

Form 2

## NOTICE OF AN APPLICATION FOR PLANNING PERMIT

|   |  |
|---|--|
| The land affected by the application is located at: | 225 Punt Road METUNG 3904<br>PtL: 1 TP: 120120 |
| The application is for a permit to:                 | Two Lot Subdivision                            |
| The applicant for the permit is:                    | Crowther & Sadler Pty Ltd                      |
| The application reference number is:                | 5.2024.294.1                                   |

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.

|   |   |
|---|---|
| <b>The Responsible Authority will not decide on the application before:</b> | <b>Subject to the applicant giving notice</b> |
|---|---|

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

**April McDonald**

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**From:** Snapforms Notifications <no-reply@snapforms.com.au>  
**Sent:** Friday, 30 August 2024 10:07 AM  
**To:** Planning Unit Administration  
**Subject:** Planning Permit application  
**Attachments:** CoT Vol 9875 Fol 634.pdf; 20964 Prop V1.pdf; 20964 Report.pdf

**Planning Permit Application**

A Planning Permit Application' has been submitted via the East Gippsland Shire Council website, the details of this submission are shown below:

**Business trading name:** Crowther & Sadler Pty Ltd

**Email address:** contact@crowthersadler.com.au

**Postal address :** PO Box 722 Bairnsdale

**Work phone number:** 51525011

**Owner's name:** Terence Barnett, Lorraine Barnett, Jeremy Winton Ralph & Jodie Celeste Ralph

**Owner's email address:** contact@crowthersadler.com.au

**Owner's postal address:** PO Box 722 Bairnsdale

**Owner's work number:** 51525011

**Street number:** 225

**Street name:** Punt Road

**Town:** Metung

**Lot number:** 1

**Plan number:** TP120120H

**Plan type:** Title plan

**Has there been a pre-application meeting:** Yes

**Your reference number:** 20964

**Is there any encumbrance on the Title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?:** No

**Will the proposal result in a breach of a registered covenant restriction or agreement?:** No

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**Description of proposal - Describe the use, development or other matter which requires a permit:** Two Lot Subdivision

**Existing conditions - Describe how the land is used and developed now:** Existing Dwellings

**Estimated cost of development. Note: You may be required to verify this estimate:** 0

**Title (must have been generated within the past 30 days:** [CoT Vol 9875 Fol 634.pdf](#)

**Site plan/floor - plan/elevations:** [20964 Prop V1.pdf](#)

**Planning report:** [20964 Report.pdf](#)

**Declaration:** Yes

**Privacy Statement:** Yes

**REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958** Page 1 of 3

VOLUME 09875 FOLIO 634

Security no : 124117668385K  
Produced 23/08/2024 10:45 AM

**LAND DESCRIPTION**

Lot 1 on Title Plan 120120H (formerly known as part of Crown Allotment 70A Parish of Bumberrah).  
PARENT TITLE Volume 07122 Folio 257  
Created by instrument N989614P 02/02/1989

**REGISTERED PROPRIETOR**

Estate Fee Simple  
TENANTS IN COMMON  
As to 1 of a total of 4 equal undivided shares  
Sole Proprietor  
    TERENCE BARNETT  
As to 1 of a total of 4 equal undivided shares  
Sole Proprietor  
    LORRAINE MARGARET BARNETT  
As to 1 of a total of 4 equal undivided shares  
Sole Proprietor  
    JEREMY WINTON RALPH  
As to 1 of a total of 4 equal undivided shares  
Sole Proprietor  
    JODIE CELESTE RALPH  
    AC122198F 10/06/2003

**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 TP120120H FOR FURTHER DETAILS AND BOUNDARIES

**ACTIVITY IN THE LAST 125 DAYS**

NIL

DOCUMENT END



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|  | <b>TITLE PLAN</b>                                   | EDITION 1 TP 120120H   |                             |  |   |  |                        |  |
|--|---|--|-----------------------------|--|---|--|------------------------|--|
| <b>Location of Land</b><br>Parish: BUMBERRAH<br>Township:<br>Section:<br>Crown Allotment: 70A(PT)<br>Crown Portion:<br><br>Last Plan Reference:<br>Derived From: VOL 9875 FOL 634<br>Depth Limitation: NIL   |   | Notations<br><br>ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN   |                             |  |   |  |                        |  |
| Description of Land / Easement Information   |   | THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT<br>COMPILED: 25-08-1999<br>VERIFIED: AD |                             |  |   |  |                        |  |
|  |   |  |                             |  |   |  |                        |  |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: center;">TABLE OF PARCEL IDENTIFIERS</th> </tr> <tr> <td colspan="2" style="font-size: small;">WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962</td> </tr> <tr> <td colspan="2" style="font-size: small;">PARCEL 1 = CA 70A (PT)</td> </tr> </table> |   |  | TABLE OF PARCEL IDENTIFIERS |  | WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962 |  | PARCEL 1 = CA 70A (PT) |  |
| TABLE OF PARCEL IDENTIFIERS  |   |  |                             |  |   |  |                        |  |
| WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962  |   |  |                             |  |   |  |                        |  |
| PARCEL 1 = CA 70A (PT)   |   |  |                             |  |   |  |                        |  |
| LENGTHS ARE IN METRES  | Metres = 0.3048 x Feet<br>Metres = 0.201168 x Links | Sheet 1 of 1   |                             |  |   |  |                        |  |

## Planning Report

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Two Lot Subdivision (Dwelling Excision)  
225 Punt Road, Metung

Our reference – 20964

30 August 2024



FS 520900



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|           | Application Form                              |           |
|           | Proposed Subdivision Plan (Version 1)         |           |
|           | Copy of Title (Lot 1 on TP120120H)            |           |

*Note: Applicable Planning Application fee is \$1,453.40*

### 1. Introduction

This Planning Report is prepared in support of a proposed two lot subdivision (dwelling excision) at 225 Punt Road, Metung. The Report addresses the provisions of the Farming Zone as contained within the East Gippsland Planning Scheme.



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



## 2. Subject Land & Surrounding Context

Formally known as Lot 1 on TP120120 or more commonly known as 225 Punt Road, Metung, the subject land is a triangular property located between Punt Road to the north, and Reynolds Road to the south.

The subject land is developed with a dwelling in the north-west corner of the property accessed from Punt Road. A former Dependent Persons Unit, now a second dwelling on the subject land (refer to planning permit 5.2024.167.1) is located in the south-west part of the land and accessed from Reynolds Road.



*Aerial image of the subject land showing the existing dwellings on the land  
(Source: Google Earth)*



*View from Punt Road of the first dwelling developed on the subject land*



*View north from Reynolds Road of the second dwelling*

The subject land is relatively flat, contains scattered native and planted vegetation and has an area of approximately 8.09 hectares.

The subject land is located within an area best described as rural residential with numerous lots to the north, west and south-east typically 2-3ha in area and each containing a dwelling.





*Aerial image of subject land and surrounds. Source: Google Earth*

### 3. The Application & Proposal

It is proposed to subdivide the land into two lots via a dwelling excision.

Proposed lot 1 is to contain the second dwelling on the subject land and will have an area of 1.353 hectares, while lot 2 will be the balance of the subject land with an area of 6.741 hectares and will contain the first dwelling developed on the property.

The proposed excised allotment will contain the second dwelling, associated outbuilding and effluent disposal field to the east of the dwelling. The proposed northern lot boundary will adopt an existing fence line, and the proposed eastern boundary has been designed to be ten metres east of the scattered native vegetation on proposed lot 1. Existing access to the dwelling from Reynolds Road will continue to service the dwelling.

The excised allotment has been designed to be kept to a minimal size to provide for sufficient land for lot 2 to continue land management grazing/hobby farming activities.



Proposed plan of subdivision

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

| Planning Scheme Clause No. | Description of what is proposed |
|----------------------------|---------------------------------|
| 35.07-3                    | Subdivision                     |

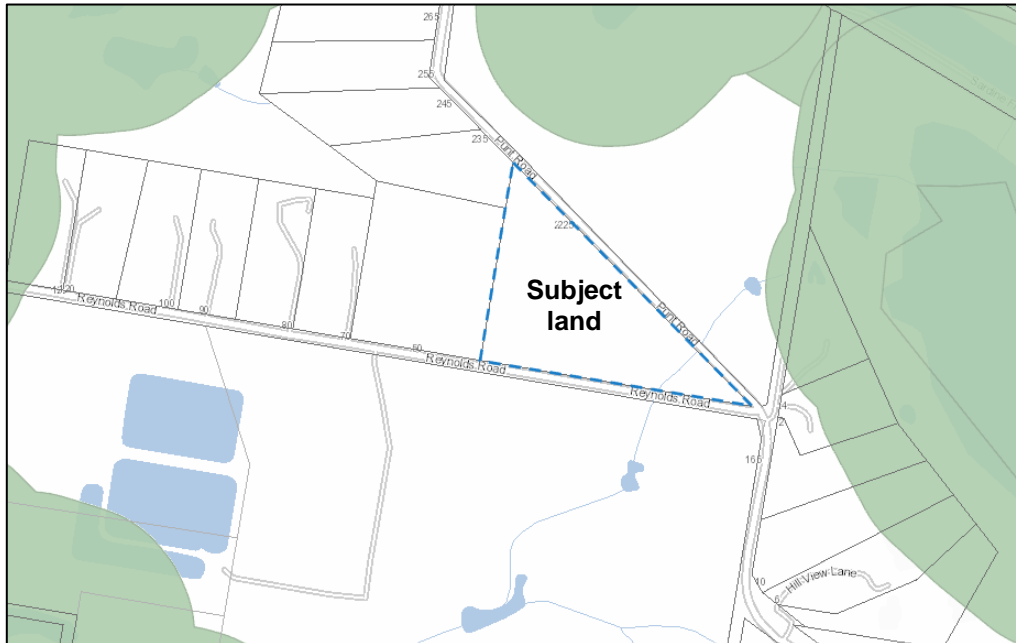
The application does not require referral pursuant to Section 55 of the *Planning and Environment Act 1987*.



#### 4. Cultural Heritage

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

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



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

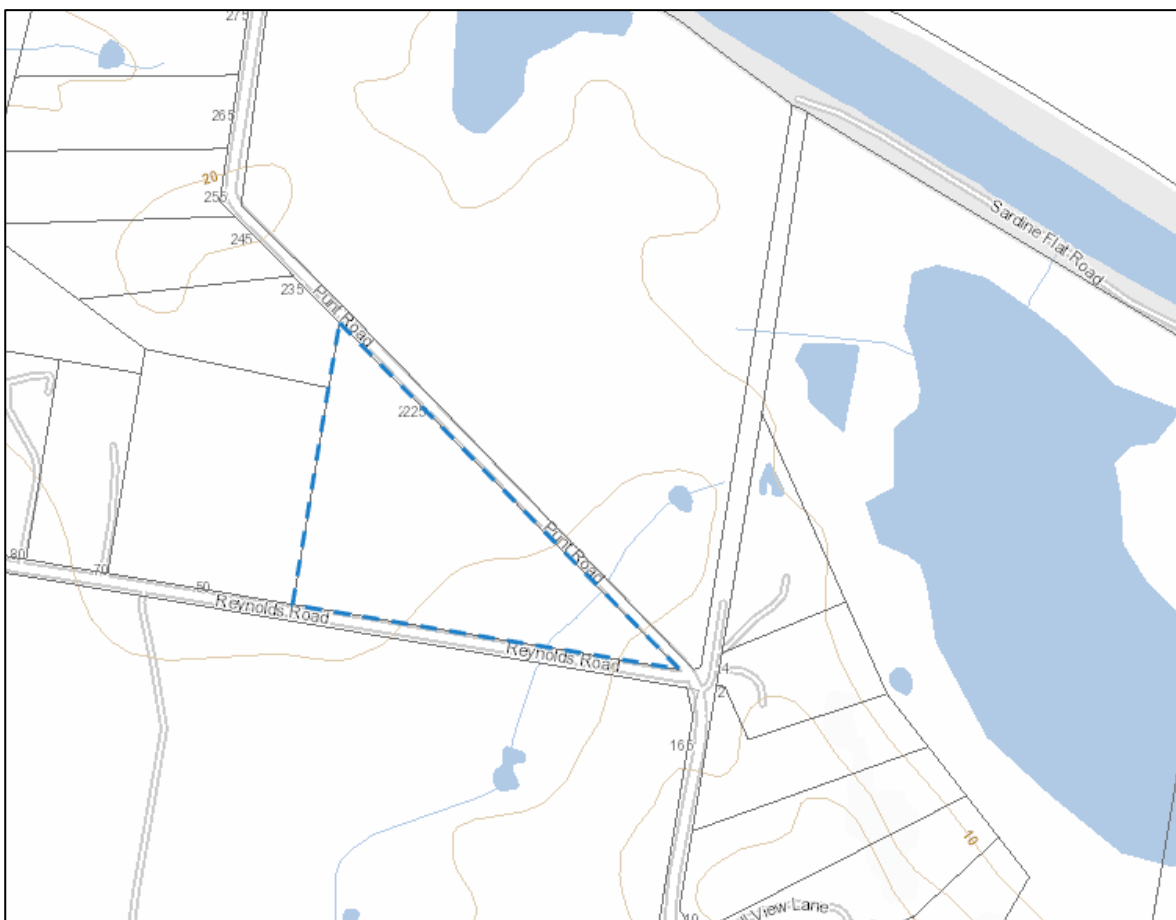
The subject land is not located within an area of cultural heritage sensitivity and a two lot subdivision is not considered a high impact activity under the *Aboriginal Heritage Regulations 2018*. As such a CHMP is not required to support the application.

## 5. Planning Policy

### 5.1 Planning Policy Framework

The proposed subdivision has had regard to Clause 12.03-1S *River and riparian corridors, waterways, lakes, wetlands and billabongs*. The proposed allotment boundaries will not dissect the waterway that crosses the south-eastern corner of the subject land and allows the waterway to be managed by a single landowner.

The land is well setback from the Tambo River and is located on elevated land which will reduce the potential of coastal inundation and erosion impacting the proposed allotments as sought by Clause 13.01-2S *Coastal inundation and erosion*.



Landform demonstrated with contour intervals (Source: VicPlan)

Clause 14.01-1S, *Protection of agricultural land* seeks to protect the State's agricultural base by preserving productive farmland. Despite the zoning of the land, the area has developed as a rural residential precinct with small allotments developed with dwellings.

The extent of agricultural production within the area could only be best described as land management, and the precinct is not identified as being of strategic agricultural significance. The proposed subdivision will not result in any loss of productive farmland, given the context of the property and surrounding precinct.

Given the context of the area with numerous dwellings in close proximity to the subject land the property does not otherwise provide an opportunity for any high value agricultural activity as per Clause 14.01-2S *Sustainable agricultural land use*.

## 5.2 Municipal Planning Strategy

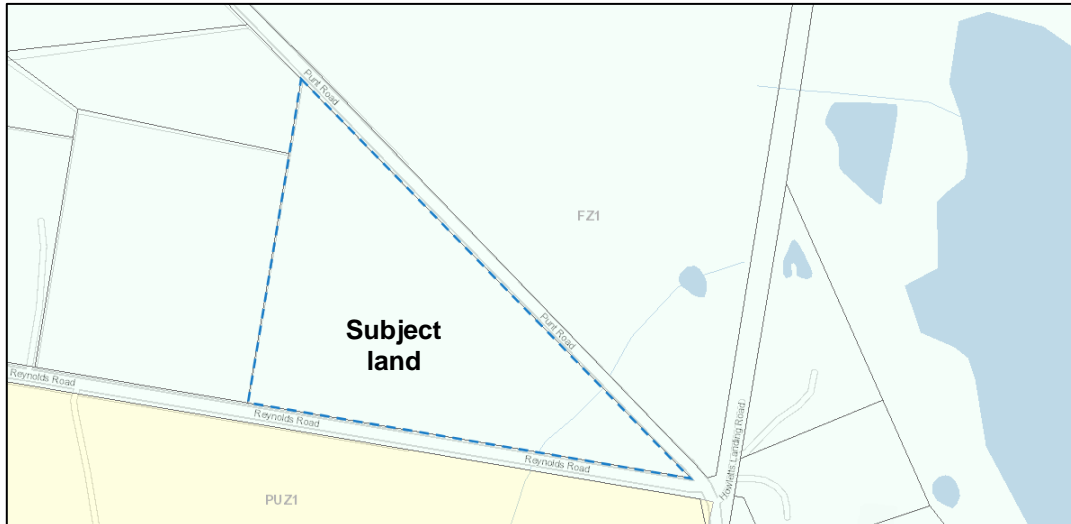
The proposed subdivision is consistent with the strategic directions contained within Clause 02.03-2 *Environmental and landscape values*. The subdivision respects the existing waterway within the south-eastern part of proposed lot 2. Maintaining the waterway within lot 2 will continue to allow for a single owner to manage and maintain the waterway as required.

The subject land is well setback from the Tambo River and is located on elevated land providing for two resilient lots from future climate change impacts. The proposed subdivision will not lead to an intensification of development and will not result in the removal of native vegetation as sought within Clause 02.03-3 *Environmental risks and amenity*.

Subdivision of the land will not detract from Council's strategic directions within Clause 02.03-4 *Natural resource management*. The subject land is effectively lost to agriculture as the landholding is developed with two dwellings on a small land parcel. The precinct is developed with small landholdings developed with dwellings and the agricultural use of properties in the area is best described as land management livestock grazing.

## 6. Farming Zone 1

The subject land is zoned Farming Zone 1 in accordance with the East Gippsland Planning Scheme.



Planning scheme zone mapping (Source: VicPlan)

In accordance with Clause 35.07-3, a permit may be granted to create a lot of less than 40 hectares for an existing dwelling and the subdivision must only be a two lot subdivision.

The proposed subdivision is considered to be consistent with the decision guidelines of the zone given the following:

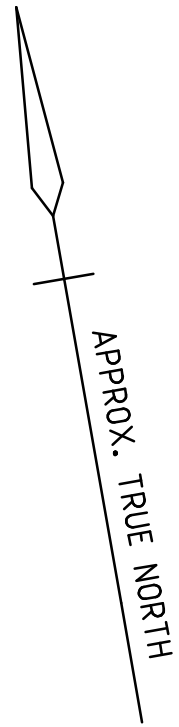
- Proposed lot 1 has been deliberately designed to ensure the existing wastewater system associated with the second dwelling is contained within lot boundaries.
- The surrounding precinct sees a proliferation of small land holdings developed with dwellings. The proposed subdivision will maintain the rural residential character of the area and simply provides an allotment for an existing dwelling, enabling separate ownership.
- Agricultural activities within the area relate to hobby farming and management grazing. There are no genuine agricultural enterprises being undertaken within the area. The subdivision will see no loss of agricultural production on the land and will not adversely affect a neighbouring farming operation.
- Due to the limited size of the landholding, the site is unable to sustain a viable agricultural use.
- Excising the second dwelling from the balance of the property will not impact water quality as the current wastewater system can continue to operate effectively and efficiently. Maintaining the waterway within proposed lot 2 allows for a single landowner to continue to provide environmental stewardship of the waterway.
- Subdivision boundaries have been carefully determined to avoid any assumed or consequential loss of native vegetation.

## 7. Conclusion

The proposed two lot subdivision at 225 Punt Road, Metung is considered to accord with all relevant provisions of the Farming Zone 1 of the East Gippsland Planning Scheme. The proposal is consistent with Planning Policy Framework and Municipal Planning Strategy and has been designed to complement the adjoining properties.

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





|   |  |   |  |
|---|--|---|--|
| <p><b>JODIE RALPH</b><br/>225 PUNT ROAD, METUNG</p>   | <p>NOTATIONS</p>   |   | <p>PROPOSED SUBDIVISION</p>  |
| <p><b>Crowther &amp; Sadler</b> Pty.Ltd.<br/>LICENSED SURVEYORS &amp; TOWN PLANNERS<br/>152 MACLEOD STREET, BAIRNSDALE, VIC., 3875<br/>P. (03) 5152 5011 E. contact@crowthersadler.com.au</p> | <p>AREAS ARE APPROXIMATE ONLY<br/>DIMENSIONS ARE SUBJECT TO SURVEY</p> |   | <p>PARISH OF BUMBERRAH<br/>CROWN ALLOTMENT 70A (PART)<br/><br/>C/T VOL 9875 FOL 634<br/>LOT 1 ON TP120120H</p> |
| <p>FILENAME: Y:\20000-20999\20900- 20999\20964 Ralph\20964 Prop V1.pro</p>  | <p>SCALE (SHEET SIZE A3)<br/><br/>1 : 2000</p>                         | <p>SURVEYORS REF.<br/><br/>20964<br/>VERSION 1 - DRAWN 23/08/2024</p> |  |