

Form 2

NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	705 & 755 Bengworden Road GOON NURE 3875 CA: 95A, CA: 94B, Lot: 1 PS: 916363
The application is for a permit to:	Three lot re-subdivision
The applicant for the permit is:	Gippsland Licensed Surveyors
The application reference number is:	5.2024.266.1

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
---	---

If you object, the Responsible Authority will tell you its decision.

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958 Page 1 of 1

VOLUME 12487 FOLIO 862

Security no : 124114059605W
Produced 10/04/2024 01:25 PM

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 916363F.
PARENT TITLES :
Volume 08093 Folio 099 Volume 10439 Folio 344
Created by instrument PS916363F 05/07/2023

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
 JAMES STIRLING PATTERSON
 PS916363F 05/07/2023

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 PS916363F 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: 705 BENGWORDEN ROAD GOON NURE VIC 3875

ADMINISTRATIVE NOTICES

NIL

DOCUMENT END

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EDITION 1

PS 916363F

<h1>PLAN OF SUBDIVISION</h1>	
<p>LOCATION OF LAND</p> <p>PARISH: MOORMURNG</p> <p>TOWNSHIP: _____</p> <p>SECTION: _____</p> <p>CROWN ALLOTMENT: 94 & 94^A</p> <p>CROWN PORTION: _____</p> <p>TITLE REFERENCE: VOL 8093 FOL 099 VOL 10439 FOL 344</p> <p>LAST PLAN REFERENCE: TPI3263G</p> <p>POSTAL ADDRESS: 705 BENGWORDEN ROAD & 80 COMELYS ROAD, GOON NURE, 3875 (at time of subdivision)</p> <p>MGA2020 CO-ORDINATES: E: 549 080 ZONE: 55 (of approx centre of land in plan) N: 5804 290</p>	<p>Council Name: East Gippsland Shire Council Council Reference Number: PS916363F Planning Permit Reference: Planning permit not required SPEAR Reference Number: S208832A</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>Public Open Space</p> <p>A requirement for public open space under section 18 or 18A of the Subdivision Act 1988 has not been made</p> <p>Digitally signed by: Robert Pringle for East Gippsland Shire Council on 04/04/2023</p>

VESTING OF ROADS AND/OR RESERVES	NOTATIONS				
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:20%;">IDENTIFIER</th> <th>COUNCIL/BODY/PERSON</th> </tr> <tr> <td style="text-align: center;">NIL</td> <td style="text-align: center;">NIL</td> </tr> </table>	IDENTIFIER	COUNCIL/BODY/PERSON	NIL	NIL	<p>DIMENSIONS SHOWN UNDERLINED ARE NOT THE RESULT OF THIS SURVEY. THE AREA OF LOT 1 IS BY DEDUCTION FROM TITLE.</p>
IDENTIFIER	COUNCIL/BODY/PERSON				
NIL	NIL				
NOTATIONS					
DEPTH LIMITATION DOES NOT APPLY					
<p>SURVEY: This plan is based on survey.</p> <p>STAGING: This is not a staged subdivision. Planning Permit No. _____</p> <p>This survey has been connected to permanent marks No(s). 16</p> <p>In Proclaimed Survey Area No. NIL</p>					

EASEMENT INFORMATION

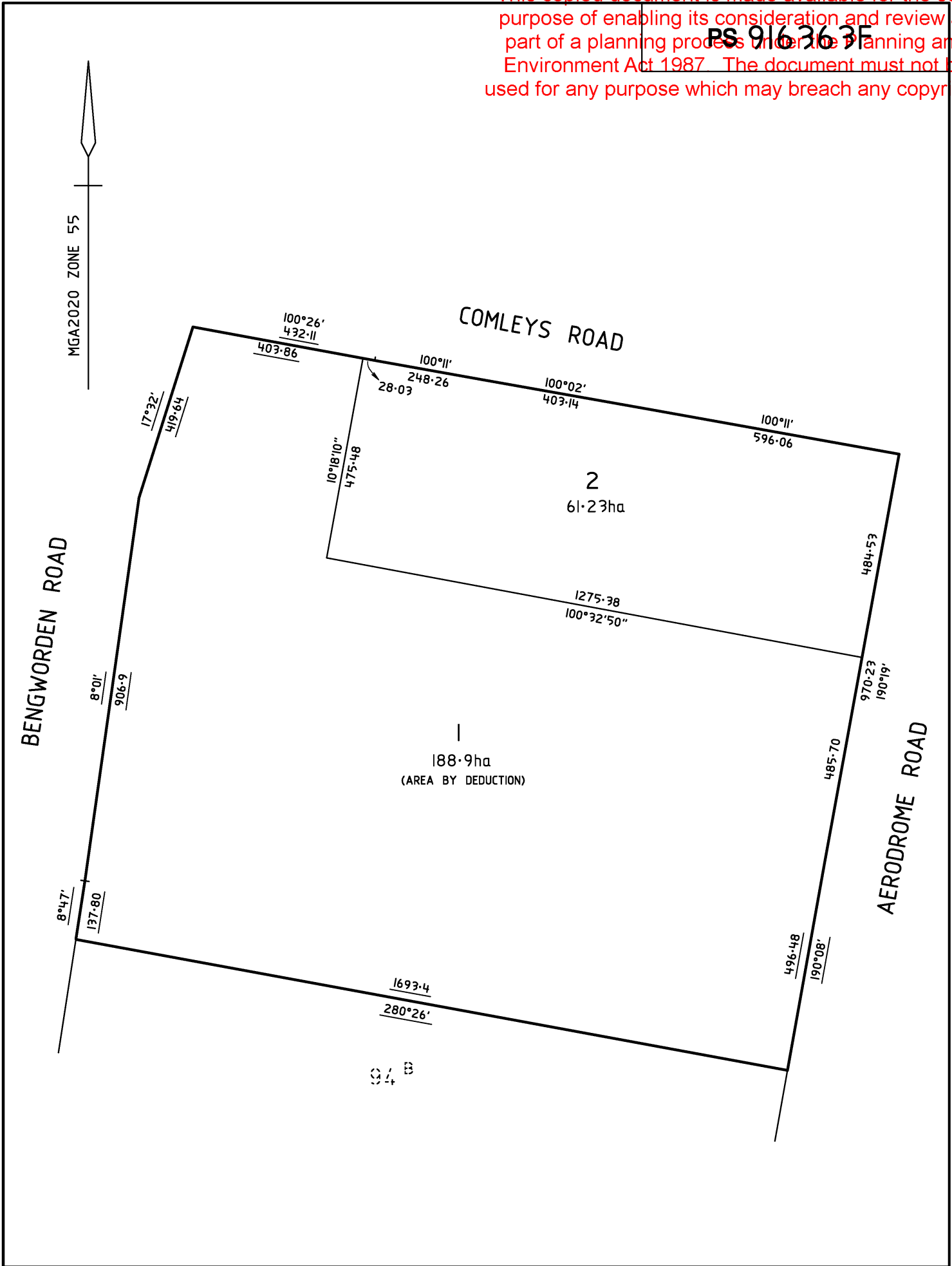
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of

<p>Crowthier & Sadler Pty. Ltd. LICENSED SURVEYORS & TOWN PLANNERS 162 MACLEOD STREET, BAIRNSDALE, VIC., 3875 P. (03) 6162 6011 E. contact@rowthiersadler.com.au</p>	<p>SURVEYORS FILE REF: 20336</p>	<p>ORIGINAL SHEET SIZE: A3</p>	<p>SHEET 1 OF 2 SHEETS</p>
	<p>Digitally signed by: Michael J Sadler, Licensed Surveyor, Surveyor's Plan Version (2), 02/03/2023, SPEAR Ref: S208832A</p>		<p>PLAN REGISTERED TIME: 4:18pm DATE: 5/07/2023 A. Ross Assistant Registrar of Titles</p>

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PS 916363F



Crowther & Sadler Pty. Ltd. LICENSED SURVEYORS & TOWN PLANNERS 162 MACLEOD STREET, BAIRNSDALE, VIC., 3875 P. (03) 5162 5011 E. contact@crowthersadler.com.au	SURVEYORS REF 20336	SCALE 1:8000	LENGTHS ARE IN METRES	ORIGINAL SHEET SIZE: A3	SHEET 2
	Digitally signed by: Michael J Sadler, Licensed Surveyor, Surveyor's Plan Version (2), 02/03/2023, SPEAR Ref: S208832A		Digitally signed by: East Gippsland Shire Council, 04/04/2023, SPEAR Ref: S208832A		

Printed 9/09/2024

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958 Page 1 of 1

VOLUME 12487 FOLIO 864

Security no : 124114059619G
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LAND DESCRIPTION

Crown Allotment 94B and Crown Allotment 95A Parish of Moormurng.
PARENT TITLE Volume 08093 Folio 099
Created by instrument PS916363F 05/07/2023

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
JAMES STIRLING PATTERSON
AJ420984K 10/01/2012

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 TP013263G FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

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

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

ADMINISTRATIVE NOTICES

NIL

DOCUMENT END



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Our Ref: 4113

23 May 2024

Coordinator Statutory Planning
East Gippsland Shire Council
P.O. Box 1618
Bairnsdale, VIC 3875

ATTENTION: Coordinator

Dear Sir/Madam,

**RE: 705 & 755 Bengworden Road, Goon Nure
Proposed three (3) Lot Re-Subdivision**

On behalf of our client, James Patterson, we submit the enclosed Application for a Planning Permit for a three (3) Lot Re-Subdivision of land at 705 & 755 Bengworden Road, Goon Nure.

Please have the charge raised for \$1,415.10 for the Planning Application Fee, and our office will arrange for payment of this fee.

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

Regards,

A handwritten signature in blue ink, appearing to read "Jonathan Neilson", written over a light blue horizontal line.

Jonathan Neilson
Director, Principal & Licensed Surveyor



gippsland
surveyors

LICENSED

ADVERTISED

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705 & 755 Bengworden Rd

GOON NURE

RE-SUBDIVISION OF LAND
ADJACENT TO THE PRINCIPAL
ROAD NETWORK

PLANNING PERMIT
APPLICATION



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GIPPSLAND LICENSED SURVEYORS PTY LTD

(J.P. NEILSON & ASSOCIATES P/L)

(CHRISTOPHER C MORRIS & ASSOCIATES)

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ABN: 63 169 591 833

Document Control

DATE PREPARED	VERSION NUMBER	AUTHOR	APPROVED	DISTRIBUTED
MAY 2024	1	TLS	JPN	INTERNAL, CLIENT, COUNCIL
AUGUST 2024	2	TLS	JPN	INTERNAL, CLIENT, COUNCIL

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1.0 | INTRODUCTION

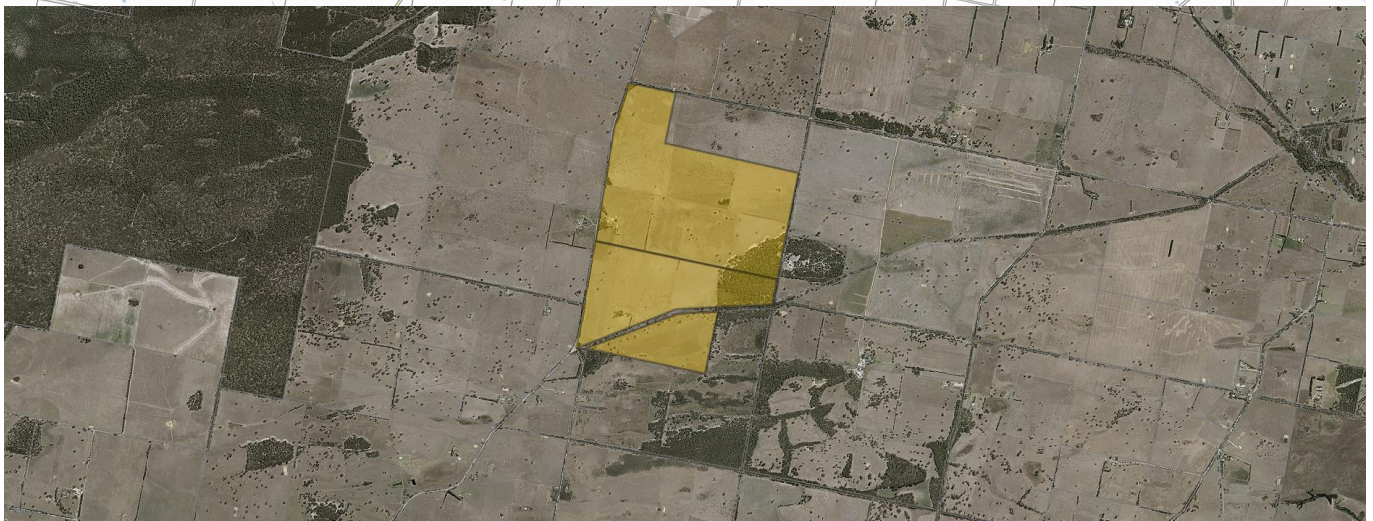
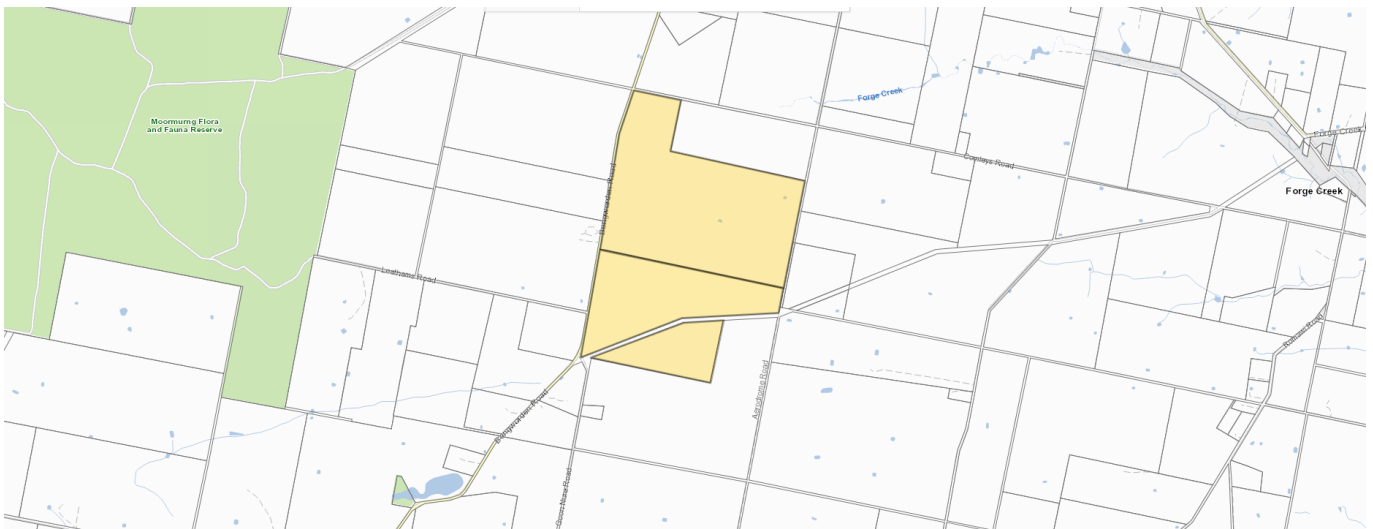
This Planning Application Report has been prepared at the request of James and Llewella Patterson in support of a proposed Re-Subdivision of their property tenement at 705 & 755 Bengworden Road, Goon Nure. In total, in excess of 317 hectares (approximately 785 acres) of land is subject to this application.

The proposal seeks to restructure the existing Titles (Lot 1 on PS916363F, & Lots 94B & 95A on TP13263G) into a configuration that enhances and protects agricultural land reflects the existing use of the land following alignments of established fencing. Additionally, land used for agricultural purposes is conserved as large Tiles of no less than 100 hectares (150 acres).

The Application is submitted in accordance with the adopted Planning Documents that apply to the land. This report addresses the provisions of the Farming Zone (FZ) and Particular Provisions as contained within the *East Gippsland Planning Scheme*.

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

- *Application for Planning Permit form*
- *Current Certificate of Title & Title Diagram*
- *'Plan of Proposed Subdivision'*



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



1.1 EXECUTIVE SUMMARY

TABLE 1 – EXECUTIVE SUMMARY OF APPLICATION

APPLICATION DETAILS	
PROPOSAL	THREE (3) LOT RE-SUBDIVISION OF LAND ADJACENT TO THE PRINCIPAL ROAD NETWORK
APPLICANT	GIPPSLAND LICENSED SURVEYORS
PROPERTY DETAILS	
PROPERTY ADDRESS	705 & 755 BENGWORDEN ROAD, GOON NURE
LAND DESCRIPTOR	VOL 12487 FOL 862 LOT 1/PS916363F PARISH OF MOORMURNG, C.A. 94 & 94A (PARTS)
LAND AREA	188.9ha
APPROX. LAND DIMENSIONS	AS DEPICTED ON TITLE PLANS SUBMITTED WITH THIS APPLICATION
RESTRICTIONS & ENCUMBRANCES ON TITLE	NIL
EXISTING USE	AGRICULTURAL – RURAL LIVING & SHEEP FARM
PLANNING PROVISIONS	
ZONE	FARMING ZONE – SCHEDULE 1
OVERLAYS	ENVIRONMENTAL SIGNIFICANCE OVERLAY – SCHEDULE 1-43 VEGETATION PROTECTION OVERLAY – SCHEDULE 1 EROSION MANAGEMENT OVERLAY – SCHEDULE BUSHFIRE MANAGEMENT OVERLAY
CULTURAL SENSITIVITY	AREA OF ABORIGINAL CULTURAL HERITAGE SENSITIVITY
BUSHFIRE AREA	DESIGNATED BUSHFIRE PRONE AREA
PARTICULAR PROVISIONS	CLAUSE 14.01 AGRICULTURE CLAUSE 52.29 LAND ADJACENT TO THE PRINCIPAL ROAD NETWORK CLAUSE 53.02 BUSHFIRE PLANNING
GENERAL PROVISIONS	CLAUSE 65 DECISION GUIDELINES
PERMIT TRIGGERS	CLAUSE 35.07 FARMING ZONE CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY CLAUSE 42.02 VEGETATION PROTECTION OVERLAY CLAUSE 44.01 EROSION MANAGEMENT OVERLAY CLAUSE 44.06 BUSHFIRE MANAGEMENT OVERLAY CLAUSE 52.29 LAND ADJACENT TO THE PRINCIPAL ROAD NETWORK



2.0 | SUBJECT SITE OVERVIEW & ANALYSIS

2.1 GENERAL OVERVIEW

The sites form as three irregularly shaped parcels of land with areas of 188.9ha, 91.94ha, 36.65ha respectively, providing a combined area of 317.49ha. The parcels are all connected, separated only by Government Road, and are all accessed directly from either Bengworden Road or the Government Road. The sites are located approximately halfway between Bengworden and Bairnsdale.

The sites form part of a larger farming tenement historically used for sheep husbandry. One of the existing parcels contains a dwelling associated with the farm. The parcels contain typical farm infrastructure, and patches of significant vegetation.

The Farming Zone Schedule 1 (FZ1) applies to all parcels; additionally, various portions of land in the Application are affected by other overlays including the Erosion Management Overlay Schedule (EMO), Environmental Significance Overlay Schedule 1-43 (ESO1-43), Vegetation Protection Overlay Schedule 1 (VPO1) and Bushfire Management Overlay, and contains Areas of Aboriginal Cultural Heritage Sensitivity.

2.2 EXISTING BUILT FORM, SITE FEATURES, USE & ACCESS

The subject site forms as three abutting allotments along Bengworden Road, in the locality of Goon approximately 6.5km south of Bairnsdale. The current respective Title areas are 188.9ha, 91.94ha and 36.65ha. An unmade government road separates the southern-most allotment from the northern two.

The land contains a single-storey dwelling, with associated septic system, shedding and domestic amenity. The remainder of the land is divided into paddocks. Rural post-and-wire fencing divides the paddocks, and farm tracks and fenced thoroughfares provide efficient access throughout the farm. The southeastern portion of the site land contains approximately 27 hectares of remnant vegetation.

Additionally, the farm has some small patches of vegetation, including some recently planted windrows along fence lines. The road boundaries of the sites are lined with corridors of mature vegetation.

Access to the sites is primarily provided along Bengworden Road, with additional farm accesses provided along Aerodrome Road. The site also has frontage to Comleys Road to the north and an unmade government road.

Collectively, the sites are flat, as is characteristic of this area of the Shire.

2.3 ADJOINING LAND & SURROUNDING CONTEXT

The subject sites are located in the extensive farming precinct of East Gippsland, nestled in along a major thoroughfare just south of the Bairnsdale Airport, proximate to the towns of Bengworden and Paynesville. This region is firmly established as being a strong agricultural base for the Shire. The surrounding area is characterised by mainly large landholdings, many of which form part of larger farming tenements, utilised primarily for broad-scale agricultural pursuits. Due to the somewhat marginal soil type, the region is best suited to grazing – many of the agricultural activities conducted in the area are reflective of this. The area contains sparsely located dwellings, generally associated with the agricultural activities conducted upon the land.

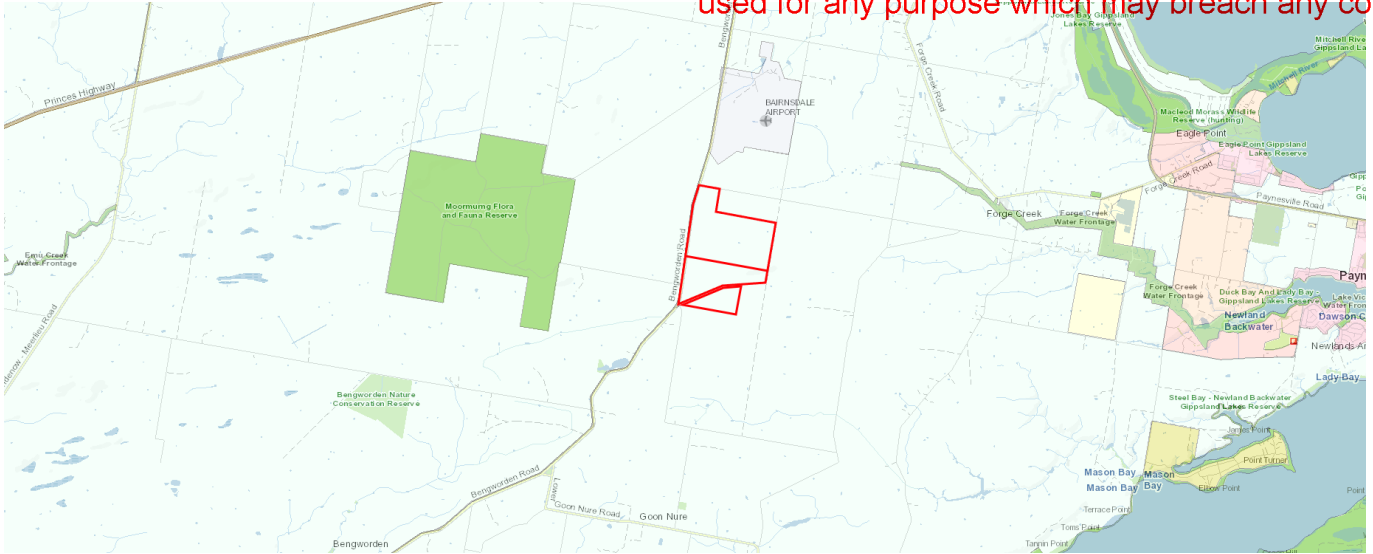


FIGURE 3 - DIAGRAM OF SUBJECT SITE AND ZONING IN SURROUNDING VICINITY (SOURCE: VICPLAN)

2.4 ENCUMBRANCES ON TITLE

Land in this Application is not subject to any restrictions or easements known to Title.

2.5 RELEVANT PLANNING HISTORY OF SITE


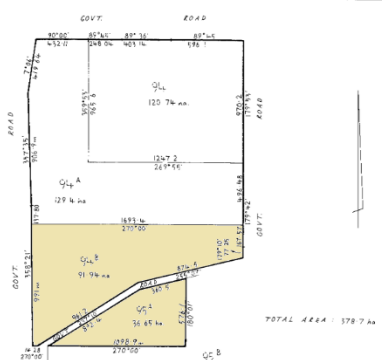
Land known as 755 Bengworden Road is more formally known as Lots 94B & 95A on TP13263G. These parcels form as the original Crown Allotments.

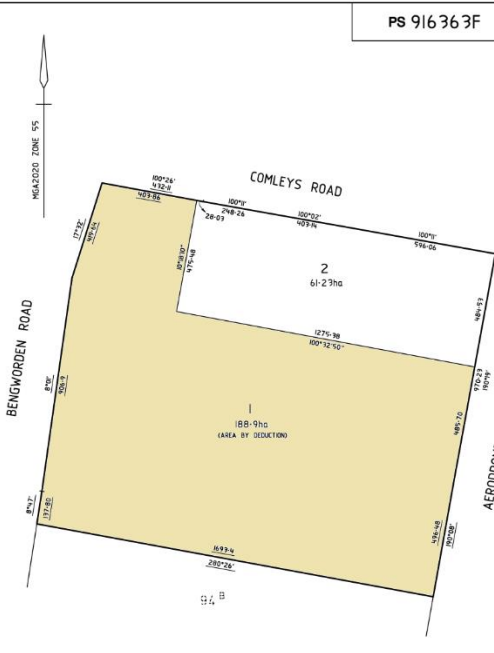


FIGURE 4 – EXCERPT FROM MOORMUNG PARISH PLAN, SHOWING LAND SUBJECT TO THIS APPLICATION

Land known as 705 Bengworden Road, formally known as Lot 1 on PS916363F, was created as part of a two Lot re-subdivision of the original Crown Allotments 94 & 94A. PS916363F was registered in July 2023.

Delivered by LANDATA6: lmsurvey 10/04/2024 13:20 Page 1 of 1

TITLE PLAN		EDITION 1		TP13263G	
Location of Land			Notations		
Parish: MOORMURNG Township: Section: Crown Allotment: 94, 94A, 94B, 95A Crown Portion: LTO Base Record: 3172 Last Plan Reference: Title References: V. 8093 F. 099 Depth Limitation: NIL			NOTE: CROWN ALLOTMENT 94A IS SUBJECT TO THE EXCEPTION AND RESERVATION AS SET OUT IN CROWN GRANT VOL. 2963 FOL. 457.		
Easement Information			THIS PLAN HAS BEEN PREPARED BY LAND REGISTRY LAND VICTORIA FOR TITLE DIAGRAM PURPOSES		
Easement Reference	Purpose / Authority	Width (Metres)	Origin	Land benefited / In favour of	
			Checked by:  Date: 19/12/2023 Assistant Registrar of Titles		
					
LENGTHS ARE IN METRES		SCALE	SHEET SIZE A3	FILE NO: V836836B	
© Victorian Land Titles Office		Drawn By:	DEALING CODE:		Sheet 1 of 1

PS 916 363F	
	
Crownthorpe & Sadler Pty Ltd LICENSED SURVEYORS & TOWN PLANNERS 18 MACLEOD STREET, BENDIGO VIC 3480 P. 080 8182 8811 E. contact@Crownthorpe.com.au	
SURVEYORS REF: 20376 SCALE: 1:8000 Original signed by: Michael J Sadler, Licensed Surveyor Surveyor's Pract. Number: 01, 02/02/2023, 03/04/2023	Original Sheet Size: A3 SHEET 2 Digitally signed by: Eric Donaldson (Eric Donaldson), SPEAR PLOT SCORER

FIGURES 5 & 6 – EXCERPTS FROM TP13263G & PS916363F SHOWING LAND SUBJECT TO THIS APPLICATION

2.6 AVAILABILITY OF UTILITY SERVICES

The subject sites have limited access to utilities, given their location and the limited servicing opportunities available within this area of the Shire.

Overhead three-phase power is provided to the sites, to service both the domestic needs and the agricultural requirements of the farm. Additionally, telecommunications are connected to the dwelling on the site, and available to the agricultural allotments.

Reticulated water is currently unavailable to the sites; therefore, they are reliant on rainwater tanks, with water being pumped around the property as required to service both domestic and agricultural requirements. Reticulated gas is currently unavailable to the sites; therefore, the dwelling is reliant upon bottled gas to service the domestic needs. Similarly, reticulated sewerage is unavailable to the area; therefore, the dwelling has an associated septic system to treat and detain all wastewater within the respective Lot boundaries.

2.7 VEGETATION

The subject sites contain native vegetation. Concentrations of trees exist along the road boundaries, along some fence lines, and around the dwelling as part of the landscaping. In addition, there are singular mature trees located randomly in paddocks, along with larger clusters of trees – in particular, there is a concentration of trees in the bushland areas in the south and south-east portions of the farm.



3.0 | DEVELOPMENT PROPOSAL

3.1 PROPOSAL OVERVIEW & DESIGN RESPONSE

This Application seeks to obtain a Planning Permit for a three (3) Lot Re-Subdivision of the sites, in accordance with the *Plan of Proposed Subdivision*. The Application proposes to restructure the Titles, such to better reflect the agricultural uses of the land, and more effectively separate the domestic assets and activities from the agricultural assets and activities. This will allow for better, more sustainable land management ongoing for the farmer. The re-subdivision will create three allotments larger than 100ha each. The proposed boundaries follow existing fencing on the land, such that the restructure better reflects the existing uses of the land. The proposed new boundaries also practically respond to the existing built form and features of the residential area, and the amenity associated with the existing dwelling.

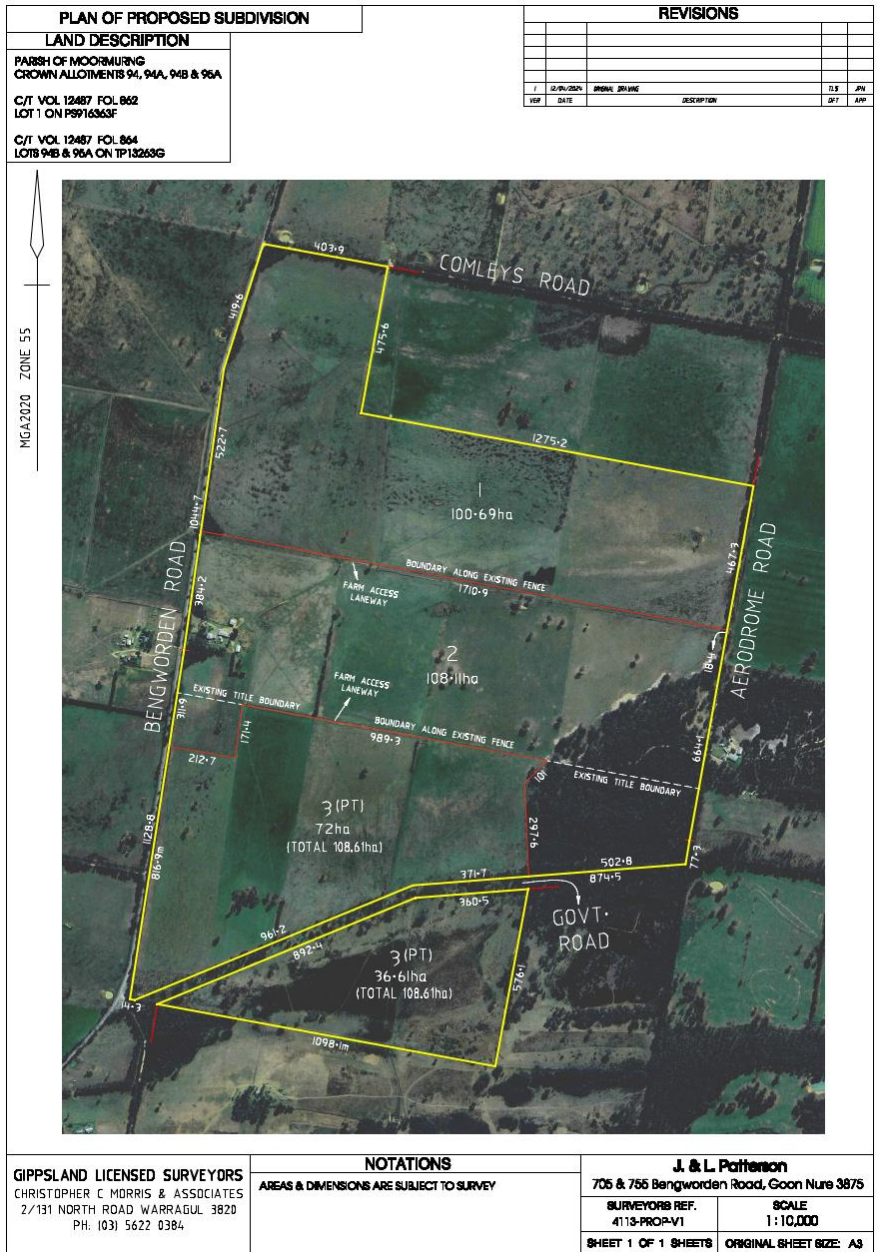


FIGURE 7 – EXCERPT OF PLAN OF PROPOSED SUBDIVISION TO BE ENDORSED UNDER THIS PERMIT

It is noted that Schedule 1 to the Farming Zone in which this land is contained specifies a minimum Lot size of 40ha. As this Application proposes to create all Lots larger than 100ha, the minimum subdivision area is satisfied.



3.2 SUBDIVISION DESIGN

Proposed Lot 1 (100.69ha)

With approximate dimensions as shown on the *Plan of Proposed Subdivision*, this proposed Lot has an area of 100.69ha. This Application proposes to restructure the existing Lot to remove the house paddock and paddocks east of the house. This Lot will be vacant, with the new southern boundary correlating with the alignment of existing fencing.

This Lot will not contain any easement, nor be encumbered by any restriction known to Title.

Proposed Lot 2 (108.11ha)

With approximate dimensions as shown on the *Plan of Proposed Subdivision*, this proposed Lot has an area of 108.11 ha. This Lot will contain the single-storey farm house, and all of the infrastructure and amenity associated with that dwelling including the gravel driveway, garden areas, and sheds. The septic system associated with the dwelling is fully contained within the boundaries of this proposed Lot.

This Lot will contain the major farm access laneways that provide connectivity from Bengworden Road to Aerodrome Road through the farm. Additionally, this Lot will contain the significant bushland area in the south-eastern portion of the property. A small paddock immediately south of the existing dwelling is currently utilised for separating rams from the sheep flocks. This small paddock is proposed to be retained with the dwelling on Lot 2, with proposed boundaries following the alignments of existing fences. The small paddock.

This Lot will not contain any easement, nor be encumbered by any restriction known to Title.

Proposed Lot 3 (2 Parts – 72ha & 36.61ha – Total 108.61ha)

Lot 3 is proposed to comprise of two parts; Part 1 has an area of 72ha, whilst Part 2 has an area of 36.61ha; that straddle the existing unmade Government Road. Cumulatively, Proposed Lot 3 has an area of 108.61ha. Approximate dimensions are shown on the *Plan of Proposed Subdivision*.

This Lot will not contain any easement, nor be encumbered by any restriction known to Title.

3.3 SERVICING & ACCESS

All available reticulated services are already connected to the dwelling on proposed Lot 2 in this re-subdivision; however, as aforementioned, the servicing opportunities in the area are limited, meaning that only connections to electricity and telecommunications exist. Rainwater tanks and bottled gas service the water and gas requirements of the dwelling and larger farm, whilst an existing septic system services the dwelling. It is not anticipated that this re-subdivision will trigger any change or relocation of the existing septic system, but may require the provision of a plumber's report to confirm it is in good working order and compliant with the EPA standard.

All Lots have multiple existing road frontages to Bengworden Road, Comleys Road, Aerodrome Road, and unmade government road with existing accesses provided at locations where safe and adequate sightlines are ensured. This re-subdivision will not trigger any change or upgrade to the existing access arrangements.

3.4 VEGETATION

As aforementioned, the subject sites contain scattered native vegetation along the road, along fence lines, around the dwelling, throughout the paddocks, and in the bushland areas in the south and south-east portions of the farm.

The proposed development is not anticipated to have any adverse impact on any native vegetation on the sites, as the proposed boundaries have been located to coincide with existing fencing. No Planning Assessment is required under the provisions of **Clause 52.17 Native Vegetation**.

4.0 | PLANNING CONTROLS & ANALYSIS

4.1 SITE ZONING

CLAUSE 35.07 – FARMING ZONE (FZ)

Land subject to this Application lies within Schedule 1 of the Farming Zone (FZ), as evidenced in the below excerpt from VicPlan.

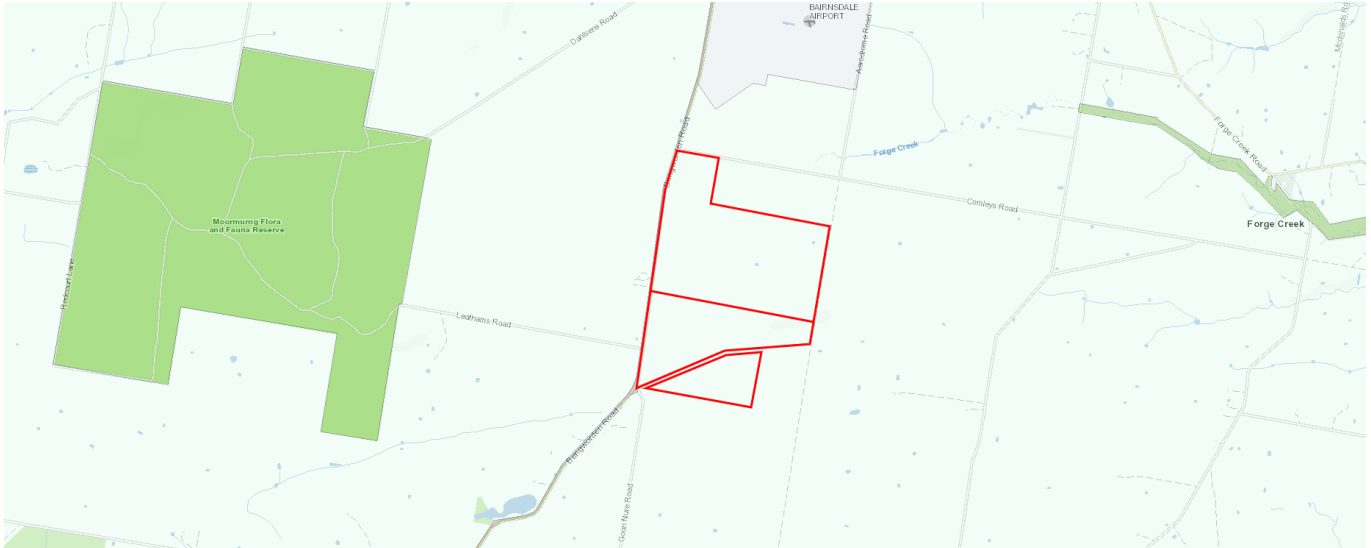


FIGURE 8 – EXCERPT FROM VICPLAN DISPLAYING ZONING OF SUBJECT SITES (SOURCE: VICPLAN)

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

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

Clause 35.07-3 states that a Permit is required to subdivide land. It stipulates that each Lot must be at least the area specified for the land in the schedule to the zone, which is 40ha; given that all Lots proposed have areas larger than 100ha, this requirement is satisfied.

It is submitted that the proposed development is consistent with the purpose of this zone. Specifically, the development provides for the use of land for agriculture, and for the retention of productive agricultural land. It works to ensure that the domestic activities associated with the existing dwelling on proposed Lot 2 will not impact on the use of the land for agriculture, by separating all the domestic areas onto a singular Title separate from the areas used exclusively as part of the farm. The Application provides for use and development of the land based on sustainable land management practices by allowing the landowner to better manage his significant land asset.

The Application works to protect the land for agriculture as it does not create any additional Lots; rather it supports farming by providing for the retention of large agricultural allotments.

The proposed new boundaries ensure that the domestic activities will not adversely affect the use of the remainder of the land for agriculture, and formalises the current and historic use of the land.

It is not anticipated that the proposed re-subdivision will cause any adverse amenity impacts to adjacent land.



4.2 SITE OVERLAYS

CLAUSE 42.01 – ENVIRONMENTAL SIGNIFICANCE OVERLAY – SCHEDULE 1-43

Land in this Application is subject to Schedule 1-43 of the Environmental Significance Overlay (ESO1-43), as evidenced in the below excerpt from VicPlan.



FIGURE 9 - EXCERPT FROM VICPLAN DISPLAYING ESO1-43 ON SUBJECT SITES (SOURCE: VICPLAN)

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

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

Schedule 1 of the Environmental Significance Overlay applies to the sites, and the sites are identified in Table 1 to the Schedule as 'PS Map Ref ESO1-43'.

Clause 42.01-2 stipulates that a Planning Permit is required to subdivide land within the Environmental Significance Overlay. Schedule 1 applying to the land does not provide an exemption from Permit requirement.

The Statement of Environmental Significance listed at Schedule 1 to Clause 42.01 relates to the protection of areas of biological significance. The Environmental Objective to be achieved reads:

"The overlay areas comprise Sites of Biological Significance containing specific values as listed in Table 1 below and representing either: rare or threatened species; restricted, rare or threatened vegetation communities; vegetation which is important as a corridor; high species richness; or other unusual biological features.

The sites include suitable habitat for either the local population or the local occurrence of a species or community."

The site has been identified as Site 43, with the following attributes:

Site Name	Statement of Environmental Significance	Management Practices
Goonure Wildlife Corridor	Wildlife Corridor Gippsland Plains Grassy Woodland	<ul style="list-style-type: none"> • Encourage landholders to fence vegetation remnants. • Develop and encourage application of an appropriate weed control program. • Encourage cooperative fox control programs which minimise risk to non-target species. • Encourage application of appropriate fire regime.



		<ul style="list-style-type: none"> • Design a road maintenance strategy which minimises damage to roadside vegetation. • Encourage parallel plantings on freehold land to widen vegetation corridor. • Encourage revegetation of any vegetation gaps along the roadside.
--	--	---

The Schedule states that Applications should demonstrate how effort has been made to avoid or minimise impact to the relevant area of biological significance.

This proposed re-subdivision will not have any detrimental impact on existing vegetation or area of biological significance, given that no vegetation removal, construction, development, works, or change in use is proposed as part of the Application. Furthermore it is highlighted that the Application proposes to subdivide the built form of the land, and does not create any additional Lots. Additionally, the locations of the new boundaries are proposed does not coincide with the ESO areas identified as being areas of biological significance; for this reason, it is submitted to Council that a formal assessment of the impacts of the proposal is not required, and it is requested that Council waive this Application Requirement.

The retention of the existing bushland consolidated onto a singular Title ensures that ongoing maintenance can be management in a holistic manner in one ownership.

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



CLAUSE 42.02 – VEGETATION PROTECTION OVERLAY SCHEDULE 1

Land in this Application is subject to Schedule 1 of the Vegetation Protection Overlay (VPO1), as evidenced in the below excerpt from VicPlan.

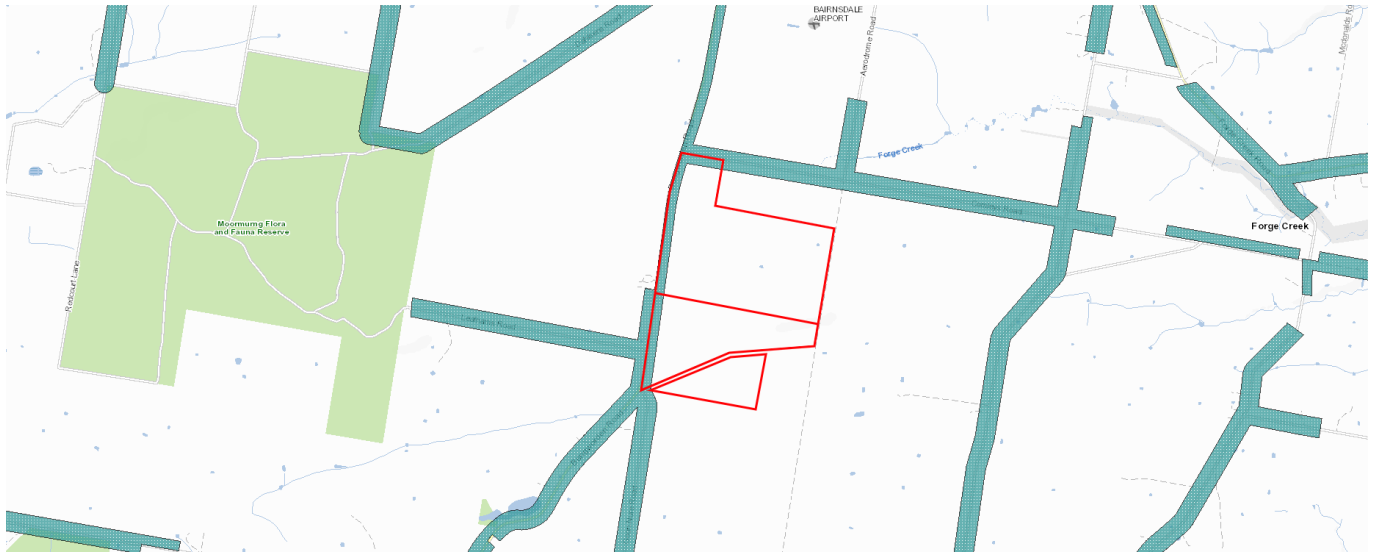


FIGURE 7 - EXCERPT FROM VICPLAN DISPLAYING VPO1 ON SUBJECT SITE (SOURCE: VICPLAN)

The purpose of the Vegetation Protection Overlay (Clause 42.02) is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To protect areas of significant vegetation.
- To ensure that development minimises loss of vegetation.
- To preserve existing trees and other vegetation.
- To recognise vegetation protection areas as locations of special significance, natural beauty, interest and importance.
- To maintain and enhance habitat and habitat corridors for indigenous fauna.
- To encourage the regeneration of native vegetation.

Schedule 1 to the Vegetation Protection Overlay provides a 'Statement of Nature and Significance of Vegetation to be Protected', which states the following:

"Significant areas of native vegetation are located along roadsides within Government road reserves. These areas are often important remnants of native vegetation that previously extended over adjacent private land now generally cleared for agriculture or rural style residential development.

Remnant roadside vegetation provides important fauna habitat and wildlife corridors, often linking larger areas of remnant native vegetation. Remnant roadside vegetation also contributes significantly to landscape and aesthetic values in rural areas.

Conservation and enhancement of these areas is important to and generally supported by the local community."

Clause 42.02-2 states that a Permit is required to remove, destroy or lop any vegetation specified in a Schedule to the Overlay. As the Application proposes for re-subdivision only, and does not propose the removal of any vegetation, a Permit is not required under this Clause.

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



CLAUSE 44.01 – EROSION MANAGEMENT OVERLAY

Land in this Application is subject to the Erosion Management Overlay (EMO), as evidenced in the below excerpt from VicPlan.

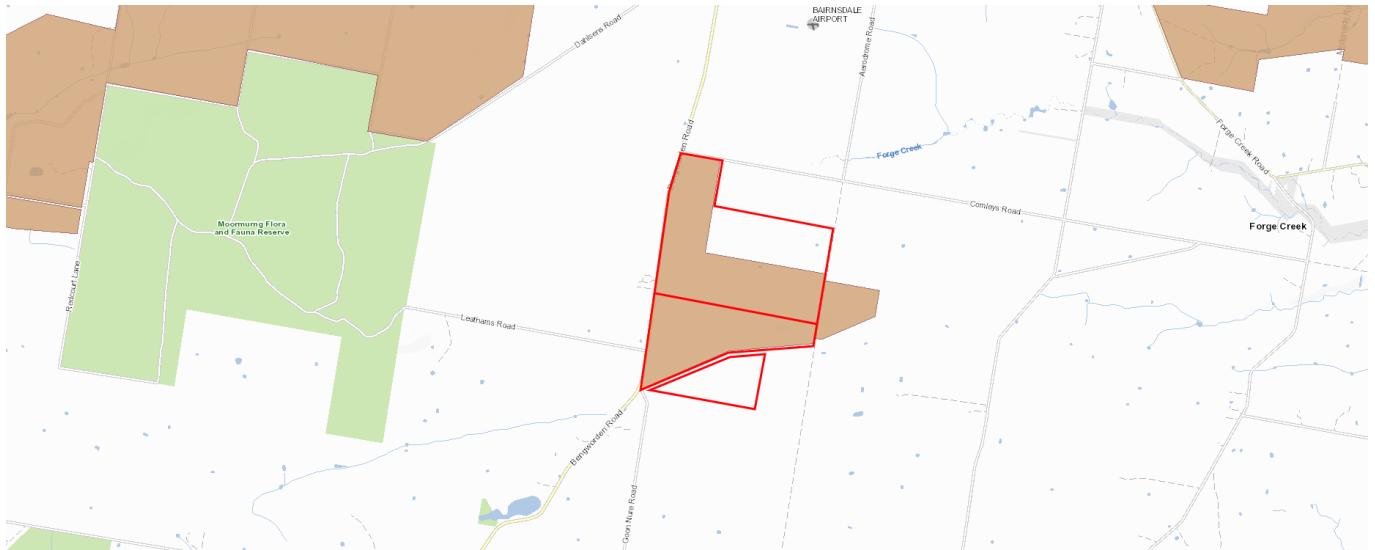


FIGURE 10 - EXCERPT FROM VICPLAN DISPLAYING EMO ON SUBJECT SITES (SOURCE: VICPLAN)

The purpose of the Erosion Management Overlay (Clause 44.01) is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To protect areas prone to erosion, landslip, other land degradation or coastal processes by minimising land disturbance and inappropriate development.

Clause 44.01-2 stipulates that a Planning Permit is required to subdivide land within the Erosion Management Overlay.

The Schedule to Clause 44.01, which applies to land in this Application, outlines specific erosion management objectives to be achieved. The objectives are as follows:

"To ensure that applications for the development of land subject to high or very high geotechnical hazard are accompanied by expert geotechnical risk assessments.

To ensure that development is designed and carried out in accordance with the recommendations of expert geotechnical risk assessments.

To ensure that development does not increase the risk of geotechnical hazard to life or property.

To encourage the rehabilitation of land affected by geotechnical hazard."

The Schedule does not contain a statement of risk.

It is submitted that this Application does not give rise to any additional erosion risk, as it is a re-subdivision of existing Lots and no additional Lots are being created. The Application proposes to subdivide the existing built form to reflect the current uses associated with the land, and current fencing. Furthermore, no construction, development, works, or change in use are proposed.

The Schedule to this Overlay lists Application Requirements, to be provided as appropriate. Inter alia, these include a Geotechnical Risk Assessment. Due to the nature of the proposal, it is submitted that a formal Geotechnical Risk Assessment is not necessary, and as such has not been provided with the Application. It is requested that the Responsible Authority consider that this Application qualifies for a reduction of Application Requirements.

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



CLAUSE 44.06 – BUSHFIRE MANAGEMENT OVERLAY

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

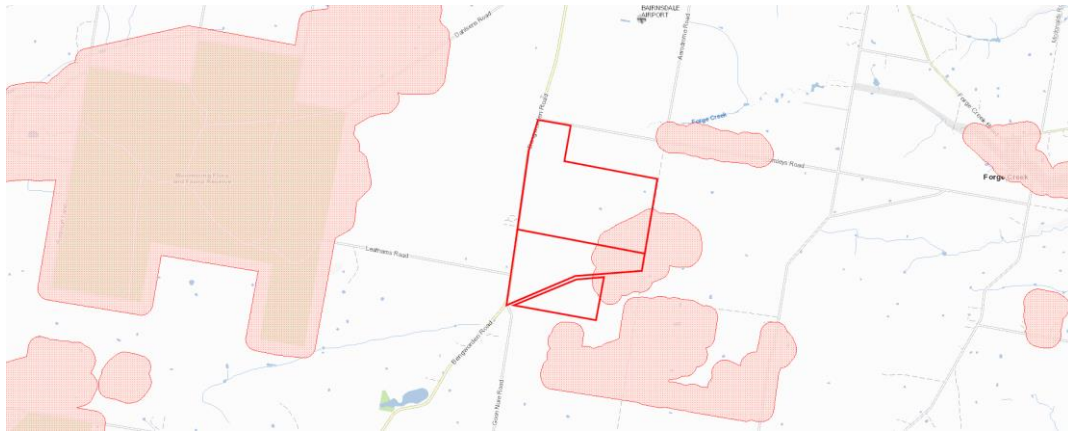


FIGURE 8 - EXCERPT FROM VICPLAN DISPLAYING BMO ON SUBJECT SITE (SOURCE: VICPLAN)

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

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

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

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

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

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

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

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

It is anticipated that any Permit issued for this proposed development will include the above Condition, unless the relevant fire authority states in writing that it is not required.

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

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



4.3 ABORIGINAL CULTURAL HERITAGE SENSITIVITY

Portions of land in this Application have been identified on the Aboriginal Cultural Sensitivity maps, as shown on the below map excerpt from Aboriginal Victoria's Aboriginal Cultural Sensitivity Map online tool.

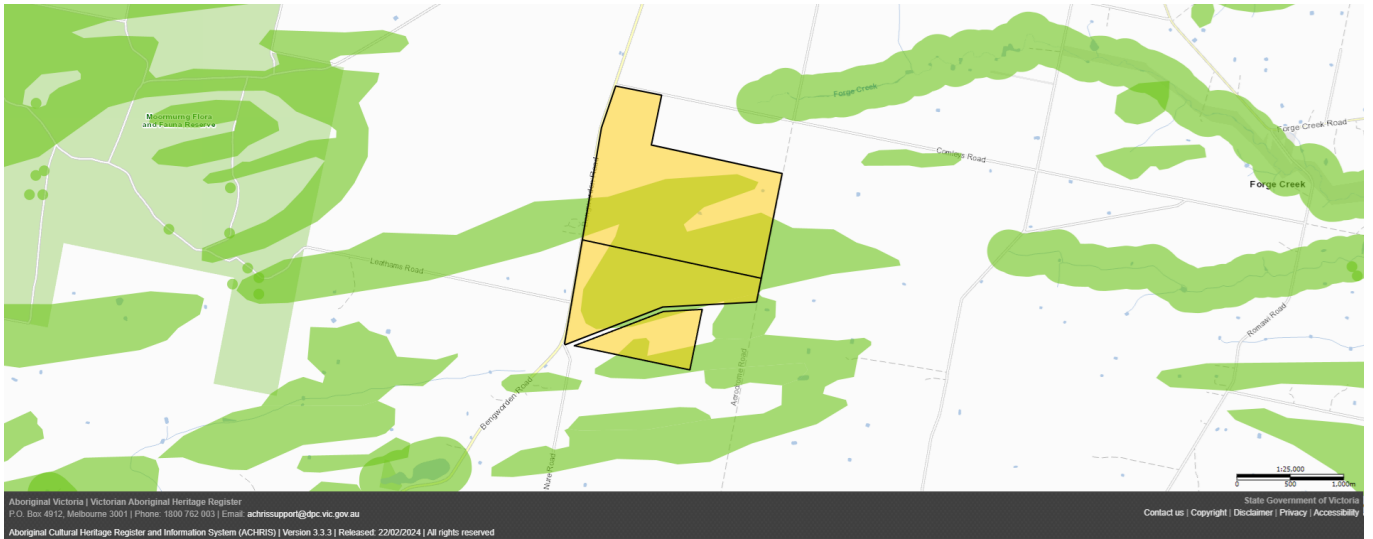


FIGURE 13 – MAP EXCERPT OF SITES WITH ABORIGINAL CULTURAL HERITAGE SENSITIVITY (SOURCE: ACHRIS)

An assessment was undertaken on the site utilising the Aboriginal Victoria exemption questionnaire, and the activity has been found to be an exempt activity given that it is a re-subdivision of existing Lots. As such, no further heritage consideration is required.



4.4 BUSHFIRE CONTROLS

As discussed above at Section 4.2 of this Report, land subject to this Application is partially covered by a Bushfire Management Overlay.

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

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

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

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

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

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

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

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

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

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



4.5 VICTORIAN & LOCAL PLANNING POLICY FRAMEWORK

Clause 02 Municipal Planning Strategy

Clause 02 Municipal Planning Strategy provides a context for Planning within the Municipality, describing the valued and characteristic aspects of the Shire. Being the second largest municipality in the state of Victoria, the Shire provides for a range of community facilities and contributes significantly to the economy. This Clause speaks to natural resource management, with particular regard to the rural land of the Shire that largely forms of high quality agricultural land, timber resources and plantations, mineral exploration and extraction, and tourism. Aside from the natural environment, the area is highly desirable for residential living, currently growing at an annual rate of approximately one per cent to accommodate the projected population growth. The location of the Shire means that it is well serviced along major transport and infrastructure links, with excellent access to services. All of these elements combined sees the East Gippsland region providing a major contribution to the State's economy through agriculture, service industries, commercial, retail, industry, health, education, production, and tourism. The Strategic Framework Plan within this Clause identifies four economic and geographic areas within the municipality, each with unique attributes, that make East Gippsland an attractive home for people in all stages of life.

Clause 02.02 Vision highlights the '2017-2021 Council Plan' vision for the municipality, being "*East Gippsland is the most liveable region in Australia. A place of natural beauty, enviable lifestyles, and opportunities*". It states the principles listed within that Plan that are relevant to land use planning, including "*Liveability – strong and vibrant communities create healthy, productive and fulfilling places to live*", "*Sustainability – proactive leadership and strategic partnerships protect and enhance our quality environment*", and "*Productivity – investment and visitation develop a sustainable and prosperous economy*". (It is noted that this document has since been superseded by the 'East Gippsland Shire Council Plan 2021 – 2025', though this has not been referenced in the East Gippsland Planning Scheme.)

Clause 02.03 Strategic Directions outlines the main strategic directions for the municipality, that planning should guide towards. Strategic Planning has not explicitly referenced Goon Nure within this Clause; however, it is submitted that Goon Nure would fall under the characterisation of being a rural settlement, earmarked for limited growth. The Strategic Directions listed to guide development and Planning within these rural settlements are:

- "*Consolidating development within existing town boundaries, using infill development, before further expansion of the towns.*"
- "*Providing for further subdivision where the land has capacity to absorb wastes, native vegetation is protected, and minimal impact is made on adjoining public land.*"
- "*Preserving the separation between Nicholson, Johnsonville and Swan Reach.*"

The Application aligns with the Strategic Directions, as it works to restructure the agricultural Titles to a more sustainable configuration without impacting on the agricultural capacity of the land, or creating potential for development or other growth, in an area subject to servicing constraints, environmental constraints and bushfire risk. It respects the existing rural character of area, and protects native vegetation associated with the site and roadside corridors. Furthermore, it ensures that the domestic activities associated with the existing dwelling on the site are limited to within the boundaries of the proposed Lot, so that they cannot encroach into productive agricultural land. In these ways, the Application also aligns with **Clause 02.03-2 Environmental and landscape values**.

The Application aligns with **Clause 02.03-4 Natural resource management**. This Clause speaks to the protection of the natural resources of the region, specifically within the sectors of agriculture, forestry, timber, water and minerals. One of the ways in which Planning aims to protect agriculture is by controlling development to minimise the impact of non-agricultural uses (including dwellings) upon agricultural land use. The listed strategic directions for natural resource management planning in East Gippsland that are supported by this Application are:

- "*Providing opportunities to add value to agricultural and timber products.*"
- "*Protecting high quality agricultural land from inappropriate development.*"
- "*Avoiding small lot subdivision of rural land.*"

Clause 11 Settlement

This Clause highlights the requirement for the anticipation of and response to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure. As stated in this Clause in the Planning Scheme, "*Planning is*



to prevent environmental, human health and amenity problems created by siting incompatible land uses close together", and further, "Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services".

The Settlement objective for Victoria, as described at **Clause 11.01-1S Settlement**, is "to facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements". An important Strategy listed at this Clause is to "balancing strategic objectives to achieve improved land use and development outcomes at a regional, catchment and local level". It is submitted that this Application supports sustainable development of the region by allowing for the sustainable ongoing operation of a large agricultural enterprise that provides significant contribution to the local economy, and achieves improved land use in this same manner.

Specifically, **Clause 11.01-1R Settlement – Gippsland** lists strategies to aid in supporting growth, settlement and development in Gippsland. The re-subdivision as proposed contributes to sustainable farming and better asset management for the farmer ongoing, such that he can continue to run a viable agricultural business, thereby supporting the continuing role of these regional areas in contributing to the economy.

Clause 13 Environmental Risks and Amenity

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

Of particular significance to this Application is **Clause 13.02-1S Bushfire planning**, which aims "To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life". This Clause is relevant to the Application due to the Bushfire Management Overlay affecting land in this Application. Bushfire risk has been addressed earlier in this report, but it is again emphasised that the re-subdivision will not contribute to any additional bushfire risk to person or property as it does not propose any change in use, development, construction, or creation of any additional Lots; therefore, this Clause is considered satisfied.

Clause 14 Natural Resource Management

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

Clause 14.01 Agriculture outlines a State-wide Policy to guide Planning in agricultural areas. **Clause 14.01-1S Protection of agricultural land** is purposed "To protect the state's agricultural base by preserving productive farmland", with a number of strategies listed that are relevant to this Application. This Application makes available more high quality agricultural land for farming via the restructure of Titles, thereby improving the land use by ensuring separation of the domestic areas from the farm; this works to resolve land conflict issues that can arise from the domestic activities and the agricultural activities, given that the dwelling is on a large Title that is currently being used in conjunction with the larger sheep operation. One of the final strategies listed at this Clause reads "Give priority to the re-structure of inappropriate subdivisions where they exist on productive agricultural land". Whilst we do not believe the previous dealings on the land to be 'inappropriate', this Application certainly is designed to optimise availability of productive agricultural land, to bring additional land back into agriculture, and to ensure separation between domestic and agricultural activities. This Clause operates in conjunction with **Clause 14.01-1R Protection of agricultural land – Gippsland**, which advocates these outcomes specifically for Gippsland, to aid in growing the state as an important food bowl for Australia and Asia. This Clause also operates in conjunction with **Clause 14.01-1L-01 Protection of agricultural land**, which applies to all land within the Farming Zone of the East Gippsland Shire, which is satisfied by this proposal.

This Application also aligns with **Clause 14.01-2S Sustainable agricultural land use** by ensuring the long-term sustainability of a genuine farming enterprise. As aforementioned, this Application will ensure separation of domestic activities from agricultural activities through the proposed re-structure, thereby mitigating land use conflicts.



5.0 | PARTICULAR PROVISIONS

CLAUSE 52.29 – LAND ADJACENT TO THE PRINCIPAL ROAD NETWORK

Land in this Application is adjacent to Bengworden Road, which has been identified as a Transport 2 Road Zone, as evidenced in the below excerpt from VicPlan.

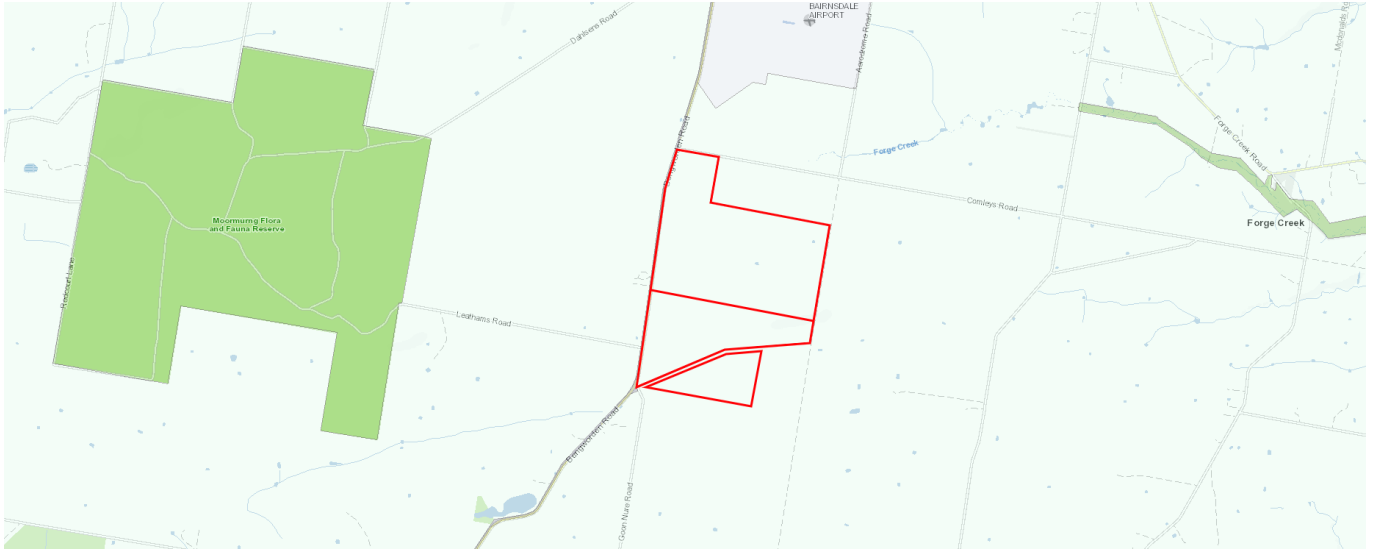


FIGURE 14 - EXCERPT FROM VICPLAN DISPLAYING TRZ2 ABUTTING SUBJECT SITE (SOURCE: VICPLAN)

The purpose of the Clause 52.29 is:

- To ensure appropriate access to identified roads.
- To ensure appropriate subdivision of land adjacent to identified roads.

The Application does not propose to create any additional access to a road within Transport Zone 2, nor to alter any existing access. As the proposed re-subdivision intends to utilise the existing accesses, the objectives of this Clause are considered satisfied, and no further Planning Assessment is required.

5.1 GENERAL REQUIREMENTS AND PERFORMANCE STANDARDS

CLAUSE 53.02 – BUSHFIRE PLANNING

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

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

A response to the Bushfire Management Overlay has been provided at Sections 4.2 & 4.4 of this report.



6.0 | DECISION GUIDELINES

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

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

Considerations	Assessment
GENERAL ISSUES	
<i>The Municipal Planning Strategy and the Planning Policy Framework.</i>	COMPLIES Outcomes of this proposal are consistent with State & Local Planning Policy Framework objectives, as described in the assessment provided above.
<i>Any Regional Catchment Strategy and associated plan applying to the land.</i>	COMPLIES The subject sites fall within the East Gippsland Catchment. No adverse impacts to the catchment are foreseeable through this Application, and no associated plan applies to the land.
<i>The capability of the land to accommodate the proposed use or development, including the disposal of effluent.</i>	COMPLIES Land is considered suitable for agricultural production, as is evidenced by it being zoned for Farming. The existing dwelling on proposed Lot 2 has an associated septic system which is in good working order, and fully contained within the Lot boundaries.
<i>How the use or development relates to sustainable land management.</i>	NOT APPLICABLE Existing use is not proposed to change. No development proposed. The proposed re-subdivision will allow for better and more sustainable land management for the farmer, through the effective separation of the residential assets from the farm assets, thus ensuring ongoing security of the farm.
<i>Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.</i>	NOT APPLICABLE Existing use is not proposed to change. No development proposed. Adjoining and nearby land is all zoned and used for Farming. No land use incompatibilities are anticipated to arise from this re-subdivision.
<i>How the use and development makes use of existing infrastructure and services.</i>	NOT APPLICABLE Existing use is not proposed to change. No development proposed.
AGRICULTURAL ISSUES AND THE IMPACTS FROM NON-AGRICULTURAL USES	
<i>Whether the use or development will support and enhance agricultural production.</i>	COMPLIES The proposed re-subdivision will ensure the ongoing use of the land for agriculture. Existing use is not proposed to change. No development proposed.
<i>Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.</i>	COMPLIES No foreseeable adverse effects on soil quality. Existing use is not proposed to change. No development proposed.
<i>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</i>	NOT APPLICABLE Existing use is not proposed to change. No development proposed. No adverse impacts on adjoining and nearby agricultural uses foreseen.
<i>The capacity of the site to sustain the agricultural use.</i>	COMPLIES The sites have historically been used for sheep farming, and therefore their capacity to sustain the agricultural use is established. It is highlighted that this Application does not propose a change in use, or development or works, and is for re-subdivision only, with no additional Lots proposed to be created.
<i>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</i>	COMPLIES Agricultural qualities of the land, including soil quality, access to water and access to rural infrastructure, are considered adequate as demonstrated by the large-scale agricultural business currently being run from the sites.
<i>Any integrated land management plan prepared for the site.</i>	NOT APPLICABLE No integrated land management plan has been prepared for the site.
<i>Whether Rural worker accommodation is necessary having regard to:</i> <ul style="list-style-type: none"> • The nature and scale of the agricultural use. • The accessibility to residential areas and existing accommodation, and the remoteness of the location. 	NOT APPLICABLE No proposal for Rural worker accommodation within this Application.
<i>The duration of the use of the land for Rural worker accommodation.</i>	NOT APPLICABLE No proposal for Rural worker accommodation within this Application.
ACCOMMODATION ISSUES	



Whether the dwelling will result in the loss or fragmentation of productive agricultural land.	NOT APPLICABLE No buildings or works proposed.
Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.	NOT APPLICABLE No buildings or works proposed.
Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.	NOT APPLICABLE No buildings or works proposed.
The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.	NOT APPLICABLE No buildings or works proposed. No concentration or proliferation of dwellings in the area is anticipated to occur as a result of this re-subdivision.
The potential for accommodation to be adversely affected by noise and shadow flicker impacts if it is located within one kilometre from the nearest title boundary of land subject to: <ul style="list-style-type: none"> A permit for a wind energy facility; or An application for a permit for a wind energy facility; or An incorporated document approving a wind energy facility; or A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the Environment Effects Act 1978. 	NOT APPLICABLE No buildings or works proposed.
The potential for accommodation to be adversely affected by vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.	NOT APPLICABLE No buildings or works proposed.
ENVIRONMENTAL ISSUES	
The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.	COMPLIES No foreseeable adverse impacts to soil or water quality. It is emphasised that this Application is for a re-subdivision of existing Lots, with no additional Lots proposed to be created.
The impact of the use or development on the flora and fauna on the site and its surrounds.	COMPLIES No foreseeable adverse impacts to flora or fauna. No vegetation is proposed to be removed. It is emphasised that this Application is for a re-subdivision of existing Lots, with no additional Lots proposed to be created.
The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.	COMPLIES No foreseeable adverse impacts vegetation and faunal habitat. No need to revegetate. It is emphasised that this Application is for a re-subdivision of existing Lots, with no additional Lots proposed to be created.
The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.	COMPLIES The existing septic system on proposed Lot 2 is located well away from waterways and native vegetation.
DESIGN AND SITING ISSUES	
The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.	NOT APPLICABLE No buildings or works proposed.
The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be	NOT APPLICABLE No buildings or works proposed.



undertaken to minimise any adverse impacts.	
The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.	NOT APPLICABLE No buildings or works proposed.
The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.	NOT APPLICABLE No buildings or works proposed.
Whether the use and development will require traffic management measures.	NOT APPLICABLE No buildings or works proposed. Use is not proposed to change.
The need to locate and design buildings used for accommodation to avoid or reduce noise and shadow flicker impacts from the operation of a wind energy facility if it is located within one kilometre from the nearest title boundary of land subject to: <ul style="list-style-type: none"> A permit for a wind energy facility; or An application for a permit for a wind energy facility; or An incorporated document approving a wind energy facility; or A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the Environment Effects Act 1978. 	NOT APPLICABLE No buildings or works proposed.
The need to locate and design buildings used for accommodation to avoid or reduce the impact from vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.	NOT APPLICABLE No buildings or works proposed.

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

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

Considerations	Assessment
The Municipal Planning Strategy and the Planning Policy Framework.	COMPLIES Outcomes of this proposal are consistent with State & Local Planning Policy Framework objectives, as described in the assessment provided above.
The statement of environmental significance and the environmental objective contained in a schedule to this overlay.	COMPLIES The statement of environmental significance and the environmental objective contained in Schedule 1 to the ESO relate to the protection of areas of biological significance. As this Application does not propose any vegetation removal, buildings or works, or the creation of any additional Lots, it is not anticipated that there will be any arising impacts on areas identified as having biological significance.
The need to remove, destroy or lop vegetation to create a defendable space to reduce the risk of bushfire to life and property.	NOT APPLICABLE No need to remove, destroy or lop vegetation.
Whether the proposal conflicts with the objectives of the overlay.	NOT APPLICABLE No conflicts with the objectives of the overlay.
Reduce or limit the extent of inappropriate clearing and harvesting of native vegetation.	NOT APPLICABLE No vegetation removal, clearing or harvesting is proposed.
Undertake revegetation with appropriate indigenous species to offset any loss of environmental values resulting from the works or development.	NOT APPLICABLE The proposal does not trigger any requirement for revegetation.



Fence areas of remnant native vegetation and revegetated areas so as to protect and limit further degradation to environmental values.	COMPLIES Existing areas of remnant vegetation are already fenced.
Develop a land management plan or works program encompassing a range of management practices implemented over a period of time.	NOT APPLICABLE The proposal does not trigger the requirement for a land management plan or works program to be developed.
Any relevant management practices as listed in the table below.	COMPLIES This Decision Guideline refers to Table 1 at Schedule 1 to the Environmental Significance Overlay. The relevant management practices listed at Table 1 are currently practiced at the subject site.

CLAUSE 42.02 – VEGETATION PROTECTION OVERLAY SCHEDULE 1 (VPO1) – DECISION GUIDELINES

The Decision Guidelines listed at **Clause 42.02-5** outline several matters to be considered as appropriate, including:

Considerations	Assessment
The Municipal Planning Strategy and the Planning Policy Framework.	COMPLIES Outcomes of this proposal are consistent with State & Local Planning Policy Framework objectives, as described in the assessment provided above.
The statement of the nature and significance of the vegetation to be protected and the vegetation protection objective contained in a schedule to this overlay.	COMPLIES The statement and objectives listed at Schedule 1 to the Overlay relate to protecting and enhancing the roadside vegetation. Given that the application proposes re-subdivision only, and does not propose any removal of vegetation, it is submitted that the statement and objectives are satisfied.
The effect of the proposed use, building, works or subdivision on the nature and type of vegetation to be protected.	COMPLIES The effect of the proposed re-subdivision is considered to be the minimal amount practicable.
The role of native vegetation in conserving flora and fauna.	COMPLIES The Application proposes no vegetation removal.
The need to retain native or other vegetation if it is rare, supports rare species of flora or fauna or forms part of a wildlife corridor.	COMPLIES The Application proposes no vegetation removal.
The need to retain vegetation which prevents or limits adverse effects on ground water recharge.	COMPLIES The Application proposes no vegetation removal. No adverse effects on ground water recharge are anticipated.
The need to retain vegetation: <ul style="list-style-type: none"> Where ground slopes exceed 20 percent. Within 30 metres of a waterway or wetland. On land where the soil or subsoil may become unstable if cleared. On land subject to or which may contribute to soil erosion, slippage or salinisation. In areas where the removal, destruction or lopping of vegetation could adversely affect the integrity or long term preservation of an identified site of scientific, nature conservation or cultural significance. Which is of heritage or cultural significance. 	NOT APPLICABLE Land in this Application does not exceed a slope of 20%. Land in this Application is not within 30m of a waterway or wetland. No vegetation removal is proposed, so there should be no instability caused to soil or subsoil. Land in this Application is subject to soil erosion, slippage or salinisation; however existing vegetation will be retained. The Application does not propose any vegetation removal.
The need to remove, destroy or lop vegetation to create a defensible space to reduce the risk of bushfire to life and property.	NOT APPLICABLE No need to remove, destroy or lop vegetation to create defensible space for bushfire risk.
Any relevant permit to remove, destroy or lop vegetation in accordance with a land management plan or works program.	NOT APPLICABLE No Permit to remove, destroy or lop vegetation in accordance with a land management plan or works program.
Whether the application includes a land management plan or works program.	NOT APPLICABLE No land management plan or works program proposed.



Whether provision is made or is to be made to establish and maintain vegetation elsewhere on the land.	NOT APPLICABLE It is not anticipated that any offset planting will be triggered.
Any other matters specified in a schedule to this overlay.	COMPLIES Other matters specified in Schedule 1 to the Overlay provided below.
The extent to which the vegetation sought to be removed or cleared contributes towards the need to: <ul style="list-style-type: none"> Conserve and enhance areas of high conservation value roadside vegetation. Conserve and enhance fauna habitat and habitat corridors. Protect and enhance the visual amenity and landscape quality in areas of natural beauty and rural areas. 	COMPLIES The Application proposes no vegetation removal.
The need to assess alternative options regarding the removal of vegetation to better achieve the Overlay objectives.	COMPLIES The Application proposes no vegetation removal.
The need to undertake revegetation with appropriate indigenous species to offset any loss of environmental values resulting from the works or development.	COMPLIES The Application proposes no vegetation removal; as such, no revegetation is triggered.
The need to have regard to the Roadside Management Plan, (East Gippsland Shire Council, 1995) and as updated from time to time.	NOT APPLICABLE No applicable matters.

CLAUSE 44.01-8 – EROSION MANAGEMENT OVERLAY – DECISION GUIDELINES

The Decision Guidelines listed at **Clause 44.01-8** outline a number of additional matters that must be considered as appropriate, including:

Considerations	Assessment
The Municipal Planning Strategy and the Planning Policy Framework.	COMPLIES Outcomes of this proposal are consistent with State & Local Planning Policy Framework objectives, as described in the assessment provided above.
Regional Catchment Strategy (Catchment and Land Protection Act 1994).	NOT APPLICABLE The East Gippsland Regional Catchment Strategy is relevant to the area, however the nature of the proposal means there is no anticipated impact on water catchments.
Civil construction, building and demolition guide (Publication 1834, Environment Protection Authority, November 2020).	NOT APPLICABLE No construction is proposed.
Control of Erosion on Construction Sites, Soil Conservation Authority.	NOT APPLICABLE No construction is proposed.
Your Dam, an Asset or a Liability, Department of Conservation and Natural Resources.	NOT APPLICABLE No development proposed in proximity to a dam.
Any proposed measures to manage concentrated runoff and site drainage.	NOT APPLICABLE No construction is proposed.
Any proposed measures to minimise the extent of soil disturbance.	NOT APPLICABLE No significant soil disturbance anticipated.
Whether the removal of vegetation will increase the possibility of erosion, the susceptibility to landslip or other land degradation processes, and whether such removal is consistent with sustainable land management.	NOT APPLICABLE No vegetation is proposed to be removed as part of this development.
The need to stabilise disturbed areas by engineering works or revegetation.	NOT APPLICABLE No significant soil disturbance anticipated.
Whether the land is capable of providing a building envelope which is not subject to high or severe erosion concern.	COMPLIES All Lots proposed in this Application are sufficient to accommodate a building envelope. It is highlighted that proposed Lot 2 contains an existing dwelling and associated septic system, fully contained within the Lot boundaries. No erosion concern caused by the proposed re-subdivision.



Whether buildings or works are likely to cause erosion or landslip.	NOT APPLICABLE No erosion or landslip anticipated to be caused. No buildings or works proposed.
Whether access and servicing of the site or building envelope is likely to result in erosion or landslip.	NOT APPLICABLE No erosion or landslip anticipated to be caused.
Land Capability Report (if prepared) as developed by the Department of Environment, Land, Water and Planning.	NOT APPLICABLE No Land Capability Report has been prepared as it is not required, given that all Lots are each larger than 100ha and have sufficient room for effluent disposal within the Lot boundaries. Notably, Lot 2 contains an existing dwelling and associated septic system, which are fully contained within the Lot boundaries.
The need to remove, destroy or lop vegetation to create defensible space to reduce the risk of bushfire to life and property.	NOT APPLICABLE No vegetation is proposed to be removed as part of this development.
Any technical information or reports required to be provided by a schedule to this overlay.	NOT APPLICABLE No technical information or reports required.
The risk to life, property and community infrastructure from geotechnical hazard.	NOT APPLICABLE No risks to life, property or community are anticipated to arise as a result of this Application.
The recommendations of any geotechnical risk assessment and application documentation.	NOT APPLICABLE No Geotechnical Assessment or other information has been prepared or provided with the Application, as it is submitted to Council that these assessments are not required due to the nature of the Application.
The recommendations of any independent review of the geotechnical risk assessment and application documentation.	NOT APPLICABLE No Geotechnical Practitioner has been engaged to review the Application, as it is submitted to Council that this is not required due to the nature of the Application.
The need for any ongoing geotechnical risk management measures.	NOT APPLICABLE No need for any ongoing geotechnical risk management measures has arisen.

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

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

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

CLAUSE 52.29 – LAND ADJACENT TO THE PRINCIPAL ROAD NETWORK – DECISION GUIDELINES

The Decision Guidelines listed at **Clause 52.29** outline a number of additional matters that must be considered as appropriate, including:

Considerations	Assessment
The Municipal Planning Strategy and the Planning Policy Framework.	COMPLIES Outcomes of this proposal are consistent with State & Local Planning Policy Framework objectives, as described in the assessment provided above.
The views of the relevant road authority.	COMPLIES It is anticipated that this Application will be referred to the road authority as part of the standard referral process.
The effect of the proposal on the operation of the road and on public safety.	COMPLIES This Application does not propose for any creation or alteration of accesses onto Bengworden Road, nor does it propose the creation of any additional Lots.
Any policy made by the relevant road authority pursuant to Schedule 2, Clause 3 of the Road Management Act 2004 regarding access between a controlled access road and adjacent land.	NOT APPLICABLE No such policy exists.

CLAUSE 53.02-4.5 – BUSHFIRE PLANNING – DECISION GUIDELINES

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



Considerations	Assessment
The Municipal Planning Strategy and the Planning Policy Framework.	COMPLIES Outcomes of this proposal are consistent with State & Local Planning Policy Framework objectives, as described in the assessment provided above.
The bushfire hazard landscape assessment, the bushfire hazard site assessment and the bushfire management statement submitted with the application.	COMPLIES Analysis provided within 'Section 4.4 – Bushfire Controls' of this Report.
The impact of any State, regional or local bushfire management and prevention actions occurring around the site and in the wider area on the bushfire hazard and the level of risk to the proposed development.	COMPLIES Analysis provided within 'Section 4.4 – Bushfire Controls' of this Report.
Whether the proposed development meets the objectives of Clause 53.02-4 regardless of other measures which may be available, including private bushfire shelters, community shelters and the presence of places of last resort.	COMPLIES The proposal meets the specified objectives. Analysis provided within 'Section 4.4 – Bushfire Controls' of this Report.
Whether the proposed measures can be practically implemented and maintained in conjunction with the ongoing use of the land.	COMPLIES Proposed measures can be practically implemented and maintained.
Whether the use of an alternative measure meets the relevant objective having regard to the bushfire hazard and the nature of any constraint that prevents the applicable approved measure from being implemented.	COMPLIES Analysis provided within 'Section 4.4 – Bushfire Controls' within this Report.
If one or more of the objectives in Clause 53.02-4 will not be achieved in the completed development, whether the development will, taking all relevant factors into account, reduce the bushfire risk to a level that warrants it proceeding.	COMPLIES Analysis provided within 'Section 4.4 – Bushfire Controls' within this Report.
Whether the risk arising from the broader landscape can be mitigated to an acceptable level or warrants the development not proceeding.	COMPLIES Analysis provided within 'Section 4.4 – Bushfire Controls' within this Report.

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

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

Considerations	Assessment
The suitability of the land for subdivision.	COMPLIES The land is considered suitable.
The existing use and possible future development of the land and nearby land.	COMPLIES Existing use of land in this Application is associated with agricultural purposes; specifically, the land is used for sheep farming. One of the Lots in this Application contains an existing dwelling, which is associated with the agricultural activities. Use of surrounding land is zoned for farming.
The availability of subdivided land in the locality, and the need for the creation of further lots.	NOT APPLICABLE No additional Lots are proposed to be created.
The effect of development on the use or development of other land which has a common means of drainage.	COMPLIES No foreseeable adverse impacts.
The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.	COMPLIES The subdivision has been designed to consider the existing built form on proposed Lot 2, to fully contain the existing dwelling and associated septic system within the respective Lot boundaries. The re-subdivision has been sensitively designed to ensure there are no impacts on existing vegetation.
The density of the proposed development.	COMPLIES The density is considered suitable.
The area and dimensions of each lot in the subdivision.	COMPLIES



	The Application proposes lot sizes that are consistent in size with the neighbourhood pattern already established.
<i>The layout of roads having regard to their function and relationship to existing roads.</i>	COMPLIES No additional road proposed to be created. Existing major thoroughfares, being Bengworden Road, Comleys Road and Aerodrome Road, provide access to the sites.
<i>The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.</i>	COMPLIES The proposed Lots have all been designed to facilitate forward vehicle movements. All Lots have direct frontage to road.
<i>The provision and location of reserves for public open space and other community facilities.</i>	NOT APPLICABLE No reserves or other community facilities proposed as part of this development. The land is sited in close proximity to existing community facilities, reserves and public open space.
<i>The staging of the subdivision.</i>	NOT APPLICABLE This is not a staged subdivision.
<i>The design and siting of buildings having regard to safety and the risk of spread of fire.</i>	NOT APPLICABLE No additional buildings proposed.
<i>The provision of off-street parking.</i>	COMPLIES All Lots have existing provision for off-street parking.
<i>The provision and location of common property.</i>	NOT APPLICABLE No common property proposed in this development.
<i>The functions of any body corporate.</i>	NOT APPLICABLE No common property proposed in this development.
<i>The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.</i>	COMPLIES The subdivision design maximizes potential to connect in to existing infrastructure.
<i>If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewerage and sillage within the boundaries of each lot.</i>	COMPLIES Sewer is unavailable to the area. The existing dwelling on proposed Lot 2 has an associated septic system that is in good working order, and is fully contained within the Lot boundaries.
<i>Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.</i>	COMPLIES The re-subdivision has been sensitively designed to ensure no native vegetation will be impacted by the proposal.
<i>The impact the development will have on the current and future development and operation of the transport system.</i>	NOT APPLICABLE No impacts are anticipated, given that no additional Lots are being created.



7.0 | CONCLUSION

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

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

Jonathan Neilson LS
Director, Principal & Licensed Surveyor

PLAN OF PROPOSED SUBDIVISION

REVISIONS

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VER	DATE	DESCRIPTION	DFT	APP
1	12/04/2024	ORIGINAL DRAWING		

LAND DESCRIPTION

PARISH OF MOORMURNG
CROWN ALLOTMENTS 94, 94A, 94B & 95A

C/T VOL 12487 FOL 862
LOT 1 ON PS916363F

C/T VOL 12487 FOL 864
LOTS 94B & 95A ON TP13263G

MGA2020 ZONE 55



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

NOTATIONS

AREAS & DIMENSIONS ARE SUBJECT TO SURVEY

J. & L. Patterson

705 & 755 Bengworden Road, Goon Nure 3875

SURVEYORS REF.
4113-PROP-V1

SCALE
1:10,000

SHEET 1 OF 1 SHEETS

ORIGINAL SHEET SIZE: A3
Printed 9/09/2024