

Form 2

NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	503 Stephenson Road NICHOLSON 3882 Lot: 1 PS: 743268
The application is for a permit to:	Development of an agricultural outbuilding
The applicant for the permit is:	Crowther & Sadler Pty Ltd
The application reference number is:	5.2024.142.1

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 Page 1 of 3

VOLUME 11686 FOLIO 338

Security no : 124114272985M
Produced 18/04/2024 11:01 AM

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 743268L.
PARENT TITLE Volume 09425 Folio 280
Created by instrument PS743268L 20/06/2016

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor

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 PS743268L 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: 503 STEPHENSON ROAD NICHOLSON VIC 3882

ADMINISTRATIVE NOTICES

NIL

eCT Control 19052X ENGEL & PARTNERS
Effective from 28/02/2023

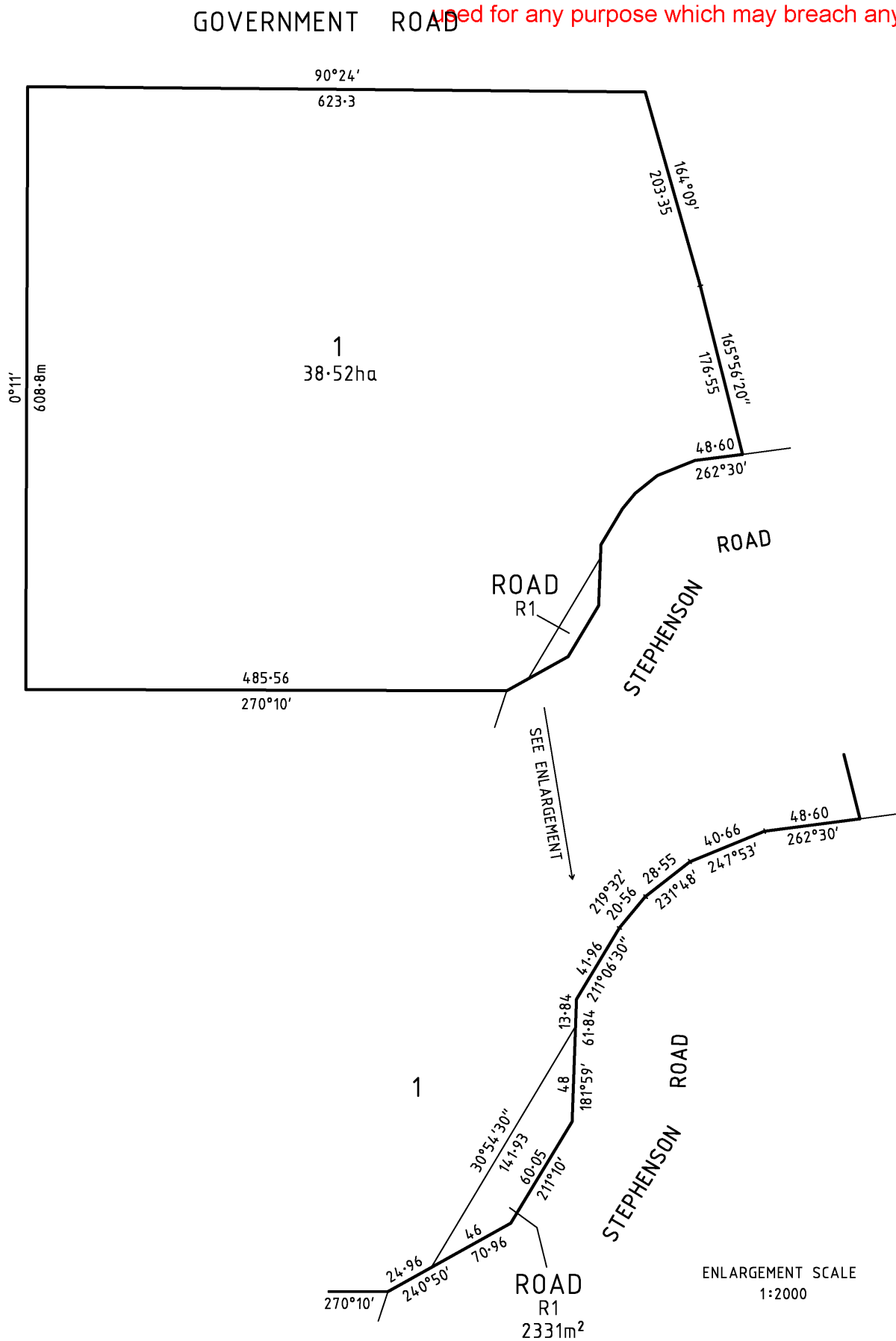
DOCUMENT END

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<p>PLAN OF SUBDIVISION Under Section 35 of the Subdivision Act 1988</p>		<p>EDITION 1 PS 743268E</p> <p>Council Name: East Gippsland Shire Council</p> <p>Council Reference Number: Section 35 Planning Permit Reference: planning permit not required SPEAR Reference Number: S081391J</p> <p>This is a plan under section 35 of the Subdivision Act 1988 which does not create any additional lots. This plan is exempt from Part 3 of the Subdivision Act 1988.</p> <p>Certification</p> <p>This plan is certified under section 6 of the Subdivision Act 1988</p> <p>Statement of Compliance</p> <p>This is a statement of compliance issued under section 21 of the Subdivision Act 1988</p> <p>Digitally signed by: Aaron David Hollow for East Gippsland Shire Council on 12/04/2016</p>		
<p>LOCATION OF LAND</p> <p>PARISH: DARGO TOWNSHIP: BUMBERRAH SECTION: ——— CROWN ALLOTMENT: 97A (PART) CROWN PORTION: ——— TITLE REFERENCE: 9425/280</p> <p>LAST PLAN REFERENCE: LOT 4 ON LP125695D POSTAL ADDRESS: 503 STEPHENSON ROAD, (at time of subdivision) NICHOLSON 3882</p> <p>MGA CO-ORDINATES: E: 569 640 Zone: 55 (of approx centre of land N: 5817 810 GDA 94 in plan)</p>				
VESTING OF ROADS AND/OR RESERVES		NOTATIONS		
IDENTIFIER	COUNCIL/BODY/PERSON	<p>THE LAND BEING SUBDIVISION IS ENCLOSED WITHIN THICK CONTINUOUS LINES.</p> <p>ROAD R1 AND THE CONNECTION 240°50' ~ 24.96 IS THE RESULT OF THIS SURVEY.</p> <p>THE AREA OF LOT 1 HAS BEEN DEDUCED FROM TITLE.</p> <p>Land to be acquired by agreement: ROAD R1 Land to be acquired by compulsory process:</p> <p>All the land is to be acquired free from all encumbrances other than any easements specified on this plan.</p>		
ROAD R1	EAST GIPPSLAND SHIRE COUNCIL			
NOTATIONS				
DEPTH LIMITATION	DOES NOT APPLY			
<p>SURVEY: This plan is is not based on survey.</p> <p>STAGING: This is is not a staged subdivision. Planning Permit No. _____</p> <p>This survey has been connected to permanent marks No(s). _____</p> <p>In Proclaimed Survey Area No. _____</p>				
EASEMENT INFORMATION				
<p>Easements marked (+) are created upon registration of this plan. Easements marked (•) are created when the appropriate vesting date is recorded or transfer registered. Easements marked (#) are removed when the appropriate vesting date is recorded or transfer registered.</p>				
<p>LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)</p>				
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
<p>FREEMAN land surveying 309 Main Street, PO Box 1771, Bairnsdale 3875 p. 0427 843 710 e. freemanlandsurveying@gmail.com</p>		<p>SURVEYORS REF: 15098</p> <p>Digitally signed by: Bradley Freeman (Freeman Land Surveying), Surveyor's Plan Version (1), 23/02/2016</p>	<p>ORIGINAL SHEET SIZE: A3</p> <p>PLAN REGISTERED TIME: 2.48 Pm DATE: 20/05/16 M.Holloway Assistant Registrar of Titles</p>	<p>SHEET 1 OF 3</p>

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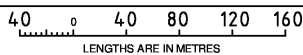
APPROX.
TRUE NORTH



FREEMAN land surveying

309 Main Street,
PO Box 1771, Bairnsdale 3875
p. 0427 843 710

SCALE
1:4000



Digitally signed by: Bradley Freeman (Freeman Land Surveying),
Surveyor's Plan Version (1),
23/02/2016

ORIGINAL SHEET
SIZE: A3

SHEET 2 OF 3

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East Gippsland Shire Council,
12/04/2016,
SPEAR Ref: S081391J

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Page 4 of 26

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PS743268L

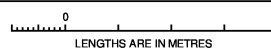
VESTING DATES & TRANSFER REGISTRATION DATES OF ACQUIRED LAND

Land affected	Land acquired by compulsory process prior to certification			Land acquired by compulsory process after registration of plan				Land acquired by agreement	LTO reference of transfers or notifications of vesting dates	Assistant Registrar of Titles Signature
	Vesting date	Gov't Gaz		Date of recording of vesting date	Vesting date	Gov't Gaz		Date of registration of transfer		
		Page	Year			Page	Year			
ROAD R1	—	—	—	—	—	—	—	20/06/16		M.H.

FREEMAN land surveying

309 Main Street,
PO Box 1771, Bairnsdale 3875
p. 0427 843 710

SCALE



Digitally signed by: Bradley Freeman (Freeman Land Surveying),
Surveyor's Plan Version (1),
23/02/2016

ORIGINAL SHEET
SIZE: A3

SHEET 3 OF 3

Digitally signed by:
East Gippsland Shire Council,
12/04/2016,
SPEAR Ref: S081391J

Printed 22/05/2024
Page 5 of 26

Planning Report

Development of an Agricultural Shed
503 Stephenson Road, Nicholson

Our reference – 20845

May 2024



FS 520900



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	Application Form	
	Proposed Site, Floor and Elevation Plans	
	Geotechnical Risk Assessment Waiver (<i>Chris O'Brien & Company</i>)	
	Copy of Title (Lot 1 on PS 743268L)	

Note: Applicable Planning Application fee is \$1,232.20

1. Introduction

This Planning Report is prepared in support of a proposed development of an agricultural shed at 503 Stephenson Road, Nicholson. The Report addresses the provisions of the Rural Living Zone 2 and Erosion Management Overlay as contained within the East Gippsland Planning Scheme.



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

2. Subject Land & Surrounding Context

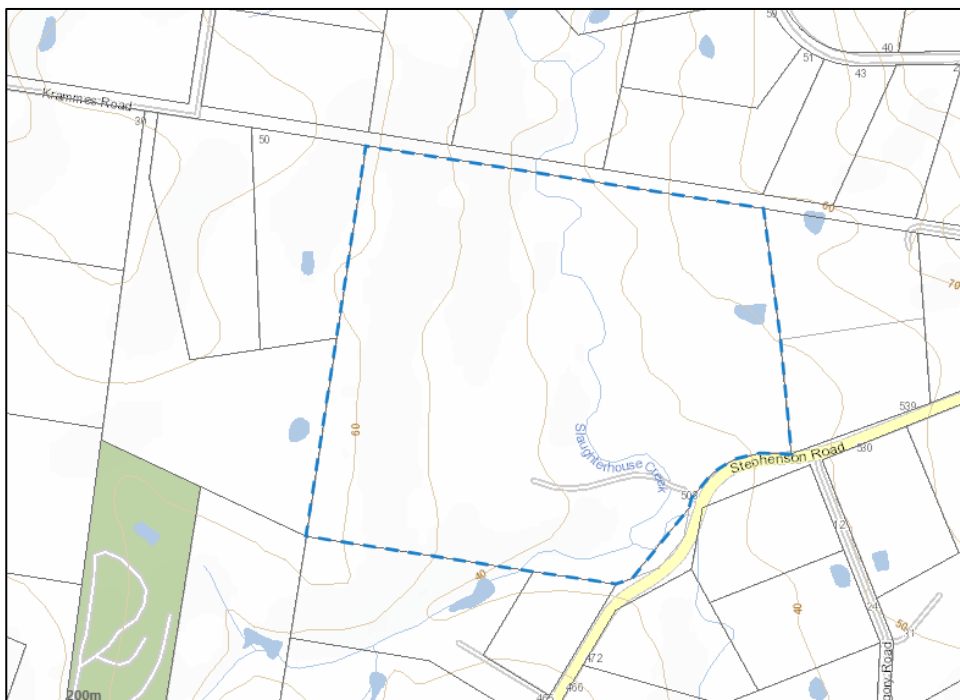
Formally known as Lot 1 on PS743268 otherwise more commonly known as 503 Stephenson Road, Nicholson, the subject land is a significant land parcel of 38.53 hectares.

The subject land is developed with an aged dwelling and existing shed which is accessed via an internal driveway from Stephenson Road, which is a sealed rural road.



Image of the existing access to the subject land

A significant waterway (Slaughterhouse Creek) runs north–south centrally on the property and the landform is undulating generally falling to the centre of the land towards the waterway.



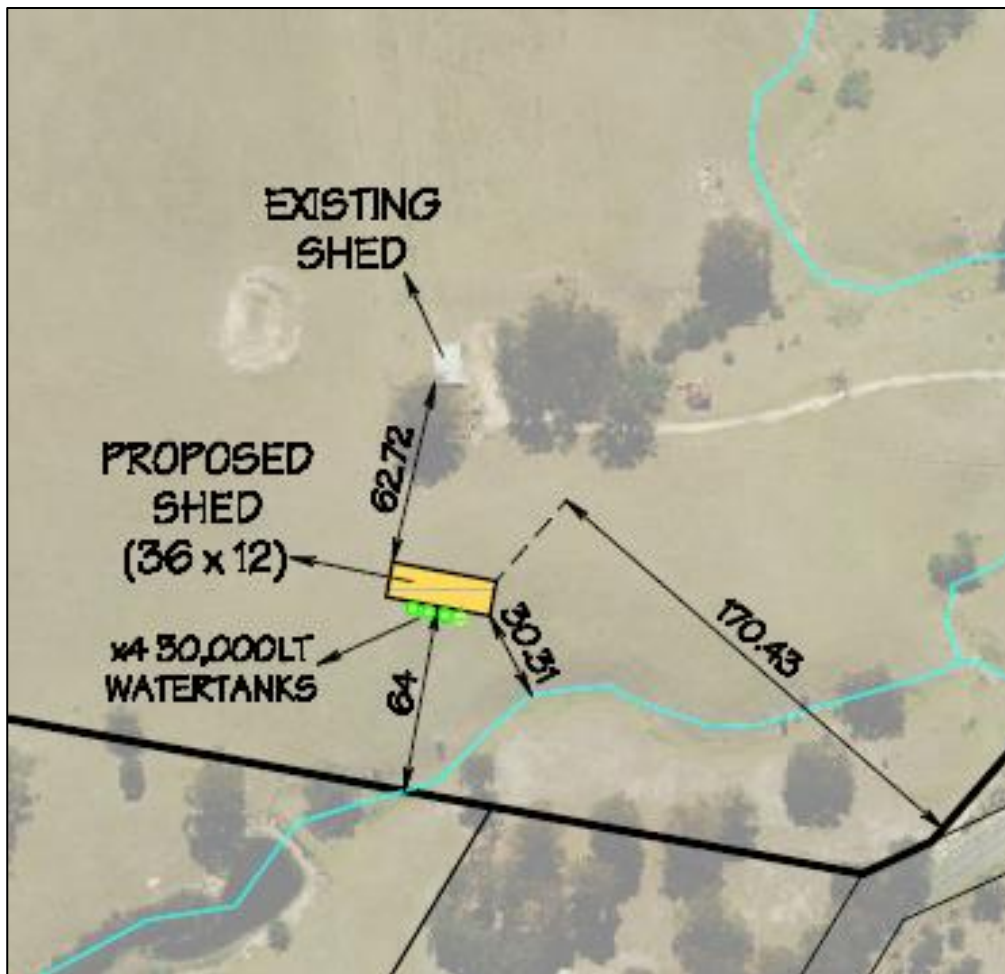
Subject land contour and waterway mapping (Source: VicPlan)

Stock grazing is undertaken on the land and the property is improved with paddock fencing and a number of stock dams. The land contains scattered native vegetation primarily within the northern part of the land.

3. The Application & Proposal

It is proposed to develop an agricultural shed on the subject land to facilitate the agricultural activities taking place on the property, storing farm machinery, equipment and materials.

The shed has been sited to incorporate a 64 metre setback from the southern boundary, 170.43 metres setback from Stephenson Road to the south-east and incorporating a 62.72 metre setback from the existing shed to the north. The closest setback to the waterway to the south-east is 30.31 metres.

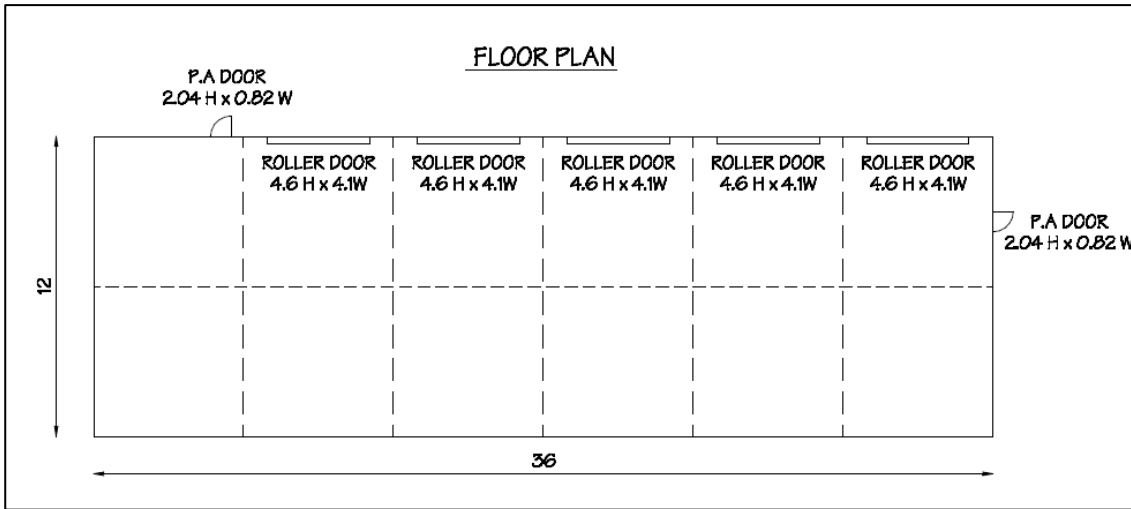


Extract of the proposed site plan showing the shed siting.

Four 30,000 litre water tanks to the south of the shed will collect stormwater for reuse within livestock troughs.

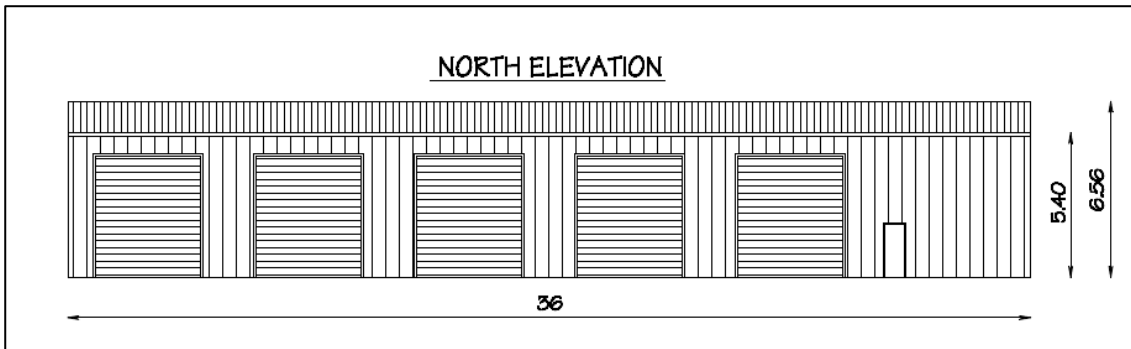
The proposed shed is to have a length of 36 metres and a width of 12 metres equating to an overall floor area of 432 square metres.

Four roller doors will be located along the northern side of the shed being 4.6 metres in height and 4.1 metres in width, with two personal access doors, one within the northern elevation and one within the eastern elevation.



Proposed floor plan

The proposed agricultural shed has a wall height of 5.4 metres with an overall height of 6.56 metres to the apex of the building.



Proposed northern elevation

To integrate with the rural landscape the proposed shed will be constructed from metal cladding coloured slate grey and Zincalume roofing.

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

Planning Scheme Clause No.	Description of what is Proposed
35.03-4 Rural Living Zone	Buildings and works associated with a Section 2 use
35.03-4 Rural Living Zone	Buildings and works within 100 metres of a waterway
44.01-2 Erosion Management Overlay	Buildings and works

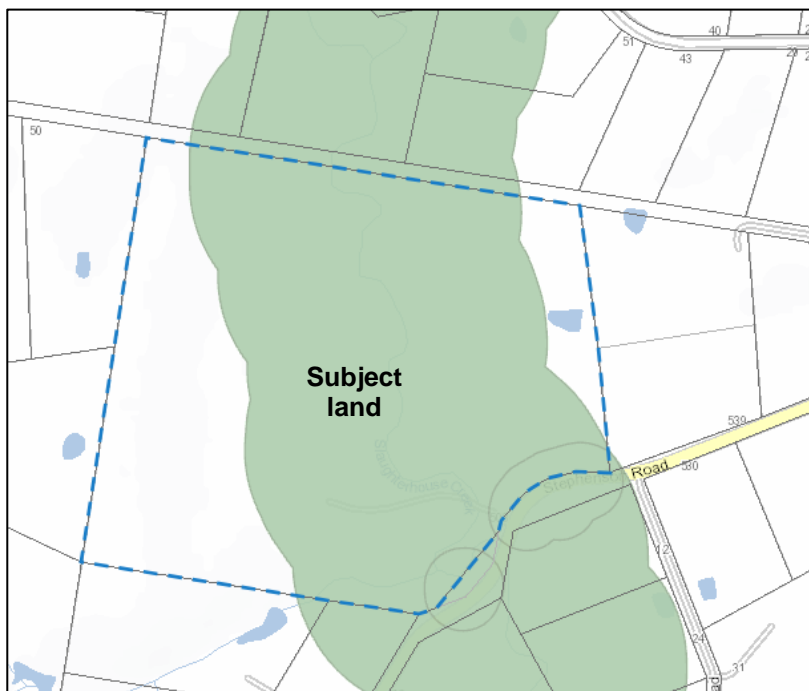
No referrals are required to be undertaken pursuant to Section 55 of the *Planning and Environment Act 1987*.

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 within an area of cultural heritage sensitivity however, the construction of a building associated with agriculture 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

Clause 11.01-1L-03 Rural settlements – Twin River towns policy applies to Nicholson. The proposed shed will provide for further development of an underdeveloped Rural Living Zoned property.

The proposed agricultural shed will be connected to rainwater tanks ensuring that stormwater detention will take place prior to discharge maintaining water volumes within the waterway as exists. The collected rainwater from the building will be used to provide for stock watering around the property via a system of water troughs ensuring water levels in the rainwater tanks will have the necessary detention. An agricultural shed containing agricultural equipment, machinery and livestock feed will not require the installation of a septic tank avoiding nutrients impacting the waterway. The landowner has actively improved the waterway and maintained remnant vegetation within the waterway corridor consistent with Clause 12.03-1S River and riparian corridors, waterways, lakes, wetlands and billabongs.

Located on elevated land and setback from the waterway provides protection for the structure in times of significant rainfall periods as per Clause 13.03-1S Floodplain management.

Clause 13.04-2S and Clause 13.04-2L Erosion have been considered with the preparation of the application. A geotechnical risk assessment waiver has been prepared advising that the erosion risk on the land is low and the proposed construction will not create an erosion hazard.

Development of an agricultural shed on this grazing property will assist the productive grazing enterprise and provides necessary farm infrastructure to ensure farm machinery, equipment and materials can be stored appropriately in accordance with Clause 14.01-2S Sustainable agricultural land use.

Clause 15.01-6S Design for rural areas is to ensure development respects valued areas of rural character. The character of the area is rural style larger dwellings and shedding within an undulating vegetated rural landscape. The proposed agricultural shed on this larger property will reflect the rural character of the outbuildings evident in the area and will mimic the style, materials and colours blending into the landscape.

5.2 Municipal Planning Strategy

Clause 02.03-1 Settlement and housing – Rural settlements Nicholson strategic directions are met with the proposed development within an existing Rural Living area of the town.

In accordance with Clause 02.03-2 Environmental and landscape values, the proposed shed location is within a cleared section of the property avoiding vegetation loss. The shed location is sufficiently setback from the waterway on the land, no additional nutrient impacts will impact the waterway given no septic system is required and stormwater runoff from the structure will be detained through the use of rain water tanks and reused on the property within livestock troughs.

The strategic direction in evaluating proposals for development in erosion risk areas in accordance with Clause 02.03-3 has been adhered to with the lodgement of a geotechnical risk assessment waiver. The assessment advises that there is no erosion risk on the land and the proposed development will not result in an erosion hazard.

Construction of an agricultural shed to accommodate farm machinery, equipment and materials will assist to ensure the property continues to provide productive agricultural livestock for the local market as per strategic directions in Clause 02.03-4 Natural resource management.

As per Clause 02.03-6 Economic development the proposed shed will provide efficiencies within the existing agricultural enterprise.

6. Planning Elements

6.1 Rural Living Zone

The subject land is zoned Rural Living Zone 2 in accordance with the East Gippsland Planning Scheme.



Planning scheme zone mapping (Source: VicPlan)

The purposes of the zone are met by the proposal with support provided within the Municipal Planning Strategy and the Planning Policy Framework, it will assist the grazing enterprise to operate on the land without impacting the amenity of neighbours given the benign structure and setbacks from boundaries and maintains the natural resources of the area.

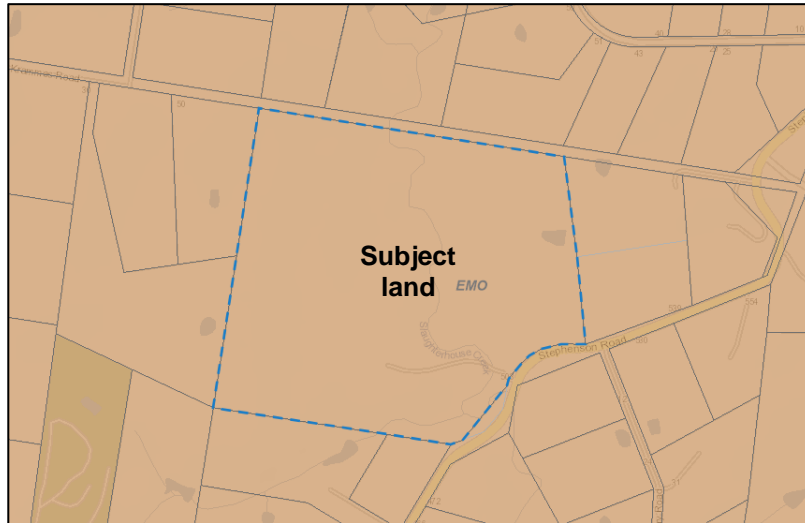
Planning approval under the zone provisions is required as the agricultural shed is associated with a Section 2 use and the shed is located closer to 100 metres from a waterway.

The proposed agricultural shed positively forwards the decision guidelines:

- The land is capable of accommodating the proposed development as no septic tank is required to support the building.
- Adjoining uses are rural residential with properties developed with larger dwellings and outbuildings. The proposed shed will store farm machinery, equipment and materials associated with the existing grazing activities undertaken on the land and being a benign structure it will be suitable and compatible with adjoining land uses.
- There will be no detrimental impacts to the biodiversity of the land as no native vegetation will be removed, the structure is setback from the waterway and no wastewater will require onsite treatment.
- The shed design is simple reflecting other shed designs on neighbouring properties. The materials and colours will allow the building to blend into the rural landscape of the area.

6.2 Erosion Management Overlay

The subject land is contained within the Erosion Management Overlay. The schedule to the Overlay focuses on *Management of Geotechnical Hazard*.



Planning scheme overlay mapping (Source: VicPlan)

In accordance with the Application requirements, the planning application is supported with a geotechnical risk assessment waiver.

The assessment advises that there are no current erosion risks on the land and the proposed shed development will not pose an erosion hazard.

Based on the advice of a qualified engineer it is considered that the decision guidelines of the Overlay have been met.

7. Conclusion

The proposed use and development of an agricultural shed at 503 Stephenson Road, Nicholson is considered to accord with all relevant provisions of the Rural Living Zone 2 and Erosion Management 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 complement the rural landscape character of the area.

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

Reference No: B24134

Project No: 10524

3/05/2024

Crowther & Sadler Pty Ltd
P.O Box 722
BAIRNSDALE Vic 3875

Attn: Aaron Hollow

Email: aaron@crowthersadler.com.au

Dear Aaron,

**RE: GRA Waiver for Proposed Agricultural Shed (Greater than 200m2)
503 Stephenson Road, Nicholson**

Chris O'Brien & Company Pty Ltd have been engaged by Aaron Hollow of Crowther & Sadler Pty Ltd to determine whether or not a full Geotechnical risk assessment report is required for the proposal to construct a new agricultural shed (greater than 200m²) at 503 Stephenson Road, Nicholson Vic 3882. An erosion management overlay exists over the property.

The purpose of this letter is to determine if the works to be carried out on this site will be a risk to the surrounding environment and is to be used in the planning application process only. This letter is not a soil classification report and shall not be used for this purpose.

Information contained in this letter is from a visual inspection of the site and based on information supplied to Chris O'Brien & Company Pty Ltd on the work to be completed on the site.

The site was inspected by Andrew Powell on the 26th April 2024.

Inspection of the site where the shed is to be constructed showed no current erosion problems in the area. The site is located to the south of the existing dwelling and shed on the property with access to be gained from the existing property access from the east of Stephenson Road. A significant water course exists to the south of the proposed shed. The land is currently used for grazing and has an excellent cover of grass and has no significant vegetation where the shed is to be constructed. The land where the shed is to be constructed falls from north to south and from west to east falling towards the natural water course. Falls to a maximum of 1 in 20 occur on the proposed shed site. Photos of our findings are attached to this report.

For the construction of the proposed shed, some earthworks will be required to form a level platform with any cut or fill batters formed to be a maximum of 1 in 2 and some minor earthworks will be required for the proposed footings to support the shed. During any

Crowther & Sadler Pty Ltd

Proposed Agricultural Shed at 503 Stephenson Road, Nicholson

Project No. 10524

Page 2 of 5

earthworks and until all batters have been stabilised by topsoiling and regressing protection barriers such as silt fences are to be placed on the downslope side of all construction works. Provided this is strictly adhered to we expect no environmental risks from this work.

Storm water created from the proposed agricultural shed will be directed to the legal point of discharge via water tanks, with the overflow from these tanks to be treated with rock beaching. Provided this is done, no environmental risks are expected from this source.

We therefore suggest that a full geotechnical risk assessment report is not required for this development. As long as normal precautions are taken during any earthworks and proper treatment of storm water overflow is done, we anticipate no environmental risks on this site with the work to be undertaken.

Should you need to clarify anything, please contact the Andrew Powell on 0402384596

Yours faithfully,



Andrew Powell Assoc. Dip (Civil)
for CHRIS O'BRIEN & COMPANY PTY LTD

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Photos below shows area where shed is to be constructed and site access



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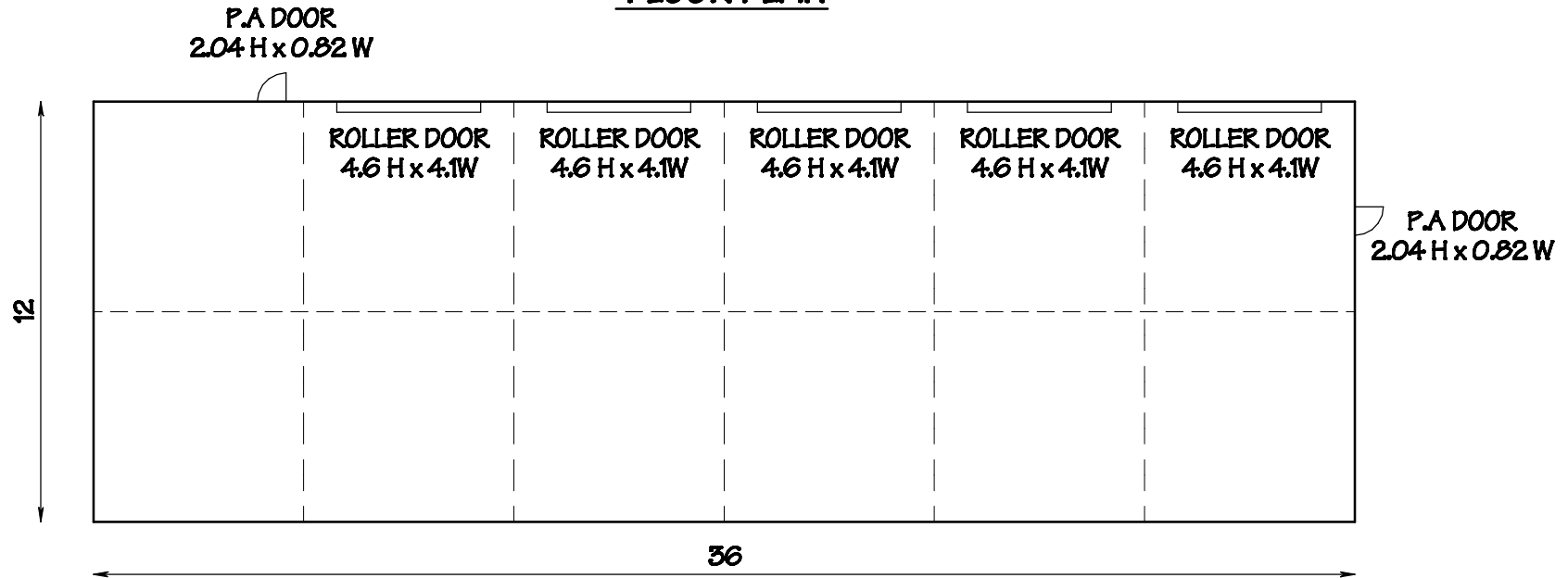
FLOOR & ELEVATION PLAN

PARISH OF BUMBERRAH
CROWN ALLOTMENT 97A (PART)
LOT 1 ON PS743268L

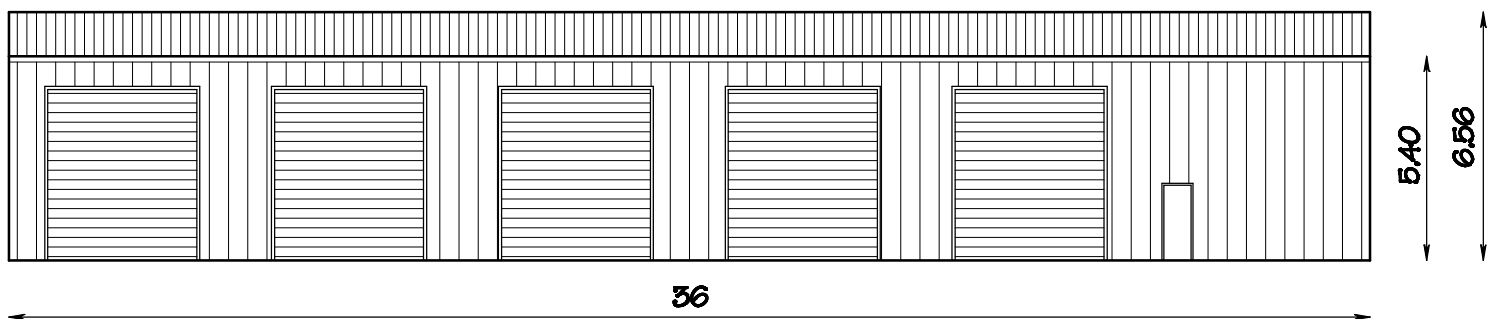
COLOUR SCHEDULE

ROOF CLADDING - ZINCALUME
WALL CLADDING - SLATE GREY
GUTTER - SLATE GREY
ROLLER DOORS - SLATE GREY
P.A DOORS - SLATE GREY

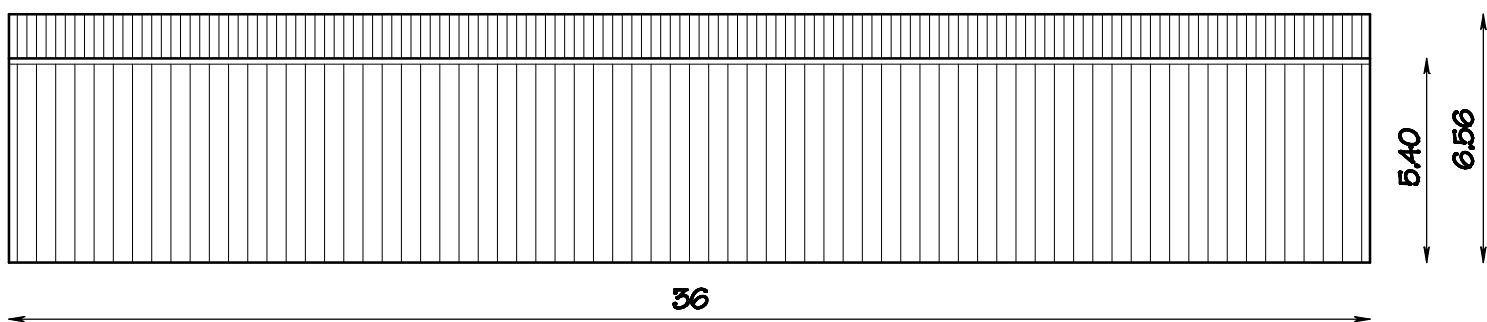
FLOOR PLAN



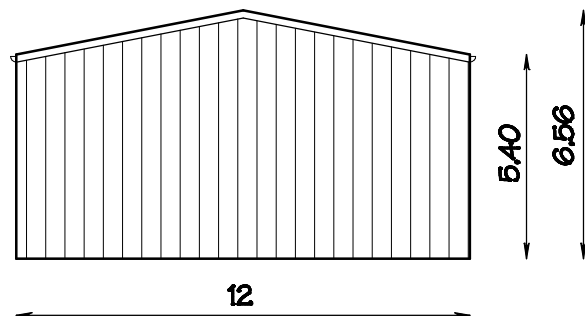
NORTH ELEVATION



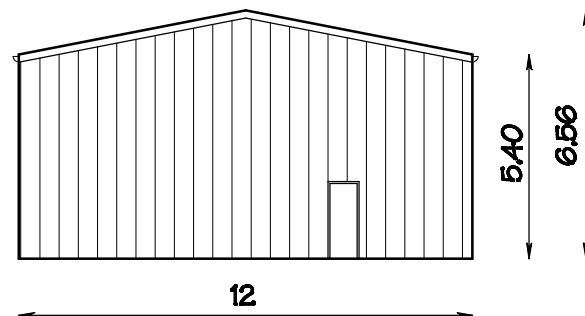
SOUTH ELEVATION



WEST ELEVATION



EAST ELEVATION



Crowther & Sadler Pty. Ltd.

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

MICHAEL CAPES

503 STEPHENSON ROAD, NICHOLSON

SCALE (SHEET SIZE A3)

SURVEYORS REF.

1 : 200

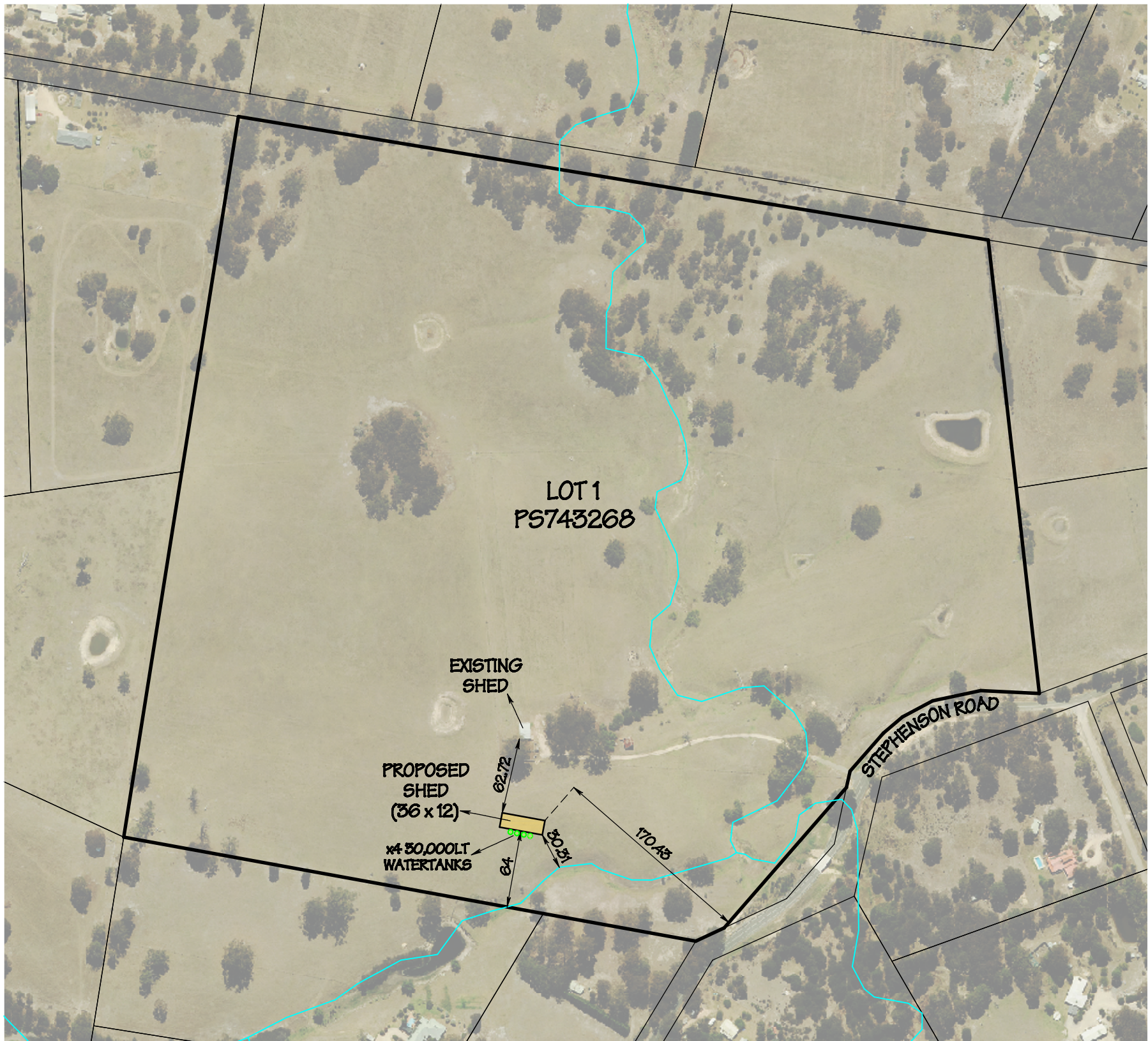
20845

SITE PLAN

PARISH OF BUMBERRAH
CROWN ALLOTMENT 97A (PART)

LOT 1 ON PS743268L

MGA2020 ZONE 55



Crowther & Sadler Pty.Ltd.

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

MICHAEL CAPES

503 STEPHENSON ROAD, NICHOLSON

SCALE (SHEET SIZE A3)

SURVEYORS REF.

1 : 4000

20845

VERSION 1 - DRAWN 17/04/2024