

Our Ref: 2000032

21 May 2020

Baw Baw Shire Council
PO Box 304
WARRAGUL 3820

ACN 006 197 235
ABN 38 006 197 235

Warragul Office
1/71 Victoria Street
PO Box 58
Warragul VIC 3820
Tel: (03) 5623 2257

beveridgewilliams.com.au

Dear Sir/Madam,

**RE: APPLICATION FOR A PLANNING PERMIT
SUBDIVISION OF LAND AT 31-35 QUEEN STREET, NEERIM SOUTH
LOT 5 LP139080 (VOLUME: 9480 FOLIO: 876)**

I refer to the above matter and advise that Beveridge Williams & Co. Pty. Ltd. acts on behalf of Dagmar Forbes who is seeking a permit for a two-lot subdivision at 31-35 Queen Street, Neerim South.

Dagmar and her late husband had previously commenced a subdivision on the land, however the Plan of Subdivision was not registered at the Titles Office. The current tenant of the land wishes to purchase the part of the land that he occupies (as fenced) and therefore the subdivision process is required to be started again from the beginning.

A review of the Baw Baw Planning Scheme reveals that the following Clauses are relevant to this proposal:

- **Clause 1103-1S** (Settlement);
- **Clause 17.01-1S** (Economic Development);
- **Clause 19.03-2S** (Infrastructure);
- **Clause 21.07-3** (Neerim South);
- **Clause 33.01** (Industrial 1 Zone); and
- **Clause 65** (Decision Guidelines).

The proposal is a logical subdivision that follows the existing fence lines and tenancy of the land and provides for a balance lot that has good development qualities for a range of industrial land uses as depicted in Figure 1:

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Figure 1 Proposed subdivision layout

The following documents have been uploaded into SPEAR along with this letter in support of the proposal:

- A Title search statement and title plan for the subject site;
- A Site and Context Analysis Plan;
- A Design Response/Planning Assessment Plan; and
- A proposed plan of subdivision for endorsement under any permit granted.

The payment of **\$1,318.10** will be made to Baw Baw Shire Council in due course.

If you require any further information prior to making a decision on this application, please do not hesitate to call me on 03 5623 2257

Yours faithfully,

JOEY WHITEHEAD
 Senior Williams
 BEVERIDGE WILLIAMS

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

VOLUME 09480 FOLIO 876

Security no : 124083261197B
Produced 21/05/2020 02:38 PM

LAND DESCRIPTION

Lot 5 on Plan of Subdivision 139080.

PARENT TITLES :

Volume 02273 Folio 554 Volume 02288 Folio 531 Volume 08513 Folio 991
Volume 08783 Folio 904 Volume 08876 Folio 042
Volume 08937 Folio 026 to Volume 08937 Folio 027
Created by instrument LP139080 10/09/1982

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
ERAN NOMINEES PTY LTD of MAIN RD NEERIM SOUTH
N822725B 08/11/1988

ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE LP139080 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: 31-35 QUEEN STREET NEERIM SOUTH VIC 3831

DOCUMENT END

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PLAN OF SUBDIVISION OF
 PART OF CROWN ALLOTMENTS 78,80,84A,85 & 86
 PARISH OF NEERIM
 COUNTY OF BULN BULN

MEASUREMENTS ARE IN METRES
 DEPTH LIMITATION: 15.24m (C.A. 84A)

ENCUMBRANCES AND OTHER NOTATIONS

THE LAND SHOWN COLOURED BLUE IS ENCUMBERED BY AN EASEMENT FOR ELECTRICITY SUPPLY PURPOSES VIDE LP 139079

LOT 1 HAS BEEN OMITTED FROM THIS PLAN

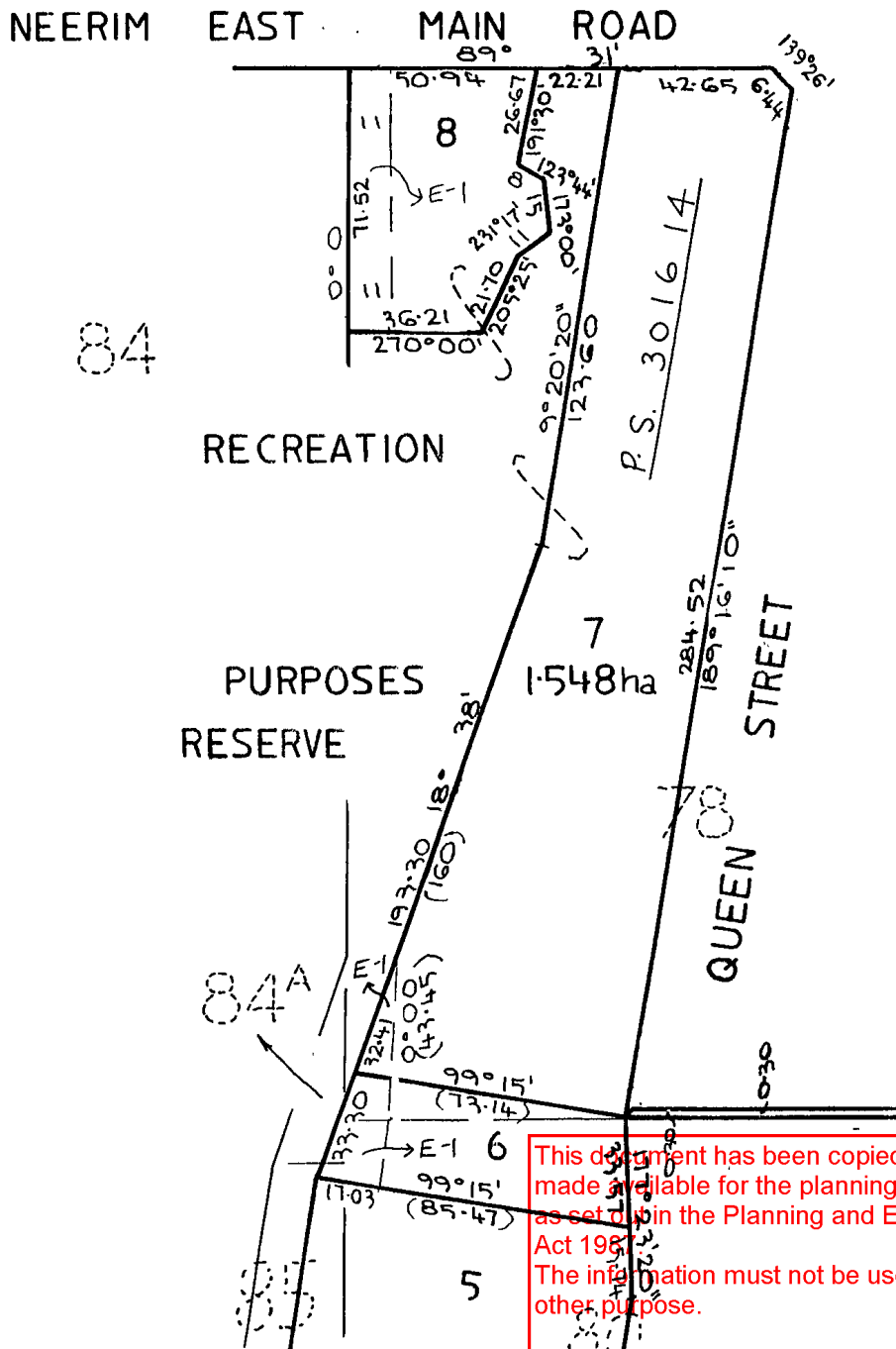
LP 139080
 Advertisable

EDITION 1
 APPROVED 16/7/82

2 SHEETS
 SHEET 1

COLOUR CODE
 E-1 = BLUE

- V 2273 F 554
- V 2288 F 531
- V 8513 F 991
- V 8783 F 904
- V 8876 F 042
- V 8937 F 026
- V 8937 F 027



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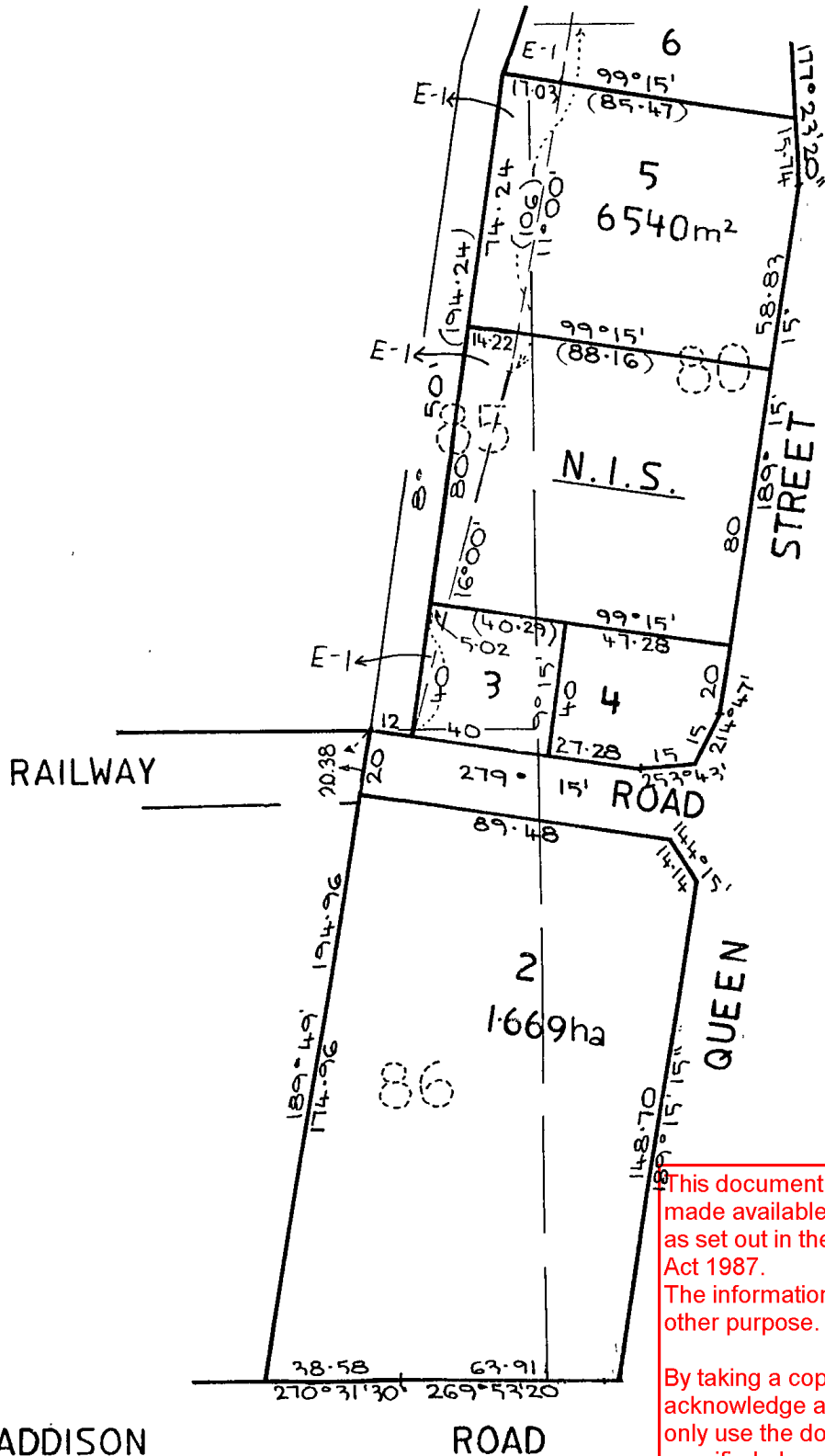
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SEE SHEET 2



SEE SHEET 1



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Application for Planning Permit for a Subdivision

Supplied by Joey Whitehead
Submitted Date 21/05/2020

Application Details

Application Type Planning Permit for a Subdivision
Version 1
Applicant Reference Number 2000032
Responsible Authority Name Baw Baw Shire Council
Responsible Authority Reference Number(s) (Not Supplied)
SPEAR Reference Number S158453P
Application Status Lodged with Responsible Authority
Planning Permit Issue Date NA
Planning Permit Expiry Date NA

The Land

Primary Parcel 31-35 QUEEN STREET, NEERIM SOUTH VIC 3831
Lot 5/Plan LP139080
SPI 5\LP139080
CPN 9763
Zone: 33.01 Industrial 1
Overlay: 45.06 Development Plan Contributions

The Proposal

Plan Number (Not Supplied)
Number of lots 2
Proposal Description Two lot subdivision
Estimated cost of the development for which a permit is required \$ 0

Existing Conditions

Existing Conditions Description Land developed with industrial shed
Title Information - Does the proposal breach an encumbrance on Title? Encumbrances on title, such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope do not apply.

Applicant Contact

Applicant Contact Ms Joey Whitehead
Beveridge Williams & Co Pty Ltd - Warragul
PO BOX 58 Street, Warragul, VIC, 3820
Business Phone: 5623 2257
Email: whitehead@bevwill.com.au

Applicant

Applicant Dagmar Forbes
PO 627 Street, Drouin, VIC, 3818 Australia
Business Phone: 0400843264

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Declaration

I, Joey Whitehead, declare that the owner (if not myself) has been notified about this application.

I, Joey Whitehead, declare that all the information supplied is true.

Authorised by
Organisation

Joey Whitehead
Beveridge Williams & Co Pty Ltd - Warragul

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Proposed Plan of Subdivision

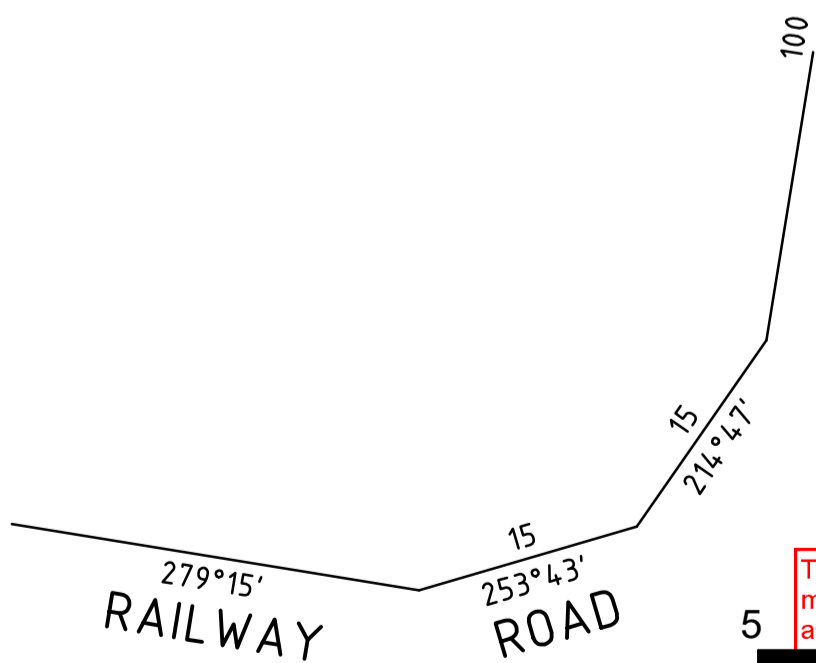
Advertised



15/01/2020



✚ DENOTES EXISTING ACCESS



NOTE:
 AREAS & DIMENSIONS ARE APPROXIMATE AND SUBJECT TO FINAL SURVEY.
 E-1 IS AN EXISTING ELECTRICITY SUPPLY PURPOSES EASEMENT



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 SCALE 1:500
 REFERENCE 2000032

VERSION 1
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PARISH OF NEERIM, PART CA 80 & 85
C/T VOL 9480 FOL 876 (LOT 5 ON LP139080)
31-35 QUEEN STREET, NEERIM SOUTH 3831 - FORBES

SUBJECT SITE

Address:	31-35 Queen Street, Neerim South
Lot Details:	Lot 5 LP139080
Title Particulars:	Volume: 9480 Folio: 876
Title Restrictions:	None, however the land is encumbered by a single easement traversing the western boundary which is set apart for the purpose of electricity supply.
Area & Shape:	Approximately 6,540m ² formed in a roughly rectangular shape with a small deflection of the eastern boundary
Topography:	Is generally flat with a slight fall to the north west where the land drains into a tributary of Red Hill Creek that traverses the inside of the northern boundary of the land.
Zoning:	Industrial 1 Zone
Overlays:	Development Contribution Overlay, Schedule 1.
Aboriginal Cultural Heritage Sensitivity:	Yes, however the subdivision is exempt from the need for preparation of a Cultural Heritage Management Plan as the subdivision is for a two lot subdivision only.
Improvements:	The land is developed with a shed located in the southern portion of the land. The shed has a floor area of approximately 1,000m ² and is fenced as a single tenancy by industrial cyclone fencing. The balance of the land is vacant and sown with grass. The balance is currently fenced ready for two separate tenancies.

ADJOINING PROPERTIES

The subject land abuts:

- '21-27 Queen Street' to the south. The land is more formally referred to as 'Lot 1 LP139079' and has an area of approximately 7,033m². The land is developed with a large metal shed building and the land appears to be used as a car wreckers and mechanical repairs known as 'Pauls Central Garage';
- A narrow linear reserve approximately 12 metres in width separating the subject land from '35 Railway Avenue' to the west. '35 Railway Avenue' is comprised of a single parcel formally described as Lot 9 LP118593. The land is zoned for residential purposes and has an area of approximately 1.1 hectares. The land is developed with a dwelling located in the north western corner and ancillary sheds.
- '37-39 Queen Street' to the north. The land is a single parcel formally known as Lot 6 LP139080. The land is zoned Industrial 1 and has an area of approximately 2,600m². It contains a shed occupied by 'Marks Automotive' car repairs business.
- 'Queen Street' to the east. On the eastern side of Queen Street, directly opposite the subject land, is '30 Kelliher Road'. The land is zoned Low Density Residential and is approximately 5 hectares in area, triangular in shape and is developed with a dwelling and various agricultural and domestic outbuildings.

The immediate area around the subject land is predominantly a mix of Industrial 1 Zone (to the north and south of the subject land), Low Density Residential Zone (on the eastern side of Queen Street) and General Residential Zone (west of the subject land and separated from the Industrial 1 zoned land by a linear reserve in the Public Park and Recreation Zone).

Queen Street is a two way bitumen sealed road. The road has no formal kerb and channel and has gravel and grassed verges. Open earth drains line either side of the road.

Subject land (existing building)



Subject land (vacant balance)



21-27 Queen Street



Facing south along Queen Street

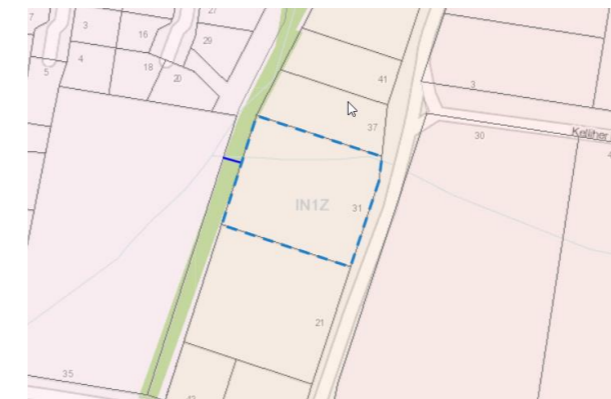


LOCALITY PLAN



Advertised

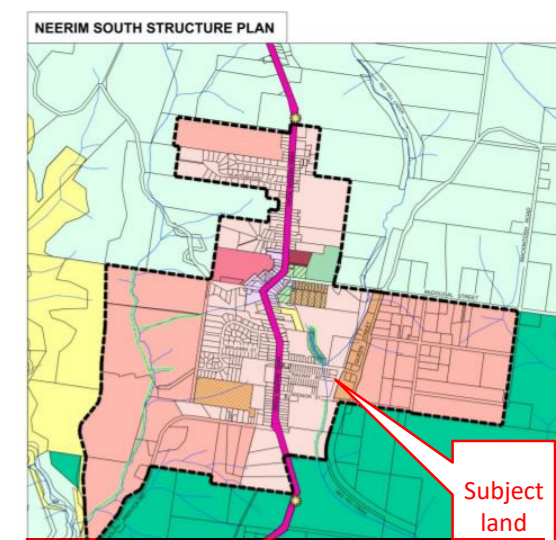
ZONING MAP



OVERLAY MAP



NEERIM SOUTH STRUCTURE PLAN



Subject land

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Planning Policy Framework & MSS

The proposed development seeks to subdivide the land to create two (2) lots as follows:

- Lot 1: 2,120m²
- Lot 2: 4,420m²

Lot 1 will contain the existing shed and will gain access from the existing crossover that the occupant of the land utilises currently. It will remain fenced in accordance with the current arrangement.

Lot 2 will comprise vacant land. It is considered appropriate that access to this lot be provided when the land is later developed so that it is positioned appropriately to manage the future industrial needs of the site.

The proposal will satisfy the Planning Policy Framework and MSS of the Baw Baw Planning Scheme by:

- Supporting the role of Neerim South and a small town servicing the larger townships and Warragul and Drouin by allowing the growth of the industrial sector in this town in accordance with **Clause 11.01-1R**;
- Facilitating the release of additional industrial zoned land in the township of Neerim South in accordance with **Clause 17.03-1R**;
- Making efficient use of available infrastructure in accordance with **Clause 19.03-2S**; and,
- Supporting the role of Neerim South as a town providing for industrial, commercial, education, health, recreational, community and residential uses on the main road north from Warragul at **Clause 21.04-8**.

The purpose of the zone and overlays

The proposed subdivision has been designed to comply with the purpose of the zone controls by providing for manufacturing industry, the storage and distribution of goods and associated uses by creating large lots that facilitate this use **Clause 33.01**. No permit trigger exists under **Clause 45.06** and no development levy will apply.

Any other matters required to be considered under the zone, overlays or other provisions:

The proposal has been designed to respond to the decision guidelines at **Clause 33.01** by:

- Ensuring that the subdivision minimises impacts to nearby residential land by limiting the number of industrial lots created to two lots that respond to the current tenancy arrangement and will not lead to an overdevelopment of the land;
- Ensuring each lot has appropriate area to allow for separation between the lot boundaries and any future building constructed on the land to limit the interface of industrial land to nearby residential land;
- Ensuring the design allows for future landscaping on the land including the lot containing the existing shed.
- Ensuring that each lot has sufficient area to allow for on-site parking so as to avoid impacts to Queen Street occupants and maximise the competitive strengths of the industrial area.

- Ensuring that the lots have dimensions and widths that respond to the existing subdivision pattern along Queen Street and therefore ensuring that the proposal has regard to the prevailing streetscape character of the area.

The objectives of Clause 65.01

Orderly Planning

The proposal has been designed to provide lots that promote active street frontages, are serviced by reticulated services and that are consistent with development pattern in this part of Neerim South.

The effect on the amenity of the area

The proposal is not expected to negatively impact on the amenity of the area. The land is provided with a linear park buffer from the residential land to the west, which assists to reduce the likelihood of impacts to this area.

Factors likely to cause or contribute to land degradation, salinity or reduce water quality

This is not applicable as no new buildings or significant works are proposed through this application. The proposal adopts the current fencelines and utilises an existing crossover.

Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site

As no buildings or significant works are proposed through this application, the subdivision will maintain the quality of stormwater within and exiting the site.

The extent and character of native vegetation and the likelihood of its destruction.

There is no vegetation that will be impacted by the proposed subdivision.

Whether native vegetation is to be or can be protected, planted or allowed to regenerate.

No existing native vegetation will be impacted by the proposal.

The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

The site is not recognised as being susceptible to flood, erosion or bushfire risk. The land is not within a designated Bushfire Prone Area under the Building Regulations 2009.

The Objectives of Clause 65.02

- The proposal will not change the current use of the land however provides for an opportunity for an additional business to occupy the site and a change in land tenure that may suit new business owners;
- Anecdotal evidence suggests that there is demand for industrial land in the Baw Baw Shire area including Neerim South, Warragul and Drouin.
- The land enjoys existing access from Queen Street and does not require a new crossover to service Lot 1. In accordance with previous submissions, access to Lot 2 should be determined when a development application is approved for the site to ensure that it is designed and sited to suit.

PROPOSED PLAN OF SUBDIVISION



- The density and layout of the subdivision is demonstrated in the proposed Plan of Subdivision above. This is generally consistent with the pattern of development in the industrial area of Neerim South and accords with the current fencing arrangement and therefore expectations for development on the land.

- The development will not require any new roads or include common property as each lot will have individual access onto Queen Street;

- There is ample space provided for carparking within each lot; and,

- Both lots will be fully serviced with reticulated electricity and water and have capacity to be drained into the existing stormwater system. The site has available connectivity to the existing reticulated sewerage system

The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts

Both proposed lots retain ample space for loading and unloading of vehicles in line with their future use which will be dependant on the type and scale of any future industrial land development.

In addition to the above it is submitted that :

The proposal will match the present land use pattern on the site, as:

- The proposal allows for the needs of a the existing tenants who wish to secure ownership of the land for financial purposes;
- The density and layout of the subdivision is typical of the industrial area and scale of prevailing industrial uses in the area; and,
- Both lots will retain access to the appropriate reticulated services which are able to be retained on their current form with no expected alteration required to facilitate the subdivision.

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Planning Property Report

from www.planning.vic.gov.au on 21 May 2020 02:43 PM

Address: 31-35 QUEEN STREET NEERIM SOUTH 3831

Lot and Plan Number: Lot 5 LP139080

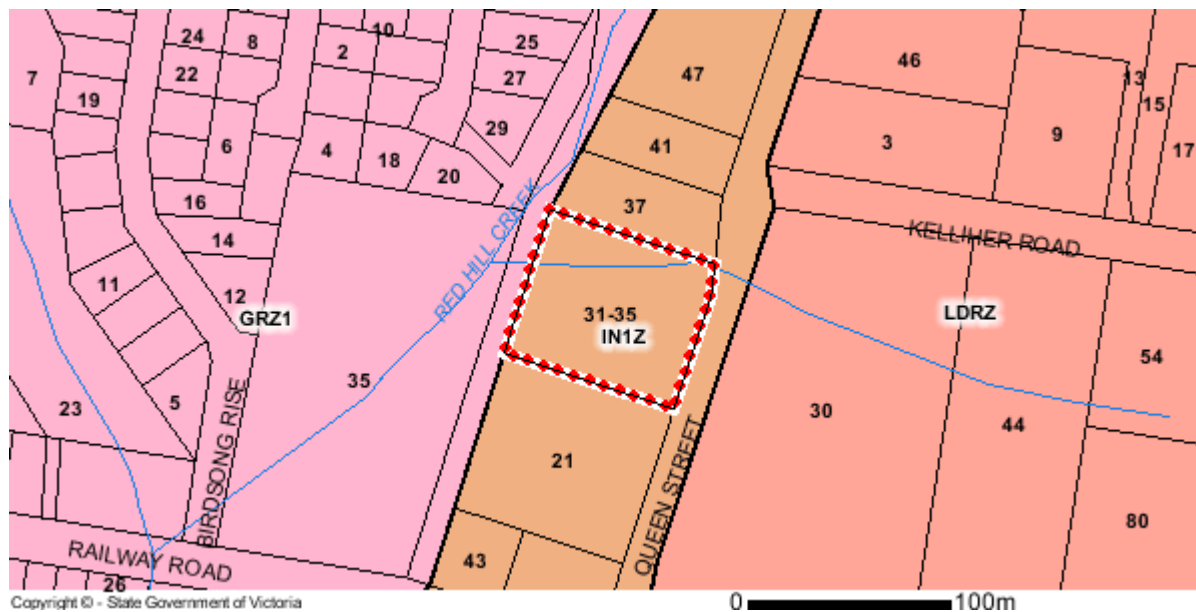
Local Government (Council): BAW BAW **Council Property Number:** 9763

Directory Reference: VicRoads 707 T11

Planning Zone

INDUSTRIAL 1 ZONE (IN1Z)

SCHEDULE TO THE INDUSTRIAL 1 ZONE (IN1Z)



Note: labels for zones may appear outside the actual zone - please compare the labels with the legend.

Zones Legend

ACZ - Activity Centre	IN1Z - Industrial 1	R1Z - General Residential
B1Z - Commercial 1	IN2Z - Industrial 2	R2Z - General Residential
B2Z - Commercial 1	IN3Z - Industrial 3	R3Z - General Residential
B3Z - Commercial 2	LDRZ - Low Density Residential	RAZ - Rural Activity
B4Z - Commercial 2	MUZ - Mixed Use	RCZ - Rural Conservation
B5Z - Commercial 1	NRZ - Neighbourhood Residential	RDZ1 - Road - Category 1
C1Z - Commercial 1	PCRZ - Public Conservation & Resource	RDZ2 - Road - Category 2
C2Z - Commercial 2	PDZ - Priority Development	RGZ - Residential Growth
CA - Commonwealth Land	PPRZ - Public Park & Recreation	RLZ - Rural Living
CCZ - Capital City	PUZ1 - Public Use - Service & Utility	RUZ - Rural
CDZ - Comprehensive Development	PUZ2 - Public Use - Education	SUZ - Special Use
DZ - Dockland	PUZ3 - Public Use - Health Community	T7 - Temporary
ERZ - Environmental Rural	PUZ4 - Public Use - Transport	U1Z - Urban Flinders
FZ - Farming	PUZ5 - Public Use - Cemetery/Crematorium	U2Z - Urban Growth
GRZ - General Residential	PUZ6 - Public Use - Local Government	UBZ - Urban Boundary
GWAZ - Green Wedge A	PUZ7 - Public Use - Other Public Use	U1987 - Urban Growth Act 1987
GWZ - Green Wedge	PZ - Port	

+++++ Railway +--+--+ Tram ——— River, stream

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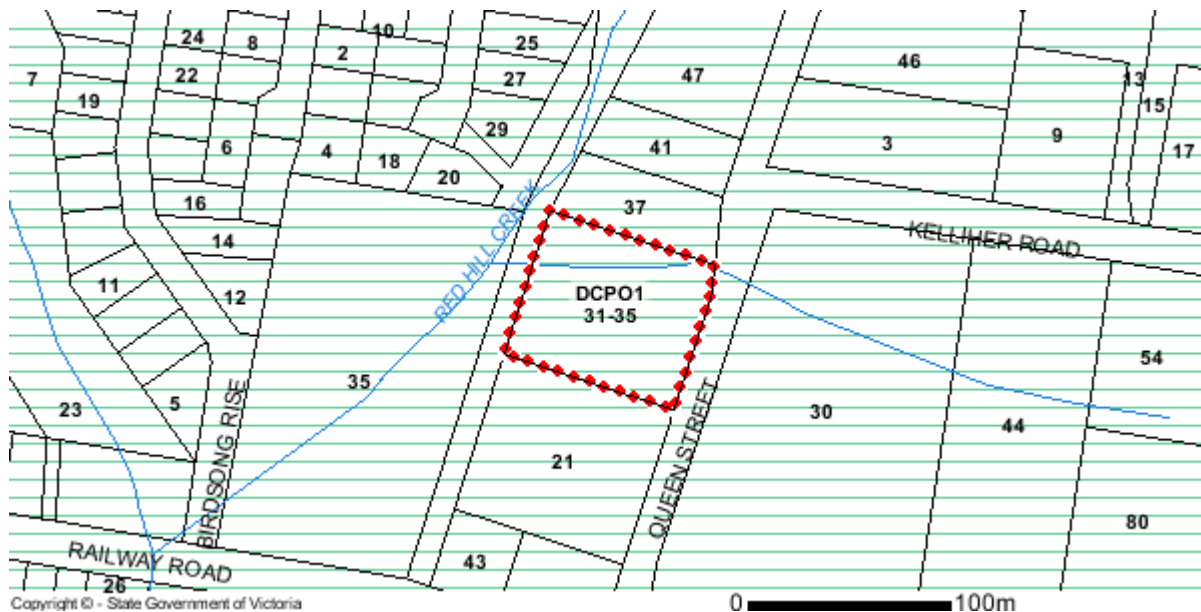
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Planning Overlay

DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY (DCPO)

DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY - SCHEDULE 1 (DCPO1)



Overlays Legend

AEO - Airport Environs	IPO - Incorporated Plan
BMO - Bushfire Management	LSIO - Land Subject to Inundation
CLPO - City Link Project	MAEO1 - Melbourne Airport Environs 1
DCPO - Development Contributions Plan	MAEO2 - Melbourne Airport Environs 2
DDO - Design & Development	NCO - Neighbourhood Character
DDOPT - Design & Development Part	PD - Parking
DPO - Development Plan	PAO - Public Acquisition
EAO - Environmental Audit	RO - Restructure
EMO - Erosion Management	RCO - Road Closure
ESO - Environmental Significance	SBO - Special Building
FO - Floodway	SLO - Significant Landscape
HO - Heritage	SMO - Salinity Management
ICPO - Infrastructure Contributions Plan	SRD - State Resource
Railway	VPO - Vegetation Protection
Tram	Lake, waterbody
River, stream	

Note: due to overlaps some colours on the maps may not match those in the legend.

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Areas of Aboriginal Cultural Heritage Sensitivity

All or part of this property is an 'area of cultural heritage sensitivity'.

'Areas of cultural heritage sensitivity' are defined under the Aboriginal Heritage Regulations 2018, and include registered Aboriginal cultural heritage places and land form types that are generally regarded as more likely to contain Aboriginal cultural heritage.

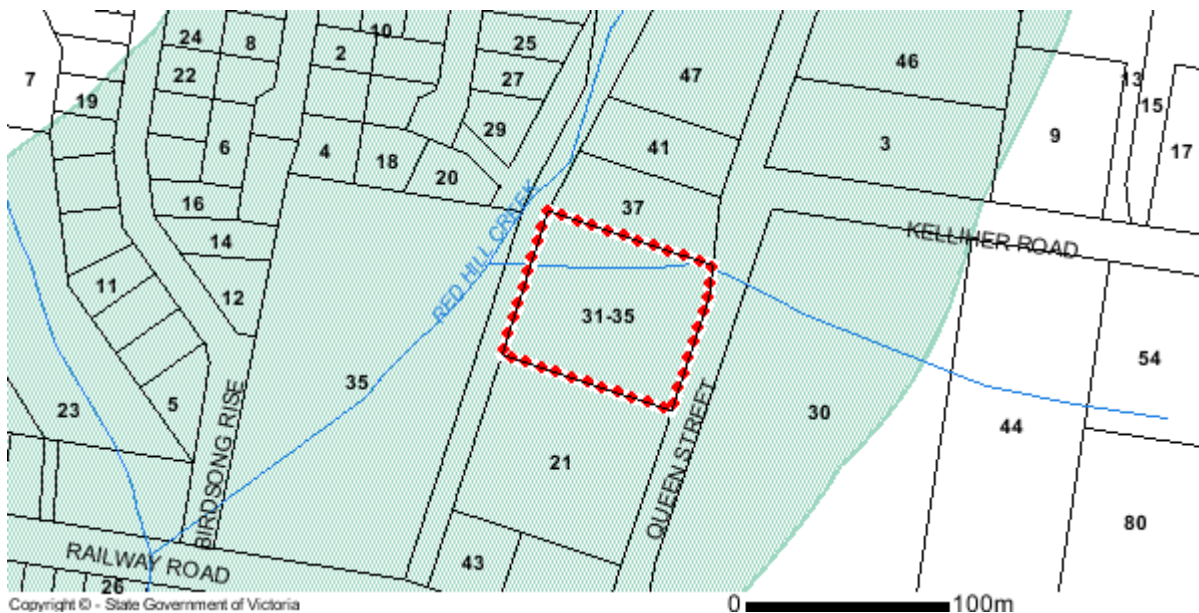
Under the Aboriginal Heritage Regulations 2018, 'areas of cultural heritage sensitivity' are one part of a two part trigger which require a 'cultural heritage management plan' be prepared where a listed 'high impact activity' is proposed.

If a significant land use change is proposed (for example, a subdivision into 3 or more lots), a cultural heritage management plan may be triggered. One or two dwellings, works ancillary to a dwelling, services to a dwelling, alteration of buildings and minor works are examples of works exempt from this requirement.

Under the Aboriginal Heritage Act 2006, where a cultural heritage management plan is required, planning permits, licences and work authorities cannot be issued unless the cultural heritage management plan has been approved for the activity.

For further information about whether a Cultural Heritage Management Plan is required go to <http://www.aav.nrms.net.au/aavQuestion1.aspx>

More information, including links to both the Aboriginal Heritage Act 2006 and the Aboriginal Heritage Regulations 2018, can also be found here - <https://www.vic.gov.au/aboriginalvictoria/heritage/planning-and-heritage-management-processes.html>



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Further Planning Information

Planning scheme data last updated on 20 May 2020.

A **planning scheme** sets out policies and requirements for the use, development and protection of land.

This report provides information about the zone and overlay provisions that apply to the selected land.

Information about the State and local policy, particular, general and operational provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council or by visiting [Planning Schemes Online](#)

This report is NOT a **Planning Certificate** issued pursuant to Section 199 of the *Planning and Environment Act 1987*.

It does not include information about exhibited planning scheme amendments, or zonings that may affect the land.

To obtain a Planning Certificate go to [Titles and Property Certificates](#)

For details of surrounding properties, use this service to get the Reports for properties of interest

To view planning zones, overlay and heritage information in an interactive format visit [Planning Maps Online](#)

For other information about planning in Victoria visit www.planning.vic.gov.au

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