Planning scheme overlay mapping (Source: VicPlan)

The main purpose of the Land Subject to Inundation Overlay is to minimise the risk to life, property and health.

The proposed subdivision will meet the purpose of the Overlay creating lot 1 outside of the mapped risk area and creating lot 2 containing the flood prone land.

The proposed subdivision will achieve and addresses the decision guidelines of the Overlay:

- Proposed lot 1 is outside the mapped area on an elevated part of the subject land.
- Access and egress from proposed lot 1 containing the existing dwelling is well above the area subject to possible flooding/inundation.
- Current infrastructure associated with proposed lot 2 is outside of the flood prone land and is on an elevated ridge.
- No obstruction or redirection of floodwaters will occur as a result of the proposed subdivision.
- Health values of the Mitchell River and the receiving Gippsland Lakes will be maintained.

7. Conclusion

The proposed two lot subdivision (boundary realignment) at 320 Dockertys Road, Wy Yung is considered to accord with all relevant provisions of the Farming Zone 2 & 4, Environmental Significance Overlay 2, Environmental Significance Overlay 1-38 and Land Subject to Inundation Overlay of the East Gippsland Planning Scheme. The proposal is consistent with Planning Policy Framework and Municipal Planning Strategy and will achieve a good farming outcome.

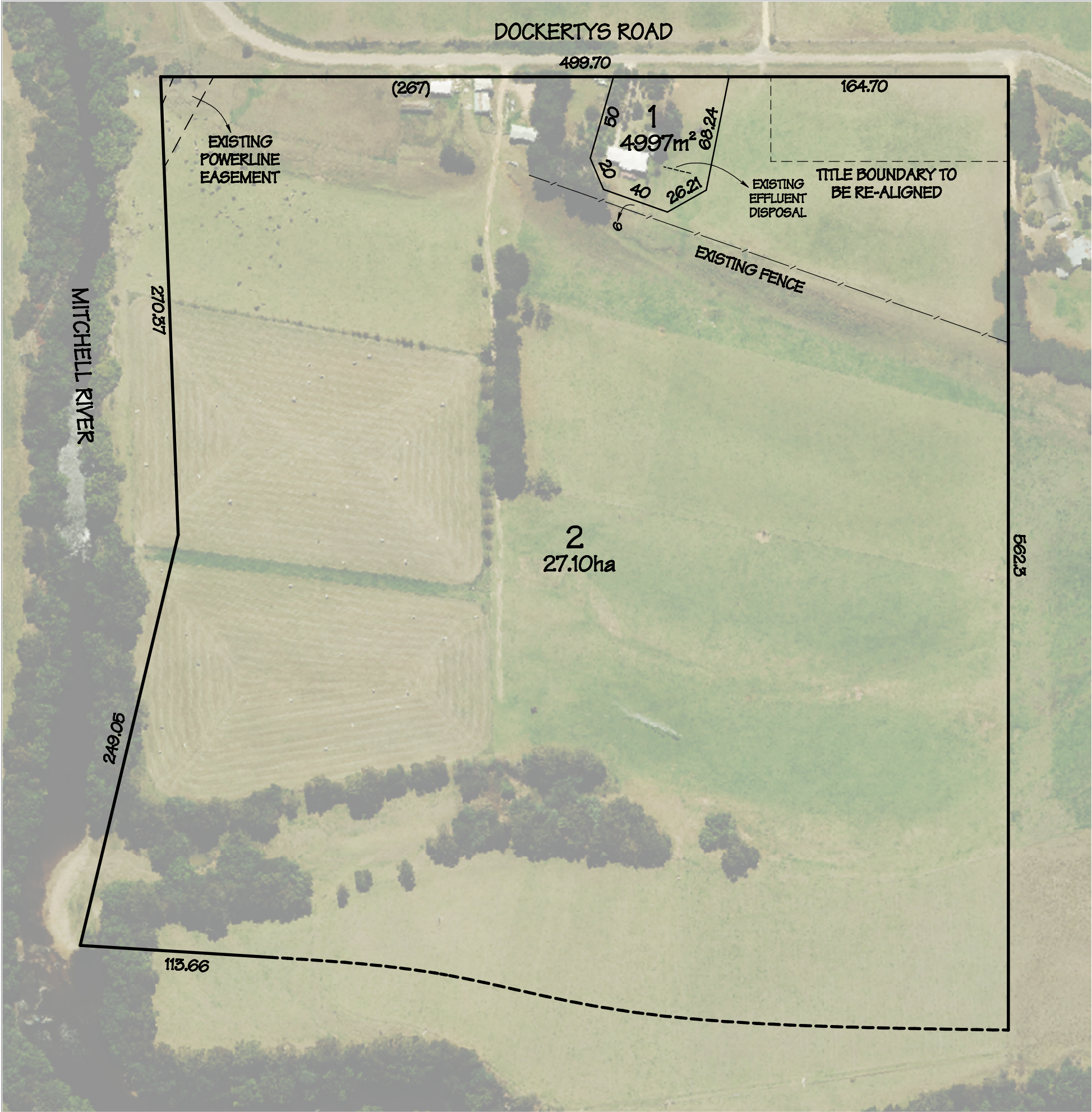
For these reasons we respectfully request that Council consider the merits of the application favourably and resolve to issue a Planning Permit.

PROPOSED SUBDIVISION

PARISH OF WY-YUNG
CROWN ALLOTMENT 18H

LOTS 1 & 2 ON LPI22604

APPROX. TRUE NORTH



TONY GUARNACCIA
320 DOCKERTYS ROAD, WY-YUNG

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

FILENAME: Y:\20000-20999\20600- 20699\20690 Guarnaccia\20690 Prop V1.pro

NOTATIONS

AREAS ARE APPROXIMATE ONLY
DIMENSIONS ARE SUBJECT TO SURVEY

SCALE (SHEET SIZE A3)

1 : 2500

SURVEYORS REF.

20690

VERSION 1 - DRAWN 20/10/2023