

Our Ref: 2671 (GLS-4082)

17 December 2021

Coordinator Statutory Planning
Baw Baw Shire Council
P.O. Box 304
Warragul, VIC 3820

ATTENTION: Ms Bianca Proctor

Dear Bianca,

**RE: 256 & 368 Mountain View Road, Mountain View
Proposed two (2) Lot Re-Subdivision
SPEAR Reference: S187320C**

On behalf of our clients, we have recently submitted in SPEAR an Application for a Planning Permit for a two (2) Lot Re-Subdivision at 256 & 368 Mountain View Road, Mountain View.

Please have the charge raised for \$1,337.70 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,



Jonathan Neilson
Director, Principal & Licensed Surveyor

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

Page 1 of 1

VOLUME 06787 FOLIO 300

Security no : 124094509497P
Produced 18/12/2021 12:36 PM

LAND DESCRIPTION

Lot 1 on Title Plan 157610G (formerly known as part of Crown Allotment 17
Parish of Poowong East).
PARENT TITLE Volume 04467 Folio 380
Created by instrument 1959649 19/07/1945

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor

AC780658X 05/04/2004

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 TP157610G FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

DOCUMENT END

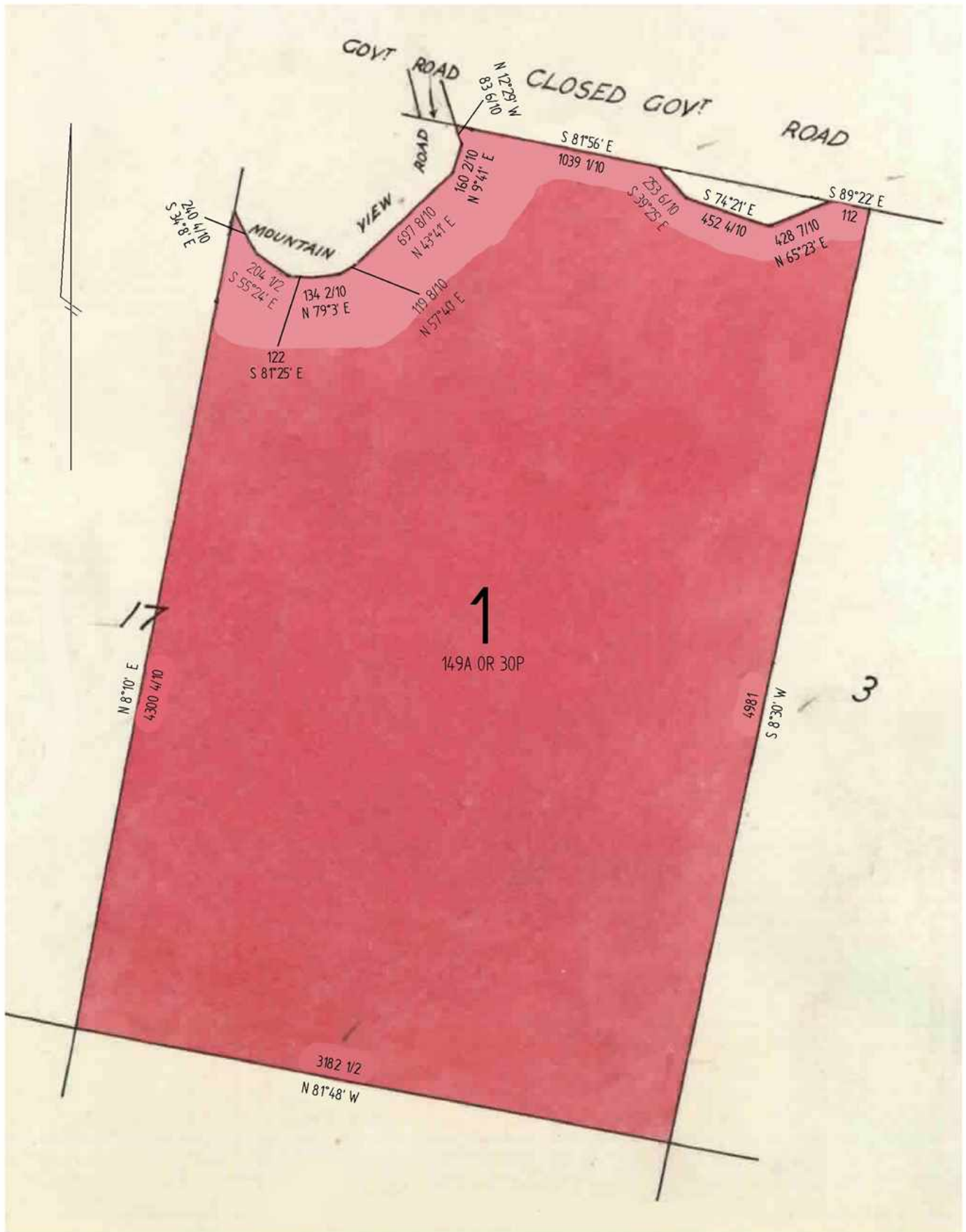


TABLE OF PARCEL IDENTIFIERS	
WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962	
PARCEL 1 = CA 17 (PT)	

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

Page 1 of 1

VOLUME 05845 FOLIO 846

Security no : 124094509515U
Produced 18/12/2021 12:36 PM

LAND DESCRIPTION

Lot 1 on Title Plan 396064W (formerly known as part of Crown Allotment 18
Parish of Poowong East).
PARENT TITLE Volume 05047 Folio 350
Created by instrument 1520848 01/04/1933

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor

██
AC780658X 05/04/2004

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 TP396064W FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

DOCUMENT END

TITLE PLAN		EDITION 1	TP 396064W
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<p>Location of Land</p> <p>Parish: POOWONG EAST Township: Section: Crown Allotment: 18(PT) Crown Portion:</p> <p>Last Plan Reference: Derived From: VOL 5845 FOL 846 Depth Limitation: NIL</p>	<p style="text-align: center;">Notations</p> <p>ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN</p>
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Description of Land / Easement Information	<p>THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT</p> <p>COMPILED: 11/04/2000 VERIFIED: SO'C</p>
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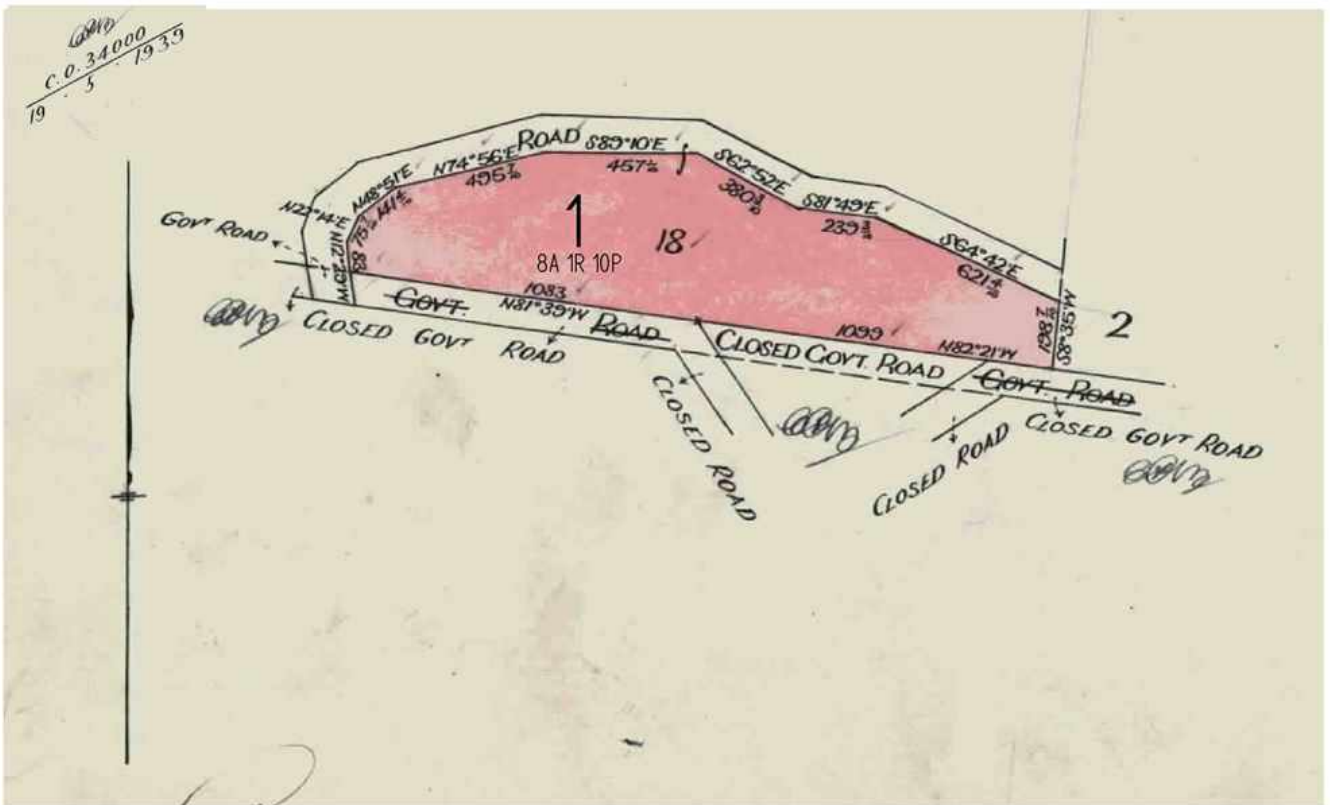


TABLE OF PARCEL IDENTIFIERS
WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962
PARCEL 1 = CA 18 (PT)

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

Page 1 of 1

VOLUME 07729 FOLIO 048

Security no : 124094509517S
Produced 18/12/2021 12:37 PM

LAND DESCRIPTION

Lots 1 and 2 on Title Plan 228735R (formerly known as part of Crown Allotment 17A, part of FORMER GOVERNMENT ROAD Parish of Poowong East).
PARENT TITLE Volume 06295 Folio 000
Created by instrument 2464902 17/01/1952

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor

AC780658X 05/04/2004

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 TP228735R FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

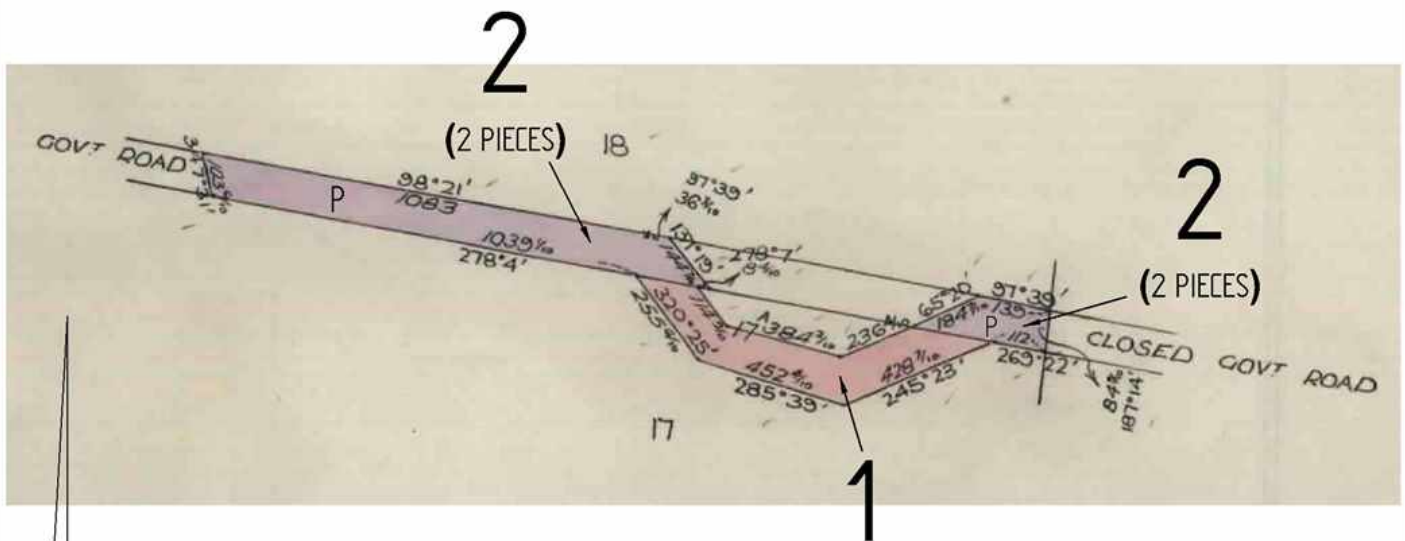
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DOCUMENT END

TITLE PLAN		EDITION 1	TP 228735R
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<p>Location of Land</p> <p>Parish: POOWONG EAST Township: Section: Crown Allotment: 17A (PT), FORMER GOVERNMENT ROAD (PT) Crown Portion:</p> <p>Last Plan Reference: Derived From: VOL 7729 FOL 048 Depth Limitation: 50 FEET (LAND COLOURED PURPLE)</p>	<p style="text-align: center;">Notations</p> <p>ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN</p>
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<p>Description of Land / Easement Information</p> <p style="text-align: center; margin-top: 20px;">COLOUR CODE P = PURPLE</p>	<p>THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT</p> <p>COMPILED: 26/11/1999 VERIFIED: PC</p>
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TOTAL AREA = 2A 1R 0P

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 17A (PT)
PARCEL 2 = FORMER GOVERNMENT ROAD (PTS)

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

Page 1 of 1

VOLUME 05845 FOLIO 847

Security no : 124094509520P
Produced 18/12/2021 12:37 PM

LAND DESCRIPTION

Lots 1 and 2 on Title Plan 403546U (formerly known as part of Crown Allotment 17A, part of FORMER GOVERNMENT ROAD Parish of Poowong East).
PARENT TITLE Volume 05047 Folio 351
Created by instrument 1520848 01/04/1933

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor


AC780658X 05/04/2004

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 TP403546U FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

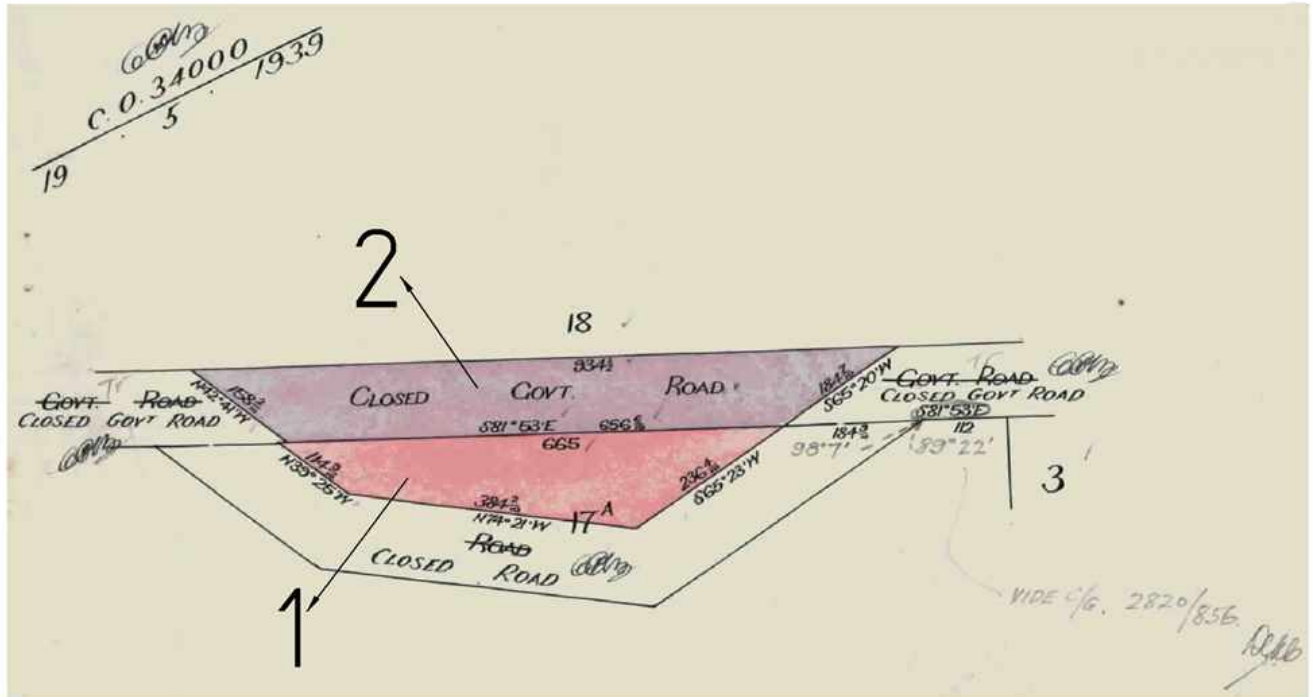
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DOCUMENT END

TITLE PLAN	EDITION 1	TP 403546U
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<p>Location of Land</p> <p>Parish: POOWONG EAST Township: Section: Crown Allotment: 17A (PT) Crown Portion: FORMER GOVERNMENT ROAD (PT) Last Plan Reference: Derived From: VOL 5845 FOL 847 Depth Limitation: 50 FEET (FORMER GOVERNMENT ROAD)</p>	<p style="text-align: center;">Notations</p> <p>ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN</p>
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<p>Description of Land / Easement Information</p>	<p>THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT</p> <p>COMPILED: 13/04/2000 VERIFIED: AA</p>
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TOTAL AREA= 1A 1R 15 6/10P

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 17A (PT)
PARCEL 2 = FORMER GOVERNMENT ROAD (PT)

LENGTHS ARE IN LINKS	Metres = 0.3048 x Feet Metres = 0.201168 x Links		Sheet 1 of 1 sheets
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**REGISTER SEARCH STATEMENT (Title Search) Transfer of
Land Act 1958**

Page 1 of 1

VOLUME 11262 FOLIO 930

Security no : 124094509523L
Produced 18/12/2021 12:37 PM

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 636137A.

PARENT TITLES :

Volume 09528 Folio 198 Volume 09528 Folio 200 Volume 11019 Folio 259

Created by instrument PS636137A 05/04/2011

REGISTERED PROPRIETOR

Estate Fee Simple

Joint



AL911112S 26/05/2015

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.

AGREEMENT Section 173 Planning and Environment Act 1987
AH226479Y 17/05/2010

DIAGRAM LOCATION

SEE PS636137A FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

DOCUMENT END

PS636137A



PLAN OF SUBDIVISION	Stage No. <hr/>	LRS use only EDITION 1	F
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Location of Land
 Parish: POOWONG EAST
 Township: _____
 Section: _____
 Crown Allotment: 3A, 2A(Pt) & 3(Pt)
 PART FORMER GOVT ROAD

Title References: VOL 9528 FOL 198
 VOL 9528 FOL 200
 VOL 11019 FOL 259

Last Plan Reference: TP 85447 (LOT 1)
 TP 216781 (Lots 1 & 2)
 TP 228736 (Lot 1)

Postal Address: 40 WELLER ROAD
 MOUNTAIN VIEW, 3988

MGA 94 Co-ordinates: E 401420 Zone 55
 (Of approx. centre of plan) N 5760405

Council Certification and Endorsement.

Council Name: BAW BAW SHIRE COUNCIL Ref: B PSB 0039/09

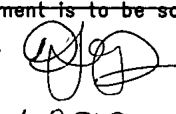
- This plan is certified under section 6 of the Subdivision Act 1988.
- ~~This plan is certified under section 11(7) of the Subdivision Act 1988.
 Date of original certification under section 6. _____ / _____ / _____~~
- ~~This is a statement of compliance issued under section 21 of the Subdivision Act 1988.~~

Open Space

(i) A requirement for public open space under section 18 of the Subdivision Act 1988 has / has not been made.

~~(ii) The requirement has been satisfied.~~

~~(iii) The requirement is to be satisfied in Stage _____~~

Council Delegate 
~~Council seal~~

Date 20/5/2010

~~Re-certified under section 11(7) of the Subdivision Act 1988~~

~~Council Delegate~~
~~Council seal~~
~~Date _____ / _____ / _____~~

Vesting of Roads or Reserves

Identifier	Council/Body/Person
Nil	Nil

Notations

Depth Limitation: Does not apply	Staging This is not a staged subdivision. Planning Permit No. PSB 0039/09
THE LAND BEING SUBDIVIDED IS SHOWN ENCLOSED BY CONTINUOUS THICK LINES.	Survey:- This plan is not based on survey. To be completed where applicable. This survey has been connected to permanent marks no(s). _____ In proclaimed Survey Area no. _____

Easement Information

Legend: E- Encumbering Easement, Condition in Crown Grant in the Nature of an Easement or Other Encumbrance
 A- Appurtenant Easement R- Encumbering Easement (Road)

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

LRS use only

Statement of Compliance / Exemption Statement

Received

Date _____

LRS use only

PLAN REGISTERED

TIME 1.06 PM


DATE 5/04/11

M.Holloway
Assistant Registrar of Titles

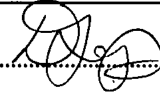
SHEET 1 OF 3

ROSS & WORTH PTY. LTD.
LAND & ENGINEERING SURVEYORS
 * 5/61 SMITH STREET WARRAGUL 56232257
 26 CONTINGENT ST. TRAFALGAR 56331577
 213B PRINCES HIGHWAY MORWELL 51341368

LICENSED SURVEYOR GEOFFREY STUART FEDDERSEN

SIGNATURE  DATE 14/1/2010

REF 11893 DRG No. 11893PS.LCD VERSION 01



DATE 20/5/10

COUNCIL DELEGATE SIGNATURE

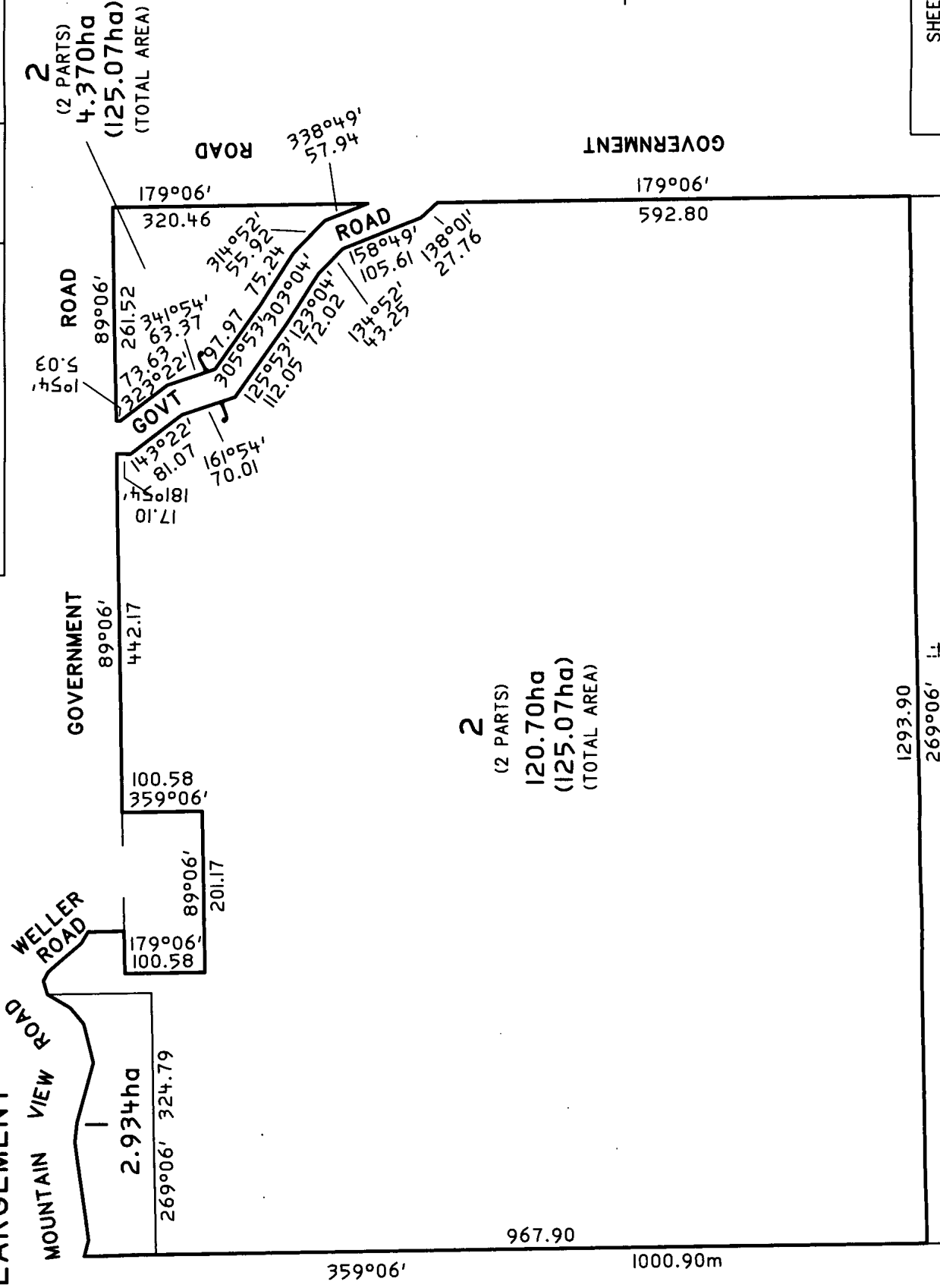
Original sheet size **A3**

SEE SHEET 3
FOR ENLARGEMENT

PLAN OF SUBDIVISION

Stage No.

Plan Number
PS 636137A



PS 636137A

SHEET 2

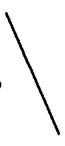
DATE 20 15 2010
COUNCIL DELEGATE SIGNATURE

LICENSED SURVEYOR (PRINT) GEOFFREY STUART FEDDERSEN
SIGNATURE [Signature] DATE 14/1/2010
REF 11893 DRG No. 11893PS.LCD VERSION 01

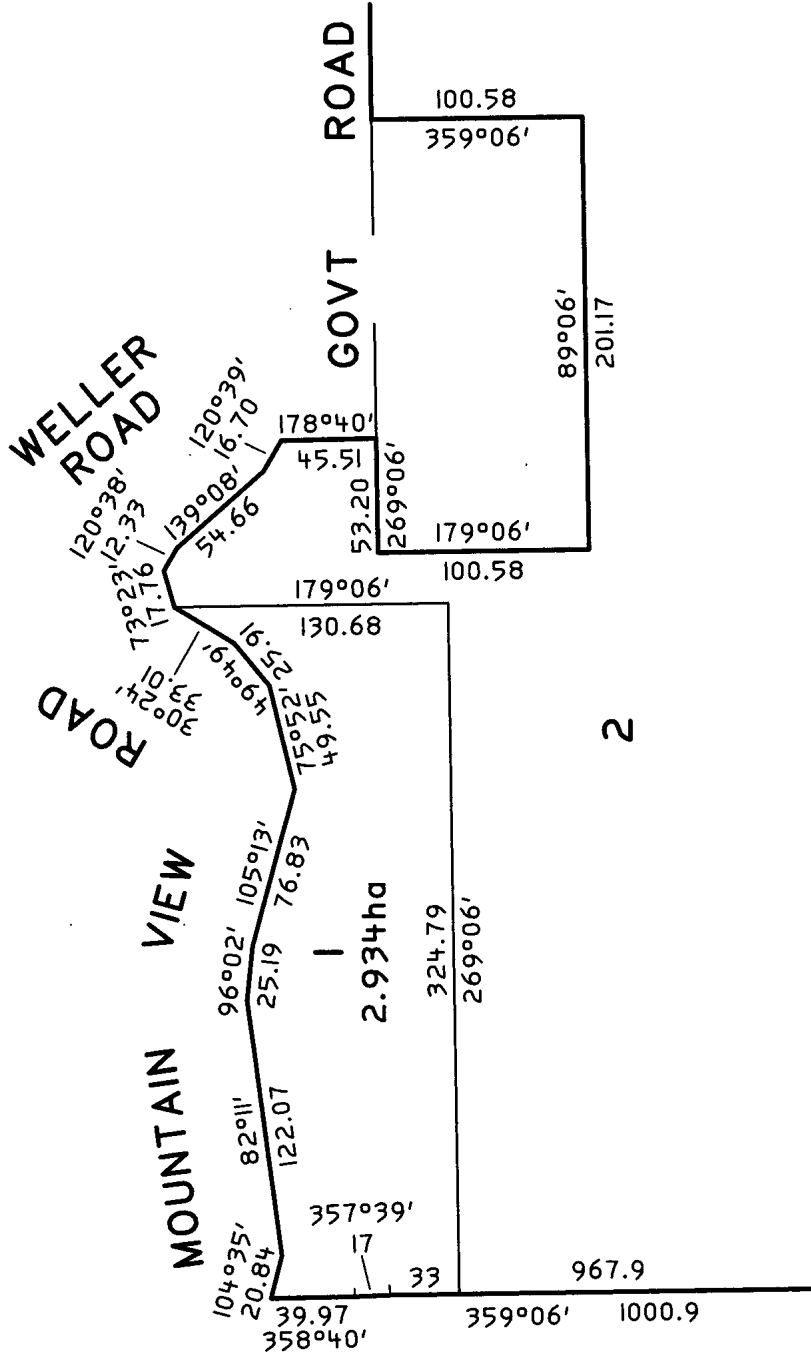
ORIGINAL SHEET SCALE SIZE A3 1:5000
SCALE 50 0 50 100 150 200
LENGTHS ARE IN METRES

ROSS & WORTH PTY. LTD.
LAND & ENGINEERING SURVEYORS
* 5/61 SMITH STREET WARRAGUL 56232257
26 CONTINGENT ST. TRAFALGAR 56331577
213B PRINCES HIGHWAY MORWELL 51341368

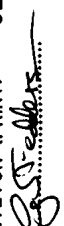
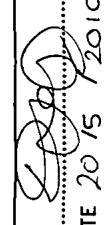
PLAN OF SUBDIVISION

Stage No. 

Plan Number
PS 636137A



SHEET 3

<p>ROSS & WORTH PTY. LTD. LAND & ENGINEERING SURVEYORS * 5/61 SMITH STREET WARRAGUL 56232257 26 CONTINGENT ST TRAFALGAR 56331577 213B PRINCES HIGHWAY MORWELL 51341368</p>	<p>ORIGINAL SHEET SCALE SIZE A3 1:2500</p> <p>SCALE 25 0 25 50 75 100</p> <p>LENGTHS ARE IN METRES</p>	<p>LICENSED SURVEYOR (PRINT) GEOFFREY STUART FEDDERSEN</p> <p>SIGNATURE  DATE 14.11.2010</p> <p>REF 11893 DRG No. 11893PSA.LCD VERSION 01</p>	<p>DATE 20.15.2010</p> <p>COUNCIL DELEGATE SIGNATURE </p>
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FORM 18

Section 181

APPLICATION BY A RESPONSIBLE AUTHORITY FOR THE MAKING OF A RECORDING OF AN AGREEMENT

Planning and Environment Act 1987

AH226479Y



Lodged at the Land Titles office by:

Name: **Birch Ross + Barlow**

Phone:

Address:

Ref: **489L**

Customer Code:

The Authority having made an agreement referred to in section 181(1) of the **Planning and Environment Act 1987** requires a recording to be made in the Register for the land.

- 2. Land: C/T Volume 9528 Folio 198
Volume 9528 Folio 200
Volume 11019 Folio 259

Authority: (name and address) **Baw Baw Shire Council
Civic Place
WARRAGUL VIC 3820**

Section and Act under which agreement made: **Section 173 Agreement
Planning & Environment Act
1987**

A copy of the Agreement is attached to this Application.

Signature for the Authority:

Position held: **SENIOR STATUTORY PLANNER**

Name of Officer: **DEBBIE TYSON**

Date: **29 APRIL 2010**

THIS AGREEMENT is made the 28 day of ... APRIL ... 2010

BETWEEN

Baw Baw Shire Council
of
Civic Place Warragul
(hereinafter called "Council")

AH226479Y

17/05/2010 \$102.90 173



AND



of

(hereinafter called the "Owner")

Whereas:

1. The Owner is the registered proprietor of Lot 2 PS 636137A (the "Land") being a subdivision of the land comprised in Certificate of Title Volume 9528 Folio 198, Volume 9528 Folio 200 and Volume 11019 Folio 259.
2. The Council and the Owner have agreed to enter into an agreement under Section 173 of the Planning and Environment Act 1987 to provide, as set out in Condition No 3 Planning Permit No PSB 0039/09 that:
 - a) Lot 2 shall not be further subdivided into lots less than 40ha.

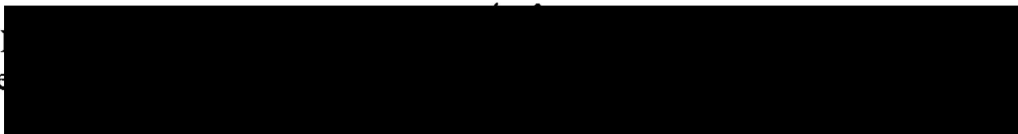
Now this agreement witnesseth and the parties agree and covenant as follows:

1. Without limiting the operation or effect which this Agreement otherwise has, the parties acknowledge that this Agreement is made pursuant to the provisions of Section 173 of the Planning and Environment Act 1987.
2. This Agreement shall come into force immediately upon execution by both parties hereto or the approval by the Registrar of Titles of Plan of Subdivision PS 636137A whichever is the later, and shall run with the "Land".
3. The Owner covenants that it will bring this Agreement to the attention of all purchasers, mortgagees, transferees and assignees of the "Land".
4. Each of the parties hereto shall respectively sign and execute all such further documents and deeds and do all acts and things as the other party shall reasonably require for completely effectuating this Agreement.
5. The Owner covenants with the Council that:
 - a) Lot 2 PS 636137A shall not be further subdivided into additional lots less than 40ha in area.

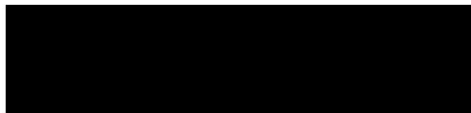
- 6. The Owner covenants that it will prepare or cause to be prepared an application under Section 181 of the Planning and Environment Act 1987 to enable the registration of this Agreement at the Land Registry and the Owner further agrees to pay (on request) the Council's costs and expenses in connection with this agreement including anything done in anticipation of this Agreement and the enforcement of any obligations imposed on the owners excepting the cost of any unsuccessful enforcement action.
- 7. The Owner covenants that it will as soon as practicable upon the formation of this Agreement take all steps reasonably necessary to enter a memorandum of this Agreement on the Certificate of Title to the Land in accordance with Section 181 of the Planning and Environment Act 1987 so that it shall run with the "Land".
- 8. Whenever herein the word "Owner" shall mean the person or persons entitled from time to time to be registered by the Registrar of Titles as proprietor or proprietors of an estate in fee simple of the whole or part of the "Land".

EXECUTED AS A DEED

Full Name
Usual Address



In the presence of:



And

Full Name
Usual Address



In the presence of:



Signed on behalf of Baw Baw Shire Council)

By Phil Stone, Director of Planning & Information)

Pursuant to Instrument of Delegation)

Dated 24 July 2009 In the presence of -)

Witness

AH226479Y

17/05/2010 \$102.90 173



Application for Planning Permit for a Subdivision

Supplied by Jonathan Neilson
Submitted Date 20/12/2021

Application Details

Application Type Planning Permit for a Subdivision
Version 1

Applicant Reference Number [REDACTED]

Responsible Authority Name Baw Baw Shire Council
Responsible Authority Reference Number(s) (Not Supplied)
SPEAR Reference Number S187320C
Application Status Submitted
Planning Permit Issue Date NA
Planning Permit Expiry Date NA

The Land

Primary Parcel

256 MOUNTAIN VIEW ROAD, MOUNTAIN VIEW VIC 3988
Lot 1/Plan TP396064
SPI 1\TP396064
CPN 1868

Zone: 35.07 Farming

Overlay: 42.01 Environmental Significance
45.06 Development Plan Contributions
44.01 Erosion Management
44.03 Floodway

Parcel 2

256 MOUNTAIN VIEW ROAD, MOUNTAIN VIEW VIC 3988
Lot 1/Plan TP157610
SPI 1\TP157610
CPN 1868

Zone: 35.07 Farming

Overlay: 42.01 Environmental Significance
45.06 Development Plan Contributions
44.01 Erosion Management
44.03 Floodway

Parcel 3

256 MOUNTAIN VIEW ROAD, MOUNTAIN VIEW VIC 3988
Lot 1/Plan TP403546
SPI 1\TP403546
CPN 1868

Zone: 35.07 Farming
42.01 Environmental

Parcel 4

Overlay: Significance
45.06 Development
Plan Contributions
44.01 Erosion
Management
44.03 Floodway

256 MOUNTAIN VIEW ROAD, MOUNTAIN
VIEW VIC 3988
Lot 1/Plan TP228735
SPI 1\TP228735
CPN 1868

Zone: 35.07 Farming
Overlay: 42.01 Environmental
Significance
45.06 Development
Plan Contributions
44.01 Erosion
Management
44.03 Floodway

Parcel 5

256 MOUNTAIN VIEW ROAD, MOUNTAIN
VIEW VIC 3988
Lot 2/Plan TP403546
SPI 2\TP403546
CPN 1868

Zone: 35.07 Farming
Overlay: 42.01 Environmental
Significance
45.06 Development
Plan Contributions
44.01 Erosion
Management
44.03 Floodway

Parcel 6

256 MOUNTAIN VIEW ROAD, MOUNTAIN
VIEW VIC 3988
Lot 2/Plan TP228735
SPI 2\TP228735
CPN 1868

Zone: 35.07 Farming
Overlay: 42.01 Environmental
Significance
45.06 Development
Plan Contributions
44.01 Erosion
Management
44.03 Floodway

Parcel 7

368 MOUNTAIN VIEW ROAD, MOUNTAIN
VIEW VIC 3988
Lot 1/Plan PS636137
SPI 1\PS636137
CPN 17233

Zone: 35.07 Farming
Overlay: 42.01 Environmental
Significance
45.06 Development
Plan Contributions
44.01 Erosion

The Proposal

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

Existing Conditions

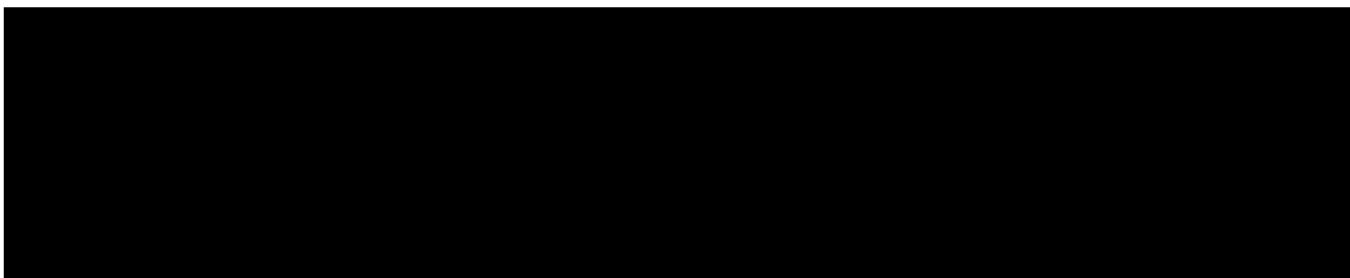
Existing Conditions Description	Agricultural land used to run cattle. Single dwelling on one lot.
Title Information - Does the proposal breach an encumbrance on Title?	The proposal does not breach an encumbrance on title, such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope.

Applicant Contact

Applicant Contact	Mr Jonathan Neilson Gippsland Licensed Surveyors 48 Queen Street, Warragul, VIC, 3820 Business Phone: 03 5622 0384 Mobile Phone: 0418336448 Email: jonathan@gippslandsurveyors.com.au
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Applicant

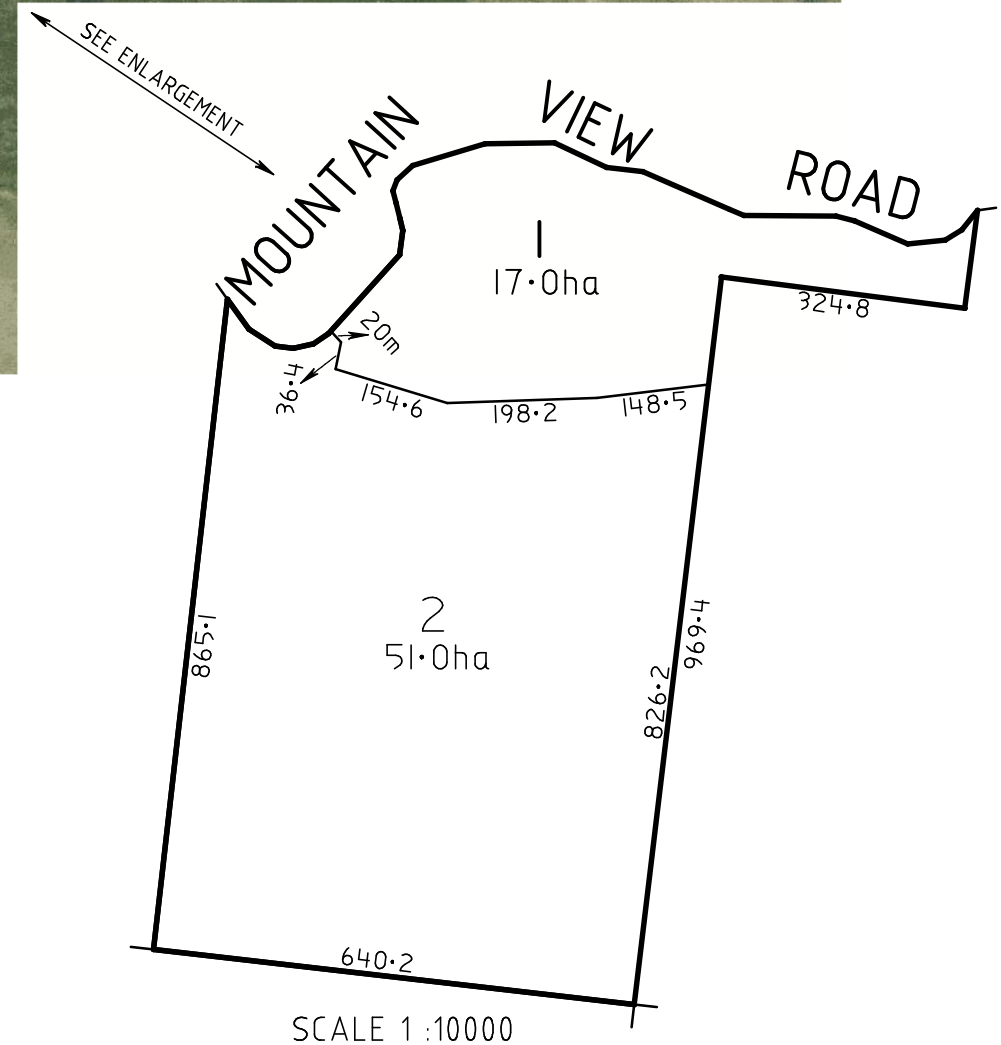
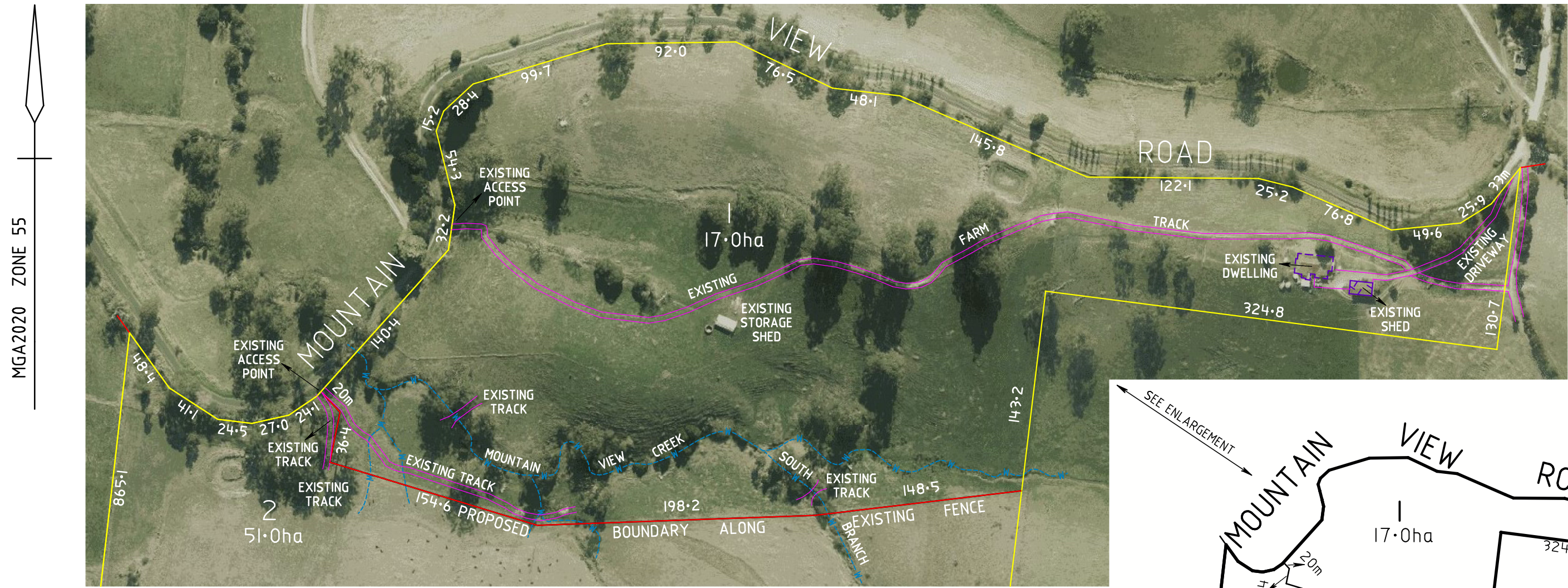
Applicant	(Applicant details as per Applicant Contact)
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Declaration

	I, Jonathan Neilson, declare that the owner (if not myself) has been notified about this application.
	I, Jonathan Neilson, declare that all the information supplied is true.
Authorised by Organisation	Jonathan Neilson Gippsland Licensed Surveyors

PROPOSED SUBDIVISION



MGA2020 ZONE 55

LAND DESCRIPTION
 PARISH OF POOWONG EAST
 CROWN ALLOTMENT 17A, 3(PART), 17(PART), 18(PART) AND PART OF FORMER GOVT ROAD
 VOL 11262 FOL 930
 VOL 7729 FOL 048
 VOL 5845 FOL 846
 VOL 6787 FOL 300
 VOL 5845 FOL 847
 LOT 1 ON PS636137A
 LOT 1 & 2 ON TP228735R
 LOT 1 ON TP396064W
 LOT 1 ON TP157610G
 LOT 1 & 2 ON TP403546U

GIPPSLAND LICENSED SURVEYORS
 CHRISTOPHER C MORRIS & ASSOCIATES
 48 QUEEN STREET WARRAGUL 3820
 PH: (03) 5622 0384

NOTATIONS
 AREAS AND DIMENSIONS ARE APPROXIMATE AND ARE SUBJECT TO SURVEY

REVISIONS				
VER	DATE	DESCRIPTION	DFT	APP
1	20/07/2021	ORIGINAL DRAWING	MJV	JPN

OLSEN & RONALDS
 256 & 368 MOUNTAIN VIEW ROAD, MOUNTAIN VIEW, 3988

SURVEYORS REF. 2671-PROP-V1	SCALE 1 : 3000
SHEET 1 OF 1 SHEETS	ORIGINAL SHEET SIZE: A3

256 & 368 Mountain View Road
MOUNTAIN VIEW

RE-SUBDIVISION
PLANNING PERMIT
APPLICATION



**GIPPSLAND LICENSED SURVEYORS PTY LTD
(J.P. NEILSON & ASSOCIATES P/L)
(CHRISTOPHER C MORRIS & ASSOCIATES)**

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Document Control

DATE PREPARED	VERSION NUMBER	AUTHOR	APPROVED	DISTRIBUTED
NOVEMBER 2021	1	TLS	JPN	INTERNAL, CLIENT, COUNCIL

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1.0 | INTRODUCTION

This Planning Application Report has been prepared at the request of [REDACTED] in support of a proposed Re-Subdivision of seven Titles of land known as 256 & 368 Mountain View Road, Mountain View.

The proposal seeks to facilitate a NICO (Not In Common Ownership) subdivision for the purposes of transferring a portion of productive agricultural land between neighbours to allow a viable farm to expand and reflect the current use of the land, 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 *Baw Baw Shire Planning Scheme*.

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

- Current Certificate of Title & Title Diagram
- 'Proposed Subdivision Plan'



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	TWO (2) LOT RE-SUBDIVISION	
APPLICANT	GIPPSLAND LICENSED SURVEYORS	
PROPERTY DETAILS		
PROPERTY ADDRESS	256 MOUNTAIN VIEW ROAD, MOUNTAIN VIEW	368 MOUNTAIN VIEW ROAD, MOUNTAIN VIEW
LAND DESCRIPTOR	VOL 5845 FOL 846 (LOT 1 ON TP396064W) VOL 5845 FOL 847 (LOTS 1 & 2 ON TP403546U) VOL 6787 FOL 300 (LOT 1 ON TP157610G) VOL 7729 FOL 048 (LOTS 1 & 2 ON TP228735R) PARISH OF POOWONG EAST, C.A. 17, 17A, 18 & FORMER GOVERNMENT ROAD (PARTS)	VOL 11262 FOL 930 LOT 1 ON PS636137A PARISH OF POOWONG EAST, C.A. 2A & 3 (PARTS), 3A
LAND AREA	3.36ha + 0.22ha + 0.32ha + 60.37ha + 0.38ha + 0.52ha = 65.19ha TOTAL	2.93ha
RESTRICTIONS & ENCUMBRANCES ON TITLE	NIL	SECTION 173 AGREEMENT: INSTRUMENT AH226479Y THAT RELATES TO LOT 2 ON PS636137A
EXISTING USE	AGRICULTURAL – LIVESTOCK AGISTMENT / GRAZING	AGRICULTURAL – DAIRY FARMING
PLANNING PROVISIONS		
ZONE	FARMING ZONE	
OVERLAYS	ENVIRONMENTAL SIGNIFICANCE OVERLAY – SCHEDULE 4 EROSION MANAGEMENT OVERLAY FLOODWAY OVERLAY DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY – SCHEDULE 1	
CULTURAL SENSITIVITY	AREA OF ABORIGINAL CULTURAL HERITAGE SENSITIVITY	
BUSHFIRE AREA	DESIGNATED BUSHFIRE PRONE AREA	
PARTICULAR PROVISIONS	CLAUSE 22.01 RURAL ZONES POLICY	
GENERAL PROVISIONS	CLAUSE 65 DECISION GUIDELINES	
PERMIT TRIGGERS	CLAUSE 35.07 FARMING ZONE CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY CLAUSE 44.01 EROSION MANAGEMENT OVERLAY CLAUSE 44.03 FLOODWAY OVERLAY	



2.0 | SUBJECT SITE OVERVIEW & ANALYSIS

2.1 GENERAL OVERVIEW

The subject sites are known as 256 & 368 Mountain View Road, Mountain View. The parcels are irregularly-shaped, forming part of larger farming tenements, with each existing Title being separately transferable. The Titles that will be the focus of this Application are 1/PS636137A, 1/TP396064W, 1 & 2/TP228735R, 1 & 2/TP403546U, and 1/TP157610G. The land is situated in an established farming precinct located approximately 2km outside of the centre of Mountain View, and 15km south of the Warragul CBD.

The sites are accessed directly from Mountain View Road.

The Farming Zone (FZ), Development Contributions Plan Overlay Schedule 1 (DCPO1), Erosion Management Overlay (EMO), Designated Bushfire Prone Area, and Area of Aboriginal Cultural Heritage Sensitivity planning controls apply to all parcels in this Application; additionally, 1/TP157610G is covered by the Floodway Overlay (FO) and the Environmental Significance Overlay Schedule 4 (ESO4).

2.2 EXISTING BUILT FORM, SITE FEATURES, USE & ACCESS

Land in 256 Mountain View Road includes a number of Titles forming a larger farming tenement, including a few Titles that were formally Government Roads, now closed and privately owned and used in conjunction with the rest of the land. Please refer to 'Table 1' in this report, where it is stated which specific Titles of 256 Mountain View Road are in this Application, and their respective sizes. The combined area of these six allotments is 65.19ha. The land known as 256 Mountain View Road is used for agriculture, and a significant portion of the land is leased out to surrounding landowners. These allotments comprise of pastureland, which is grazed by livestock. There is a network of farming tracks providing access between paddocks, and farming infrastructure including fencing, water troughs, farm dams, small animal sheds, and a couple of larger farm sheds throughout the land holding. There is no dwelling associated with this property.

Land in 368 Mountain View Road includes a number of Titles forming a larger farming tenement; specifically, Lot 1 on PS636137A forms part of this Application. This parcel has an existing area of 2.93ha. The land is being used in conjunction with a larger dairy farm. This parcel of land contains an existing dwelling, shedding, and farm tracks that are used in conjunction with the larger dairy farm.

██████████ who owns the parcel of land 1/PS636137A (known as 368 Mountain View Road) has been leasing approximately 14.07ha from his neighbour at 256 Mountain View Road, ██████████. Financial records indicate that this land has been leased since approximately 2001. The long-term leasing of this land has enabled ██████████ to run a viable dairy farm, and the majority of the major infrastructure associated with the farm has been constructed at the highest point on the land, near Mountain View Road.

Land subject to this Application is undulating, with the topography rising and falling fairly steeply as is characteristic of the area. The areas of the properties closest to Mountain View Road are the highest points on the land. Both properties are accessed from Mountain View Road, which is a formalised, sealed road.

2.3 ADJOINING LAND & SURROUNDING CONTEXT

The subject site is located in Mountain View, contained within a large established farming precinct. Mountain View is one of a number of small localities nestled between the larger towns of Warragul and Korumburra. This area provides for a range of broadacre agricultural pursuits, as it contains some of the richest farmland in the state. These areas are characterised by undulating topography that is best suited to grazing and farming livestock, and is not well suited to construction. The zoning of these areas ensures their ongoing protection from urban development.



The local neighbourhood is characterised by a number of other farming properties of various shapes and sizes. Many of these properties form part of larger agricultural tenements. There are a handful of smaller Titles within the immediate vicinity that represent previous house excisions, portions of closed government road now in private ownership, and some odd small Titles. There are no urban or residential zones in close proximity to the site.

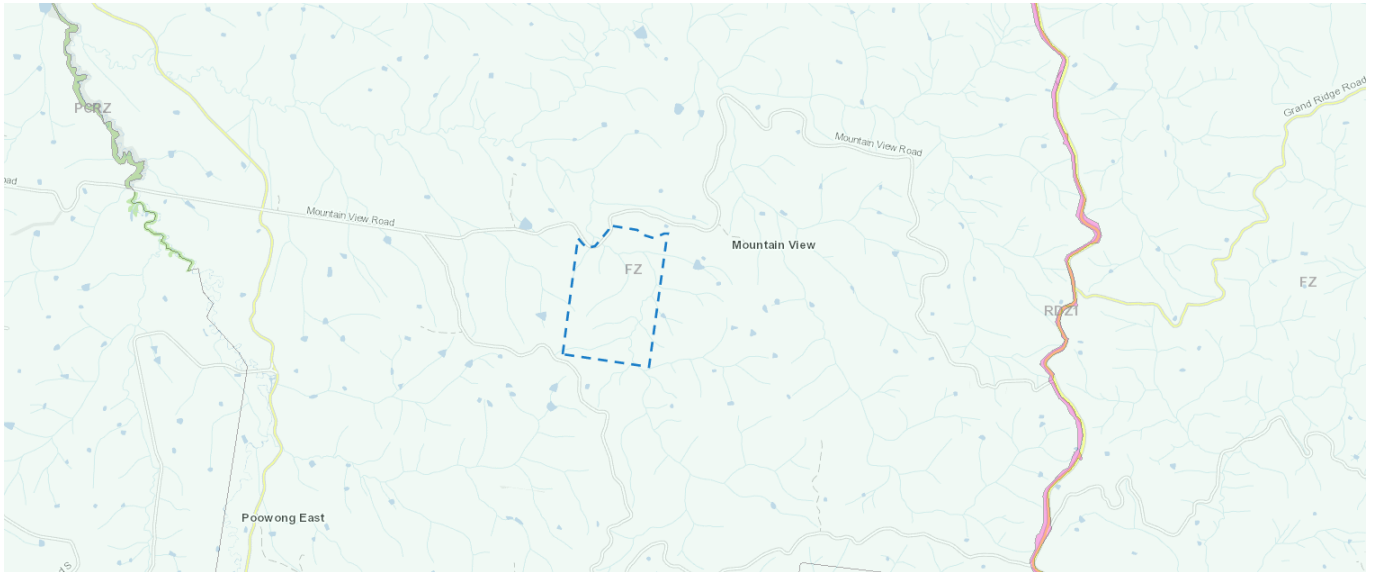


FIGURE 3 - DIAGRAM OF SUBJECT SITE AND ZONING IN SURROUNDING VICINITY (SOURCE: VICPLAN)

Due to the nature of Mountain View and the surrounding localities, there is very little public amenity afforded for residents. This lack of amenity makes residents heavily reliant on the larger towns, like Warragul and Korumburra, for facilities including retail, educational, religious, medical, and employment.

2.4 ENCUMBRANCES ON TITLE

1/TP396064W is not subject to any restrictions nor easements known to Title.

1/TP228735R is not subject to any restrictions nor easements known to Title.

2/TP228735R is not subject to any restrictions nor easements known to Title.

1/TP403546U is not subject to any restrictions nor easements known to Title.

2/TP403546U is not subject to any restrictions nor easements known to Title.

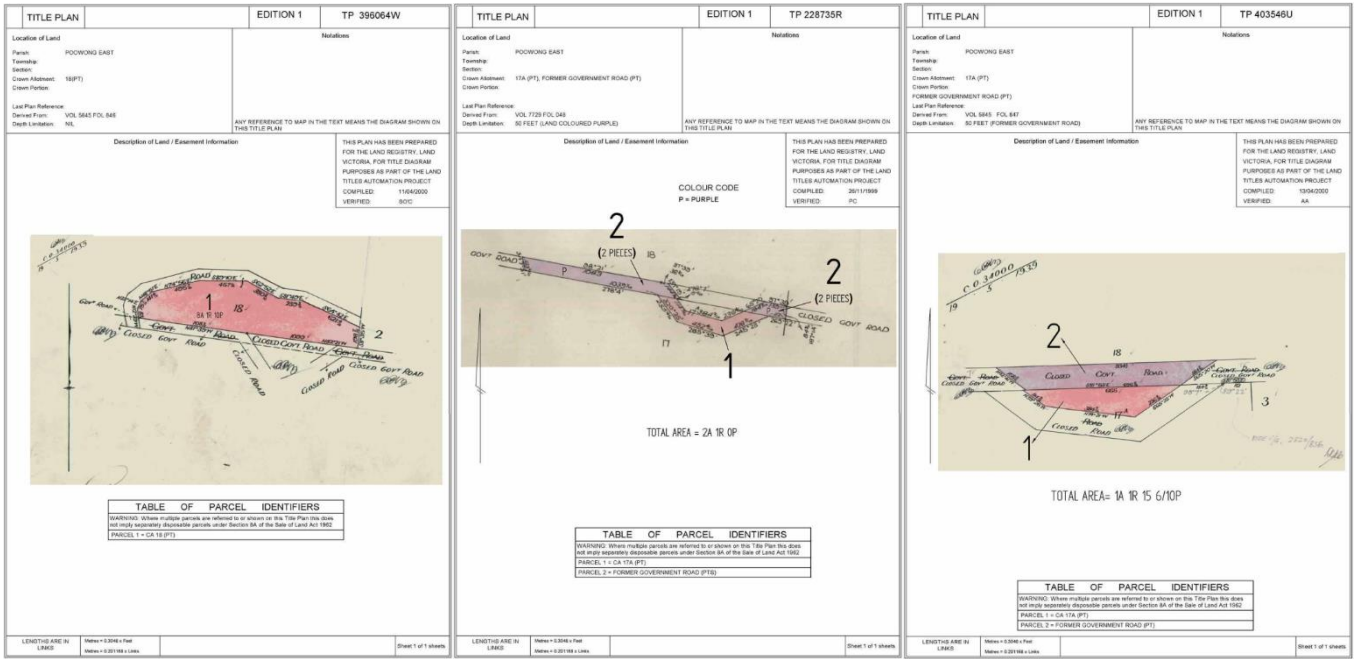
1/TP157610G is not subject to any restrictions nor easements known to Title.

1/PS636137A does not contain any easements, but is subject to a Section 173 Agreement known as instrument AH226479Y which relates to Lot 2 on PS636137A, prohibiting further subdivision of that lot to create lots less than 40ha in area.

2.5 RELEVANT PLANNING HISTORY OF SITE

Land in this Application includes a total of 7 Titles, each created by their own separate dealing. Most of the smaller Titles in this Application were created by the closing or deviation of portions of government road.

Lot 1 on TP396064W was created when the road location was changed. Similarly, Lots 1 & 2 on TP228735R and Lots 1 & 2 on TP403546U were created as portions of government road were closed and transferred into private ownership.



FIGURES 4-6 – TP396064W, TP228735R AND TP403546U SHOWING LAND SUBJECT TO THIS APPLICATION

Lot 1 on TP157610G was likely created at a similar time as the above five Titles, given that it contains land that those Titles abuts. This Title comprises approximately half of the original Crown Allotment 17.

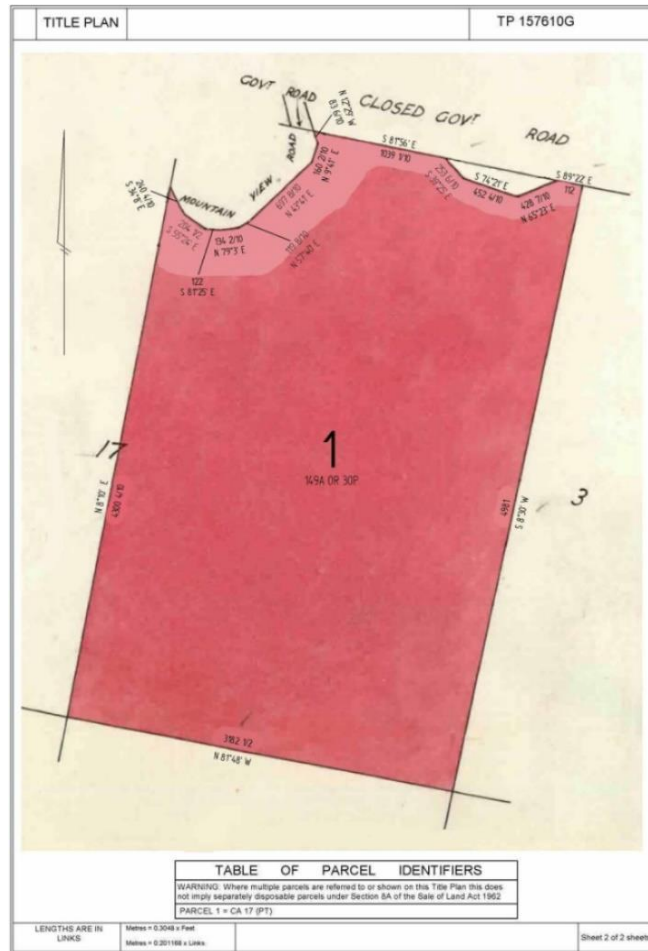


FIGURE 7 – TP 157610G SHOWING LAND SUBJECT TO THIS APPLICATION

Land known as Lot 1 on PS636137A, forming part of the larger farming tenement known as 368 Mountain View Road, was created by a two Lot re-subdivision undertaken by Ross & Worth Pty Ltd, which re-subdivided four Lots to create



two and was registered in April 2011. Part of this re-subdivision on the land was the registration of a Section 173 Agreement on the Title of Lot 2 on that Plan, protecting that large Lot by prohibiting subdivision to create additional Lots.

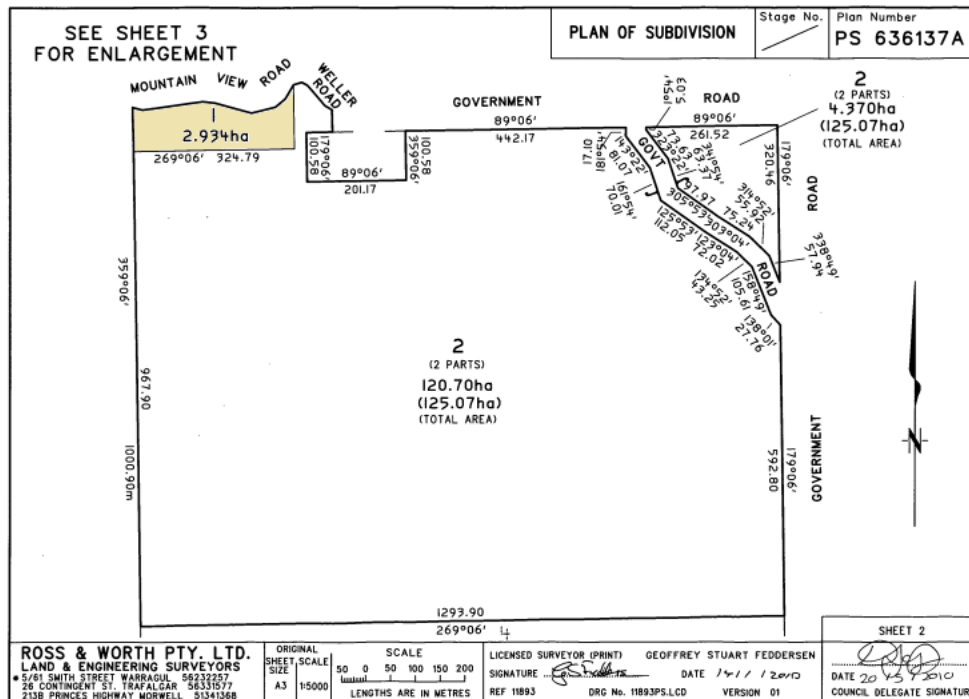


FIGURE 8 – EXCERPT FROM PS636137A SHOWING LAND SUBJECT TO THIS APPLICATION

Neither of the sites contain any existing easements, nor any restrictions that would prohibit what is being proposed through this Application.

2.6 AVAILABILITY OF UTILITY SERVICES

The subject site is serviced by the full suite of services typically available within the agricultural region.

ELECTRICITY

There are no AusNet Services electrical assets on the subject sites. As such, the existing dwelling is reliant on generators.

WATER

There is currently no reticulated water available in the Mountain View area. As such, the existing dwelling is reliant on potable water supply and rainwater collection/detention.

GAS

There are no existing gas assets in the Mountain View area; as such, the dwelling on the subject site is reliant on bottled gas.

SEWER

There is not currently any sewer available in the Mountain View area. As such, the existing dwelling and dairy is reliant upon onsite treatment and detention of wastewater.

TELECOMMUNICATIONS

The area is serviced by the traditional underground copper network. Given the topography, there is limited ability for wireless communication based on service provider coverage.



2.7 VEGETATION

The subject sites are predominantly clear of significant vegetation. There is some vegetation scattered sporadically across the sites, with some concentrations along the road, along the farm tracks, in gullies, along the waterways, and on hill crests.

The proposed development is not anticipated to have any adverse impact on any native vegetation on the site.



3.0 | DEVELOPMENT PROPOSAL

3.1 PROPOSAL OVERVIEW & DESIGN RESPONSE

This application seeks to obtain a Planning Permit for a two (2) Lot Re-Subdivision of the seven existing Titles, in accordance with the *Proposed Subdivision Plan*. The application proposes to transfer the portion of land currently being leased [redacted] into his ownership. This development will also serve to tidy up the arguably messy Title structure that exists in this area, as the five small Titles that were created from the closing and deviation of the old government road will effectively be consolidated into larger Titles. The area of land to be transferred from [redacted] to [redacted] through this Application equates to approximately 14.07ha, and includes 1/TP396064W, 1 & 2/TP228735R, 1 & 2/TP403546U, and a portion of 1/TP157610G; this land will be consolidated into 1/PS636137A.

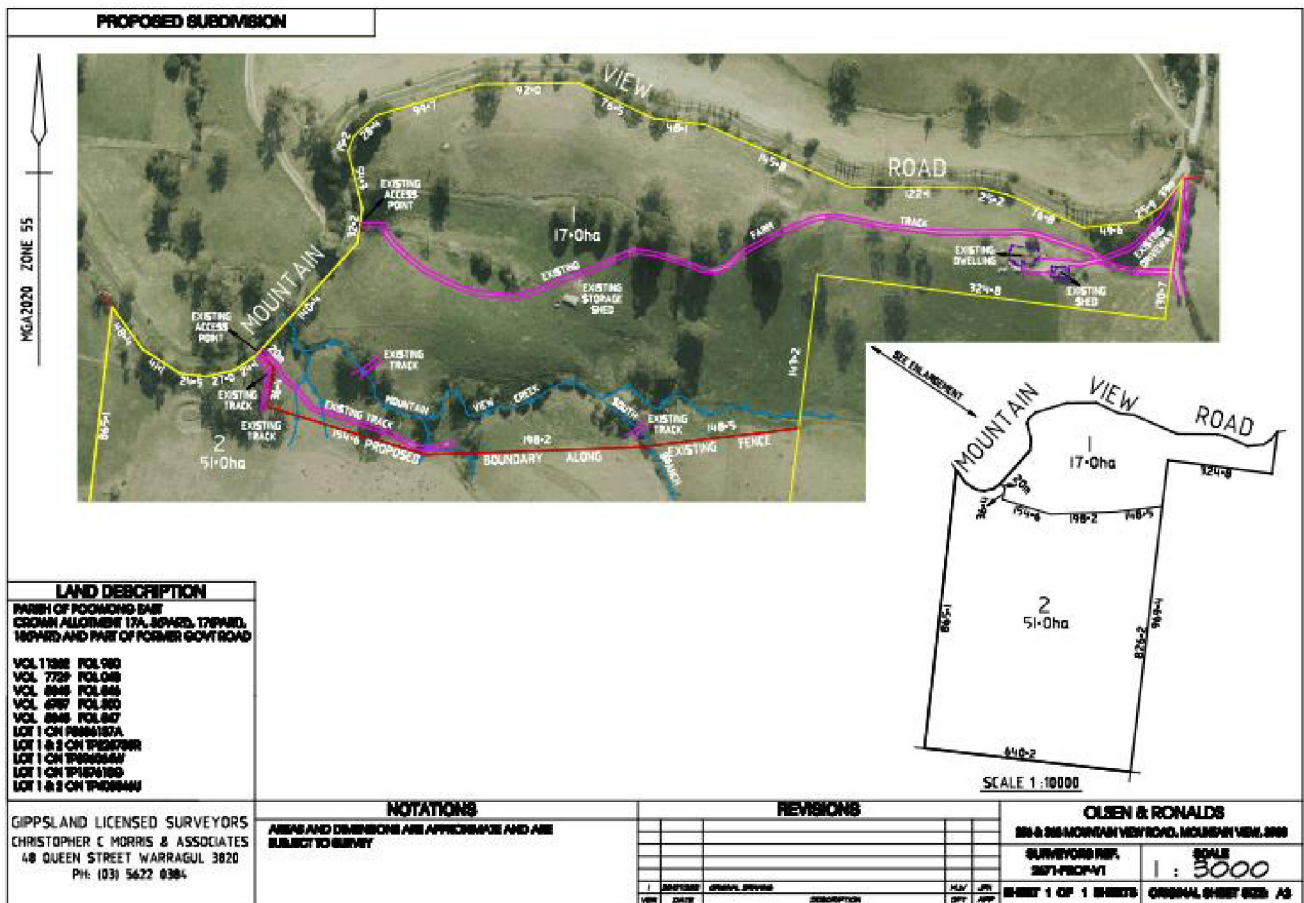


FIGURE 9 – PROPOSED SUBDIVISION PLAN PROPOSED TO BE ENDORSED

Within the Farming Zone, the minimum Lot size of 40ha, however a permit may be granted to create smaller Lots in certain circumstances – one of which is if "the subdivision is the re-subdivision of existing lots and the number of lots is not increased." As this Application proposes the re-subdivision of seven Titles to two, it does not create any additional Lots, and therefore permissible. It is also noted that this proposal does not breach the existing Section 173 Agreement on 1/PS636137A (Instrument AH226479Y) as no additional Lots are being created and Lot 2 on PS636137A is not land subject to this Application.

The new Lot boundaries and areas proposed in this Application reflect the existing agricultural use of the land, and coincide with the existing fencing. Furthermore they represent the area of land subject to a longstanding lease between by [redacted]



3.2 SUBDIVISION DESIGN

Proposed Lot 1 (17ha)

Forming an irregularly shaped allotment with varying boundaries, this proposed Lot has an area of 17ha. This Lot will contain the existing dwelling, and all of the infrastructure & amenities associated with that dwelling including the gravel driveway. This Lot will also contain all of the farm infrastructure associated with the dairy including shedding, some paddocks and farm tracks. A number of trees will also be contained within this proposed Lot, as will portions of the Mountain View Creek South branch.

This Lot does not contain any easements, restrictions or encumbrances known to Title.

Proposed Lot 2 (51ha)

Forming as an irregularly shaped allotment, with varying boundaries, this proposed Lot has an area of 51 ha. This Lot will comprise vacant pastures used for grazing livestock. This Lot will contain a number of existing trees, as well as portions of the Mountain View Creek South branch.

This Lot does not contain any easements, restrictions or encumbrances known to Title.

3.3 SERVICING & ACCESS

The existing servicing to the properties subject to this Application is considered sufficient, with no changes or upgrades triggered by this proposal.

Both Lots have existing direct frontage to Mountain View Road. No changes are proposed to the existing accesses through this Application.

3.4 VEGETATION

As aforementioned, the subject sites contain vegetation scattered sporadically across the sites, with some concentrations along the road, along the farm tracks, in gullies, along the waterways, and on hill crests.

The proposed development is not anticipated to impact on any existing vegetation, as the proposed boundaries created by this re-subdivision have been located to coincide with existing fencing.



4.0 | PLANNING CONTROLS & ANALYSIS

4.1 SITE ZONING

CLAUSE 35.07 – FARMING ZONE (FZ)

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



FIGURE 10 – 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.

The Application supports the continued use of the land for agriculture, and encourages the retention of productive agricultural land by enabling [REDACTED] to purchase land that he has leased from [REDACTED] for many years. The land will continue to be used as it has been historically.

This Application does not create any potential for additional dwellings, nor any additional Lots, and it will not impact upon the use of the land for agriculture. Furthermore, the Application promotes sustainable land management through the transfer of the land being leased by [REDACTED] into his ownership.

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 4

Land subject to this Application is subject to the Environmental Significance Overlay – Schedule 4 (ESO4), as evidenced in the below excerpt from VicPlan.

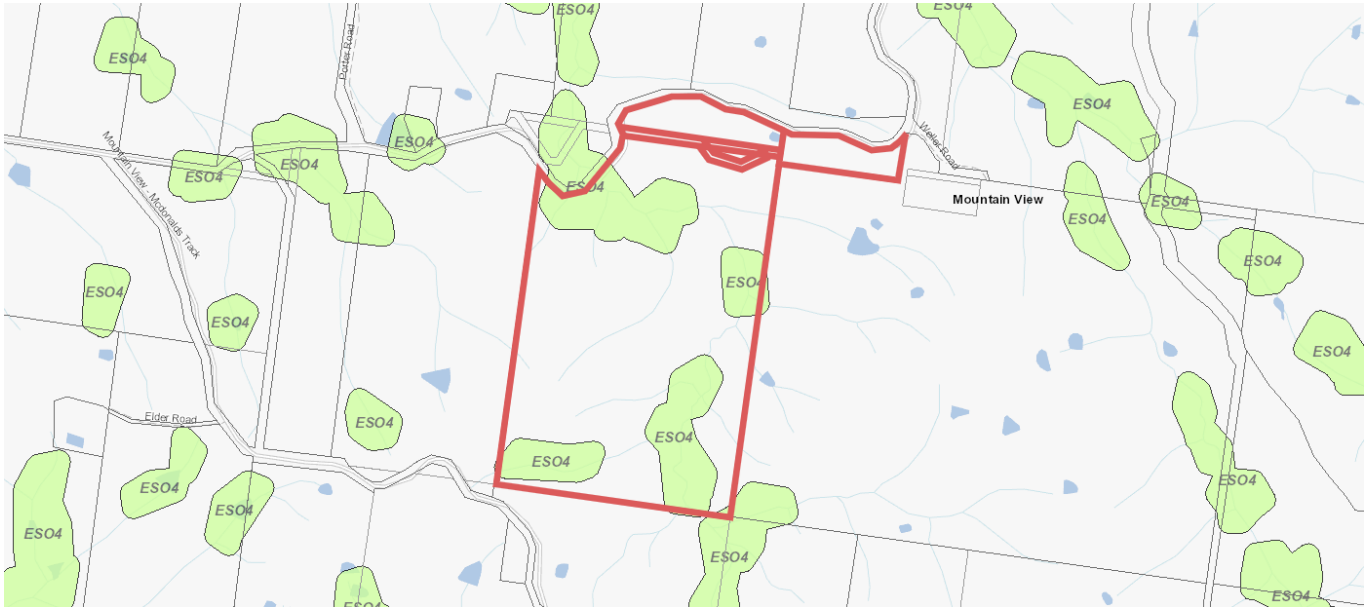


FIGURE 11 - EXCERPT FROM VICPLAN DISPLAYING ESO4 ON SUBJECT SITE (SOURCE: VICPLAN)

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.

Clause 42.01-2 stipulates that a Planning Permit is required to subdivide land within the Environmental Significance Overlay. Schedule 4 to the ESO provides a statement of environmental significance relating to the protection of Giant Gippsland Earthworm and Habitat Areas, and provides environmental objectives to be achieved:

- To protect and maintain populations and habitat of Giant Gippsland Earthworm.
- To ensure that the type, density, design and layout of works or development avoids and/or minimises adverse impacts on individuals, colonies or the habitat requirements of the Giant Gippsland Earthworm.

This proposed re-subdivision will not have any impact on the areas identified to be potential habitat for Giant Gippsland Earthworm, and further, the land will continue to be used in the same manner as it has been historically. Given that no development or earthworks are proposed as part of this Application and given that the Application does not create any additional Lots, nor the potential for any additional Lots or dwellings, it is submitted that no further assessment is required under this Clause.



CLAUSE 44.01 – EROSION MANAGEMENT OVERLAY SCHEDULE

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



FIGURE 12 - EXCERPT FROM VICPLAN DISPLAYING EMO ON SUBJECT SITE (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 or other land degradation processes, by minimising land disturbance and inappropriate development.

Clause 44.01-5 stipulates that a Planning Permit is required to subdivide land within the Erosion Management Overlay.

This proposed development is not anticipated to give rise to any erosion, landslip or other land degradation processes. This is because the application proposes a re-subdivision, whereby no development or earthworks are proposed and no additional lots are being created. Furthermore, the Title re-structure proposes to reflect the way the land has been historically used, so the use is not proposed to change.

For these reasons, no further assessment is required under this Clause.



CLAUSE 44.03 – FLOODWAY OVERLAY SCHEDULE

Land subject to this Application is subject to the Floodway Overlay (FO), as evidenced in the below excerpt from VicPlan.



FIGURE 13 - EXCERPT FROM VICPLAN DISPLAYING FO ON A PORTION OF SUBJECT SITE (SOURCE: VICPLAN)

The purpose of the Floodway Overlay (Clause 44.03) is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify waterways, major floodpaths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding.
- To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.
- To reflect any declarations under Division 4 of Part 10 of the Water Act, 1989 if a declaration has been made.
- To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.
- To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

Clause 44.03-3 stipulates that a Planning Permit is required to subdivide land within the Floodway Overlay, and further details that "A permit may only be granted to subdivide land if the following apply:

- The subdivision does not create any new lots, which are entirely within this overlay. This does not apply if the subdivision creates a lot, which by agreement between the owner and the relevant floodplain management authority, is to be transferred to an authority for a public purpose.
- The subdivision is the resubdivision of existing lots and the number of lots is not increased, unless a local floodplain development plan incorporated into this scheme specifically provides otherwise."

Under the provisions of Clause 44.03-3 this proposed development is permissible, given that it is the re-subdivision of seven Lots into two. No additional Lots are proposed to be created, and no potential for additional dwellings is being created.

It is contended that this proposed re-subdivision will not give rise to any negative impacts to waterways or floodplain areas. Furthermore, the portion of the sites that will be affected by this Title re-structure is not covered by a Floodway Overlay. No further assessment under this Clause is required.

Currently there is no Local Floodplain Development Plan that applies to this site.



CLAUSE 45.06 – DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY SCHEDULE 1

Land in this Application is subject to Schedule 1 of the Development Contributions Plan Overlay (DCPO1), as evidenced in the below excerpts from VicPlan.



FIGURE 14 - EXCERPT FROM VICPLAN DISPLAYING DCPO1 ON SUBJECT SITES (SOURCE: VICPLAN)

The purpose of the Development Contributions Plan Overlay (Clause 45.06) is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.

It is acknowledged that the appropriate levy will be required as a Permit Condition in accordance with the requirements of the DCPO1. No further assessment is required under this Clause.



4.3 ABORIGINAL CULTURAL HERITAGE SENSITIVITY

Most of the land subject to this application has 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.

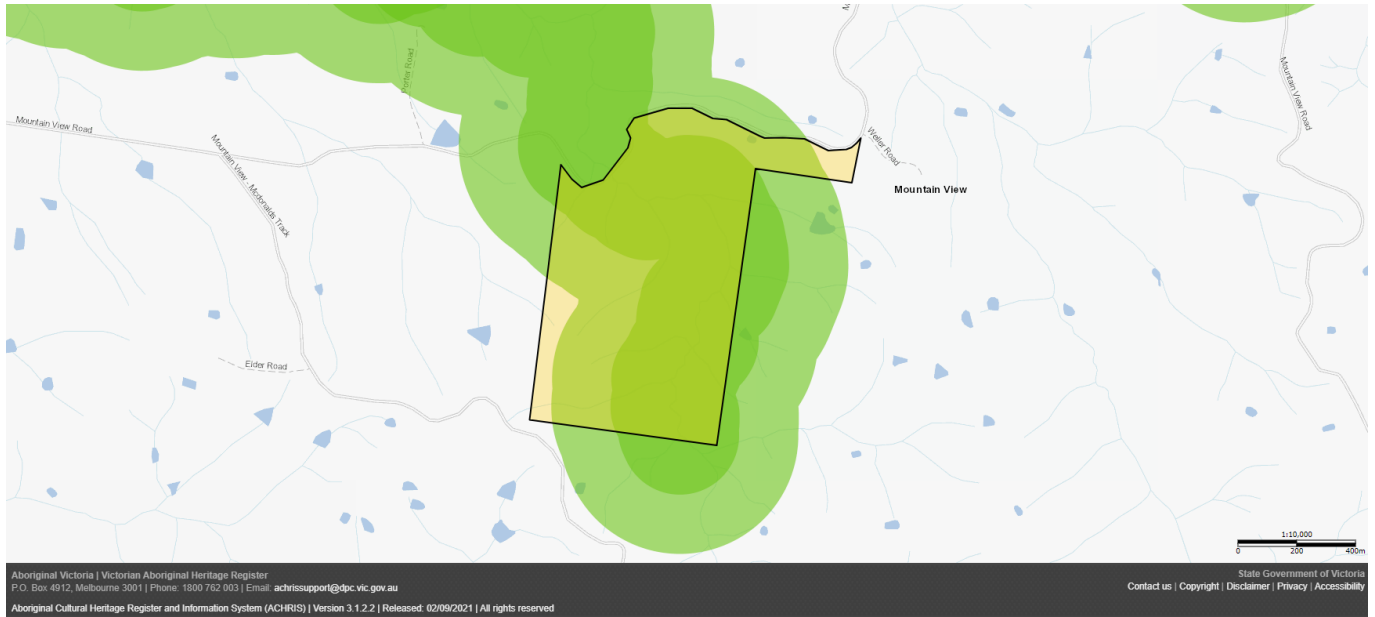


FIGURE 15 – MAP EXCERPT OF SITES WITH ABORIGINAL CULTURAL HERITAGE SENSITIVITY (SOURCE: ACHRIS)

A brief assessment was undertaken on the site utilising the Aboriginal Victoria exemption questionnaire, and the activity has been found to be an exempt activity. Given this exemption, no further heritage consideration is required.



4.4 BUSHFIRE CONTROLS

Land subject to this Application has been identified as a Designated Bushfire Prone Area, as shown on the below excerpt from VicPlan.

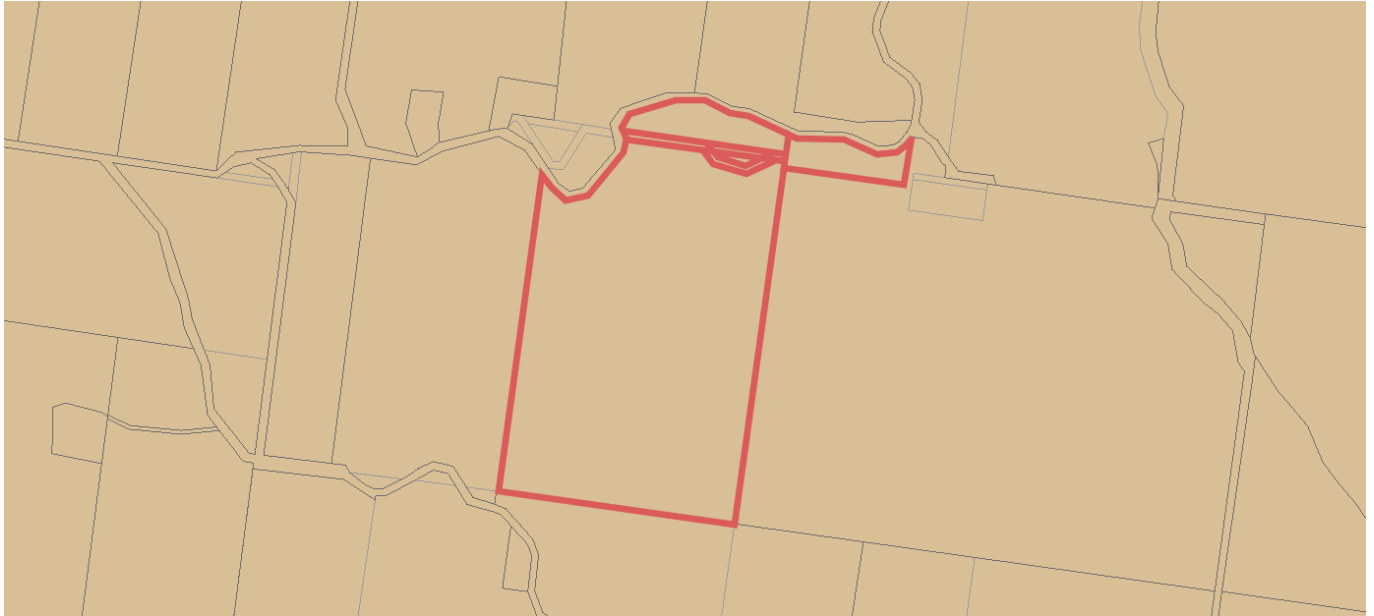


FIGURE 16 - EXCERPT FROM VICPLAN SHOWING DESIGNATED BUSHFIRE PRONE AREA CONTROL ON SUBJECT SITES (SOURCE: VICPLAN)

Given that the Application proposes a re-subdivision of existing Lots and does not propose the creation of any additional Lots nor create the potential for any additional dwellings, it is submitted that no net increase to bushfire risk will be caused by this proposed development. No further assessment is required under this Clause.



4.5 VICTORIAN & LOCAL PLANNING POLICY FRAMEWORK

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 promote 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 significant expansion 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 to effectively transfer productive land into an agricultural business supports the continuing role of these regional areas in providing fresh produce and contributing to the economy.

Also relevant to this Application is **Clause 11.03-5S Distinctive areas and landscapes** which lists to “*Protect areas that are important for food production*” as a key strategy.

Clause 12 Environmental and Landscape Values

Clause 12.03-1S River Corridors, Waterways, Lakes and Wetlands centres around the protection and enhancement of waterways, and outlines the requirement for careful Planning to protect environmental assets and not compromise the integrity of water bodies and wetlands. As aforementioned, Mountain View Creek traverses the site. No adverse impacts to this waterway and the associated wetlands are anticipated to arise as a result of this Application, because the use of the land is not changing and the re-subdivision proposes to restructure the Titles to reflect existing fencing that correlates to the long-term leasing of the land.

Clause 13 Environmental Risks and Amenity

Clause 13 Environmental Risks and Amenity 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*”.

Clause 13.03-1S Floodplain management speaks to the protection of land affected by flooding, and ensuring that flooding is not intensified through development. This Clause is relevant to this Application as a portion of 256 Mountain View Road is partially covered by a Floodway Overlay, over the small tributaries of the Mountain View Creek South branch. As aforementioned, this Application will not impact the wetland area nor contribute to flooding, as the Application proposes a re-subdivision to reflect the current use of the land, and the site conditions are not proposed to change.

Due to the presence of the Erosion Management Overlay over all land in this Application, **Clause 13.04-2S Erosion and Landslip** applies; however, as has been discussed previously in this report, the use of the land is not changing. This Application simply proposes to restructure the Titles to accurately reflect the current use of the land. No additional erosion or landslip risk is triggered on the land through this Application, and so the Application is considered to align with this Clause.

Of particular significance to this Application is **Clause 13.07-1S Land use compatibility**, which lists as a key strategy to “*ensure that use or development of land is compatible with adjoining and nearby land uses*”. It is emphasised that this Application is for re-subdivision only, and that the Application will restructure the Titles to reflect the existing use of the land. Given that the land use is not changing, it is submitted that there are no land use conflicts that will arise as a result



of this Application. It is noted that surrounding land uses are agricultural. There are no sensitive land uses associated with the properties surrounding the subject site.

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*".

The objective of **Clause 14.01-1S Protection of agricultural land** is "*to protect the state's agricultural base by preserving productive farmland*", and a number of listed strategies are relevant to this Application. Through this Application, high quality agricultural land will be protected for ongoing agricultural use through its transfer into the existing dairy operation; and consolidation of Titles will ensure the long-term viability of the land for farming. One of the final strategies listed at this Clause is to "*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 will improve the Title structure of the area. It follows that the strategies outlined in **Clause 14.01-1R Protection of agricultural land – Gippsland**, which advocates these outcomes specifically for Gippsland, in order to grow the state as an important food bowl for Australia and Asia is also advanced by this Application. This Application also aligns with **Clause 14.01-2S Sustainable agricultural land use** by ensuring the long-term sustainability of productive agricultural land uses associated with the dairy farm – a genuine farming enterprise.

The strategies and objectives listed throughout **Clause 14.02 Water** have already been addressed in relation to the Mountain View Creek South branch tributaries that snake through the properties.

Clause 21 Municipal Strategic Statement

Clause 21.03 Settlement outlines that "*Council will consider planning applications and make decisions in accordance with the following vision: To develop a network of integrated, sustainable and resilient communities where people will want to live, work and play, while providing for compatible growth and development*". This Clause then goes on to describe how the rural character and heritage of the towns of the Shire are so highly valued by the community, and describes the agricultural significance of the Shire to the State, country and internationally. **Clause 21.03-3 Directions for Growth** identifies the main growth centres within the Shire, and the strategic objectives to facilitate this growth.

Clause 21.06-6 Farmland and Soil Quality advocates strongly for the protection of the Shire's agricultural base and the retention of high quality productive agricultural land, and the minimisation of land use conflicts with continued agricultural production. The 'Assessment of Agricultural Quality in Gippsland' (Swan and Volum, 1984) and 'The Baw Baw Environmental Planning Study' (2001) have both assessed the soil quality of land within the Shire to be amongst the highest quality in the State, being a major natural resource which should be protected and managed. This Clause suggests that the high quality agricultural land should be used for agricultural activity. As this Application proposes a re-subdivision of Lots to transfer agricultural land into a legitimate agricultural operation, the Application aligns with this Clause.

Clause 21.07 Economic Activity describes the Shire's strong economic base derived from versatile, high quality agricultural land, the local processing of product and the expansion of services to support production. **Clause 21.07-3 Primary Production** relates to this Application as its objectives are centred around the protection and enhancement of the Shire's agricultural productivity. Although the use of the land is already associated with agriculture, the transfer of this portion of land ensures that the current scale of the dairying operation is protected and ensured in the future, as it mitigates the risk of the land being leased to someone else or sold. Specifically, objective 1 (shown below) lists strategies to enhance the rural based economic activity in agriculture, horticulture and silviculture. Furthermore this Application aligns with Strategy 1.5 which states that Planning should encourage land subdivision where it enhances primary industry productivity and sustainability.



Objective 1	
To enhance rural based economic activity in agriculture, horticulture and silviculture.	
Strategy 1.1	Facilitate opportunities to expand and value add to raw products.
Strategy 1.2	Develop the concept of the Shire as a centre for high quality agricultural production.
Strategy 1.3	Co-ordinate and continue the development of agricultural research, education and marketing facilities.
Strategy 1.4	Discourage uses and developments likely to impact detrimentally on agriculture and the environment.
Strategy 1.5	Encourage land subdivision only where it enhances primary industry productivity and sustainability.

FIGURE 17 - EXCERPT FROM CLAUSE 21.07-3 OF THE BAW BAW PLANNING SCHEME

Clause 22.01 Rural Zones Policy

Clause 22.01 Rural Zones Policy applies to all land within the Farming Zone and Rural Activity Zone; and as the land subject to this Application is within the Farming Zone, this Policy must be considered in detail.

The Rural Zones Policy aims to protect and maintain agricultural land, and to promote a diverse economy based mainly upon varied agricultural production, tourism and business and service industries. As stated within this clause, research undertaken by Agriculture Victoria highlights the suitability of most land within the Shire to be used for intensive and broadacre pasture based farming due to the soil quality, rainfall, climate, topography and location. It is emphasised through this Clause that agricultural production has become the most significant contributor to the Shire's economy, and that this contribution must be maintained.

The objectives listed at this Clause are as follows:

- "To support agriculture as a major contributor to the Shire's economy.
- To retain the potential for large scale, broadacre based farming enterprises by encouraging the retention of large lots.
- To encourage a diverse range of agricultural enterprises which can use smaller landholdings.
- To support tourism use and development that is compatible with agricultural production and/or the environmental attributes of the area.
- To ensure that the development of dwellings and the creation of small lots for existing dwellings minimises the loss of productive agricultural land and does not prejudice activities associated with agricultural production.
- To protect the rural character of the Shire by minimising the visual intrusion of new buildings on the natural landscape, particularly hill top/ridgeline development."

Of the objectives listed above, many are directly satisfied through this Application.

As stated within this Clause, for all rural subdivisions it is policy to:

- "Require a written submission explaining how the proposal meets the zone purposes and decision guidelines and the objectives of this policy.
- Encourage subdivision which creates or retains lots over 40 hectares.
- Require a land capability assessment to be provided to substantiate that proposed lots less than 1 hectare can satisfy the requirements of the Environmental Protection Authority's Guidelines for Environmental Management Code of Practice – Onsite Wastewater Management."

It is contended that this report constitutes a written submission, and the Application proposes the retention of large lots through the consolidation of smaller lots; a Land Capability Assessment is not required as all Lots are larger than 1 hectare.

As stated within this Clause, where the subdivision involves the re-subdivision of existing lots it is policy to:

- "Support a proposal where it involves the realignment of boundaries between two lots and the boundaries are realigned so that less than 10 per cent of either lot is involved and the total size of the lots is less than 40 hectares.
- Discourage re-subdivision within a land holding, which comprises of more than one lot, where it would increase the overall development potential of the land, unless a Section 173 agreement is entered into to restrict the additional subdivision potential.
- Discourage the re-subdivision of existing lots where one or both of these lots was originally established for the purpose of a rail, road or other reserve.
- Encourage any small lot proposed primarily for rural living purposes to be 2 hectares or less in area.
- Support re-subdivision of lots which are proposed to contain an established rural business, where the area of the existing lot is excess to the requirements of the business.
- Limit to two the number of small lots created through the re-subdivision of a landholding comprising more than two lots, where they are proposed primarily for rural living purposes.
- Discourage re-subdivision proposals, which would result in fragmentation of a large farm holding, or abandonment of primary production on most of the land."

It is noted that these items are guiding principles, not a prescriptive checklist.



It is acknowledged that a Planning Permit issued for this proposed re-subdivision will likely require the landowners to enter into a Section 173 Agreement to prohibit further subdivision to create additional Lots.

It is contended that this Application as proposed satisfies the overarching purpose and objectives of the Rural Zones Policy, and as such should be supported.



4.7 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 portion of Mountain View in which the subject site is contained falls within the West Gippsland Catchment, specifically the Latrobe area. 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 agriculture, as is evidenced by it being zoned for Farming. The existing dwelling on proposed Lot 1 is reliant on a septic system to deal with effluent associated with the dwelling; however the dwelling is located so far away from the areas of Title that will be restructured through this Application and the existing septic system will not be affected, and so no further assessment on this point is required.
<i>How the use or development relates to sustainable land management.</i>	NOT APPLICABLE Existing use is not proposed to change. No development proposed.
<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.
<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 result in the transfer of approximately 14.07ha into an existing, large farming enterprise. This will result in the Title structure accurately reflecting the current use of the land as the portion of land to be transferred is currently being leased and used for that purpose. Through this Application, agricultural production will be supported and enhanced due to the ongoing security provided by consolidating the land used for the dairy operation into Mr Olsen's landholding, and mitigating any risk for it to be sold. 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 land has already demonstrated its capacity to sustain the agricultural use, as the land has been leased and used as part of the dairy for many years now. It is highlighted that this Application does not propose a change in use, and is for re-subdivision only.
<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 excellent as demonstrated by the large-scale dairy operation currently being run on the site.
<i>Any integrated land management plan prepared for the site.</i>	NOT APPLICABLE No integrated land management plan has been prepared for the site.
DWELLING ISSUES	
<i>Whether the dwelling will result in the loss or fragmentation of productive agricultural land.</i>	NOT APPLICABLE No buildings or works proposed.
<i>Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise,</i>	NOT APPLICABLE No buildings or works proposed.



odour, use of chemicals and farm machinery, traffic and hours of operation.	
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.
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.
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.
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.
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 1 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 undertaken to minimise any adverse impacts.	NOT APPLICABLE No buildings or works proposed.
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.

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 No applicable statement of significance. The proposal is considered to comply with the environmental objective listed within the schedule.
The need to remove, destroy or lop vegetation to create a defensible space to reduce the risk of bushfire to life and property.	COMPLIES No requirement to remove, destroy or lop vegetation as the bushfire risk is considered mitigated.
Whether the proposal conflicts with the objectives of the overlay.	COMPLIES No foreseeable conflicts with objectives to the overlay.



Whether the proposal can be accommodated on land considered not to contain Giant Gippsland Earthworm habitat.	COMPLIES The portion of land that will be affected by this proposal does not contain any identified habitat area.
The significance of a site with respect to Giant Gippsland Earthworm habitat extent, quality and connectivity, population density or genetic distinctiveness.	NOT APPLICABLE The portion of land that will be affected by this proposal does not contain any identified habitat area.
Opportunity to offset the negative impacts of a proposal on Giant Gippsland Earthworm.	NOT APPLICABLE No offset work required.
Whether the proposal conforms to the statutory requirements of the Environment Protection and Biodiversity Conservation Act 1999 or the Flora and Fauna Guarantee Act 1988.	COMPLIES The proposal is compliant.
Whether the proposal conforms to the statutory requirements of the Water Act 1989.	COMPLIES The proposal is compliant.

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).	COMPLIES No conflicts arise from this Application.
Civil construction, building and demolition guide (Publication 1834, Environmental Protection Authority, November 2020).	NOT APPLICABLE No construction proposed.
Control of Erosion on Construction Sites, Soil Conservation Authority.	NOT APPLICABLE No construction proposed.
Your Dam, an Asset or a Liability, Department of Conservation and Natural Resources.	NOT APPLICABLE No relevance to what is proposed.
Any proposed measures to minimise the extent of soil disturbance.	NOT APPLICABLE No works or development proposed, so no soil disturbance is 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.
The need to stabilise disturbed areas by engineering works or revegetation.	NOT APPLICABLE No disturbance foreseeable.
Whether the land is capable of providing a building envelope which is not subject to high or severe erosion concern.	NOT APPLICABLE No building envelopes required, as no potential for additional dwellings.
Whether buildings or works are likely to cause erosion or landslip.	NOT APPLICABLE No building or works proposed.
Whether access and servicing of the site or building envelope is likely to result in erosion or landslip.	NOT APPLICABLE No building or works proposed.
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.
The need to remove, destroy or lop vegetation to create defensible space to reduce the risk of bushfire to life and property.	COMPLIES No requirement to remove, destroy or lop vegetation as the bushfire risk is considered mitigated.
Any technical information or reports required to be provided by a schedule to this overlay.	NOT APPLICABLE No technical assessments or reports required by the schedule to this overlay.
Any other matters specified in a schedule to this overlay.	NOT APPLICABLE No other matters specified in the schedule to this overlay.



CLAUSE 44.03-7 – FLOODWAY OVERLAY – DECISION GUIDELINES

The Decision Guidelines listed at **Clause 44.03-7** outline a number of additional matters that must be considered as appropriate, including:

Considerations	Assessment
<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>The local floodplain development plan or flood risk report.</i>	NOT APPLICABLE No applicable local floodplain development plan.
<i>Any comments of the relevant floodplain management authority.</i>	NOT APPLICABLE No comments from the relevant authority.
<i>The Victorian River Health Strategy (2002) and any relevant regional river health strategy and associated wetland plan.</i>	NOT APPLICABLE No relevance to what is being proposed.
<i>Any other matters specified in a schedule to this overlay.</i>	NOT APPLICABLE No other matters specified in the schedule to this overlay.

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
<i>The suitability of the land for subdivision.</i>	COMPLIES The land is considered suitable.
<i>The existing use and possible future development of the land and nearby land.</i>	COMPLIES Existing use of the subject land and nearby land is all associated with agriculture. No potential land use conflicts are anticipated to arise through this Application.
<i>The availability of subdivided land in the locality, and the need for the creation of further lots.</i>	NOT APPLICABLE No additional Lots are proposed to be created.
<i>The effect of development on the use or development of other land which has a common means of drainage.</i>	COMPLIES No foreseeable adverse impacts.
<i>The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.</i>	COMPLIES The subdivision has been designed to accord with how the land is currently fenced and used.
<i>The density of the proposed development.</i>	COMPLIES The density is considered suitable.
<i>The area and dimensions of each lot in the subdivision.</i>	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. An existing major thoroughfare, being Mountain View Road, provides 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. Both Lots have direct frontage to the 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.
<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 Both 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 sullage within the boundaries of each lot.</i>	NOT APPLICABLE Sewer is unavailable to the area. The existing dwelling on proposed Lot 1 has an existing septic system.
<i>Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.</i>	COMPLIES No native vegetation is proposed to be impacted by this proposed re-subdivision.

5.0 | 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 Baw Baw Planning Scheme, including Environmental Significance Overlay, Floodway Overlay, Erosion Management Overlay, and Development Contributions Plan 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

From www.planning.vic.gov.au at 20 December 2021 10:56 AM

PROPERTY DETAILS

Lot and Plan Number: **Lot 1 TP396064**
 Address: **275 MOUNTAIN VIEW ROAD MOUNTAIN VIEW 3988**
 Standard Parcel Identifier (SPI): **1\TP396064**
 Local Government Area (Council): **BAW BAW**
 Council Property Number: **1862 (Part)**
 Planning Scheme: **Baw Baw**
 Directory Reference: **Vicroads 96 F6**

www.bawbawshire.vic.gov.au

[Planning Scheme - Baw Baw](#)

This parcel is one of 14 parcels comprising the property. For full parcel details get the free Property report at [Property Reports](#)

UTILITIES

Rural Water Corporation: **Southern Rural Water**
 Melbourne Water Retailer: **South East Water**
 Melbourne Water: **Inside drainage boundary**
 Power Distributor: **AUSNET**

STATE ELECTORATES

Legislative Council: **EASTERN VICTORIA**
 Legislative Assembly: **NARRACAN**

OTHER

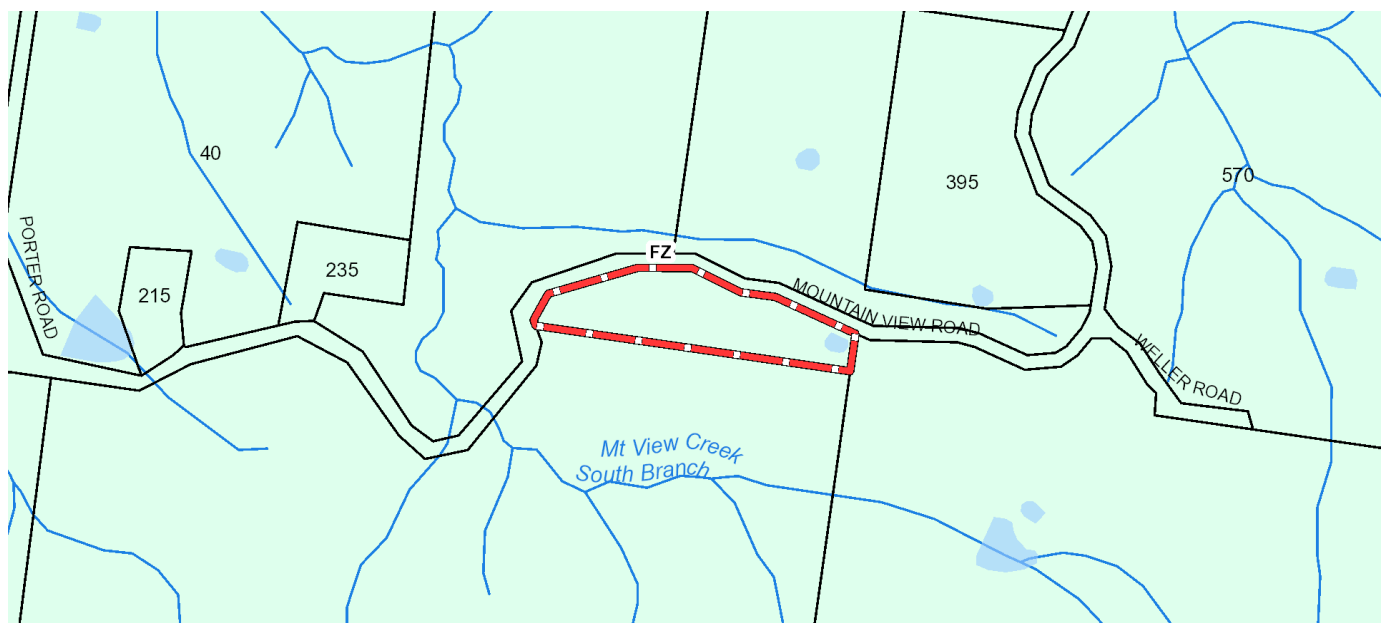
Registered Aboriginal Party: **Bunurong Land Council
Aboriginal Corporation**

[View location in VicPlan](#)

Planning Zones

[FARMING ZONE \(FZ\)](#)

[SCHEDULE TO THE FARMING ZONE \(FZ\)](#)



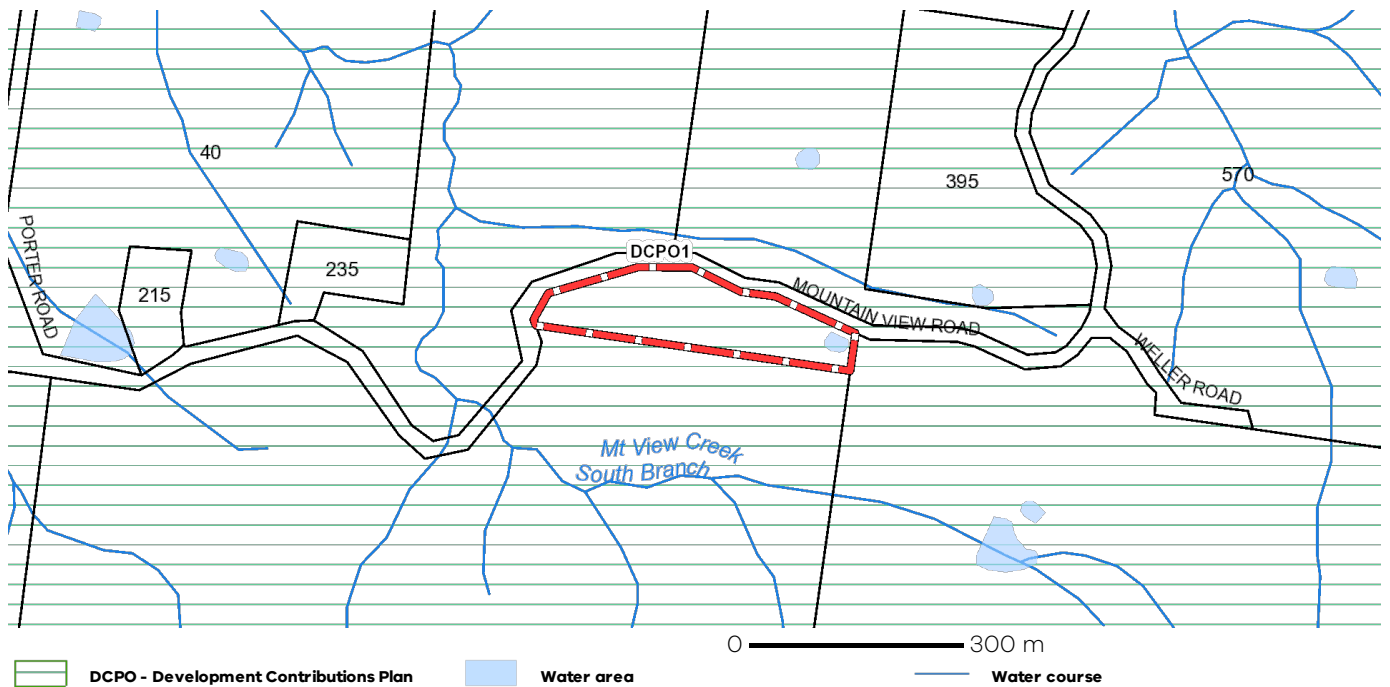
FZ - Farming
 Water area
 Water course

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

Planning Overlays

DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY (DCPO)

DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY - SCHEDULE 1 (DCPO1)



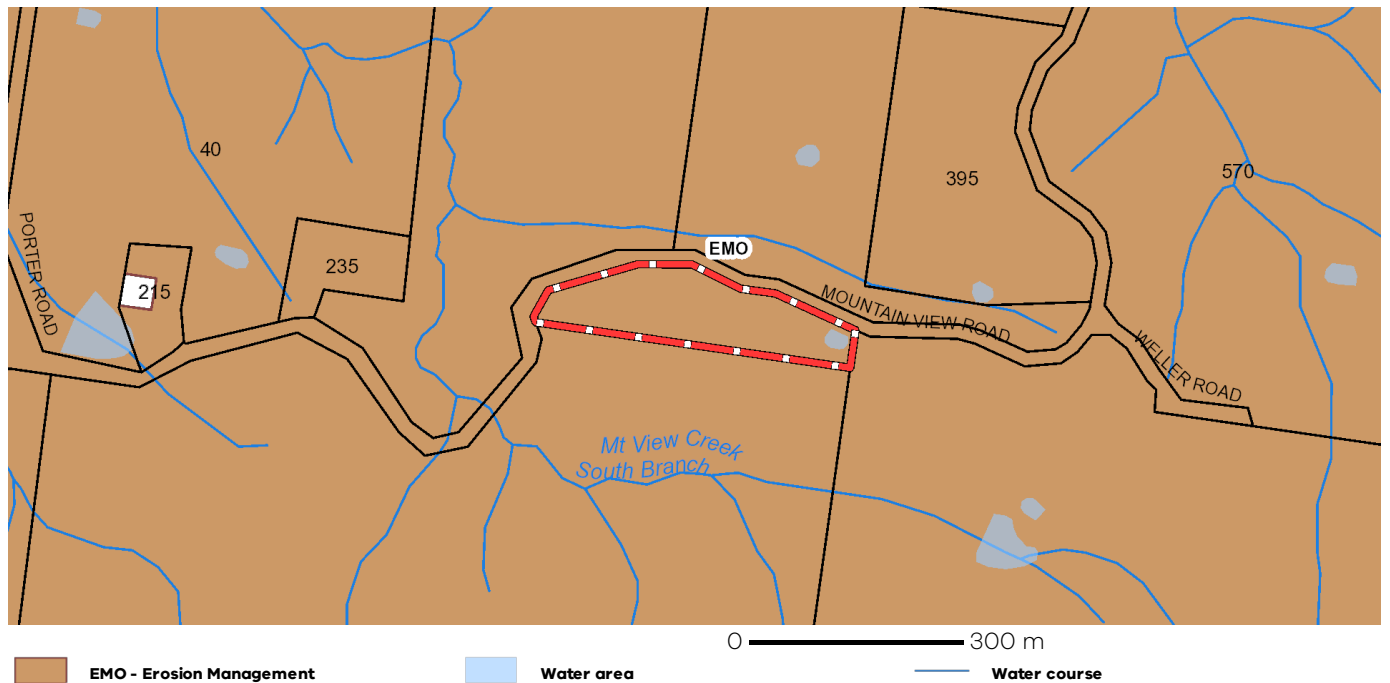
0 300 m

DCPO - Development Contributions Plan Water area Water course

Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

EROSION MANAGEMENT OVERLAY (EMO)

EROSION MANAGEMENT OVERLAY SCHEDULE (EMO)



0 300 m

EMO - Erosion Management Water area Water course

Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

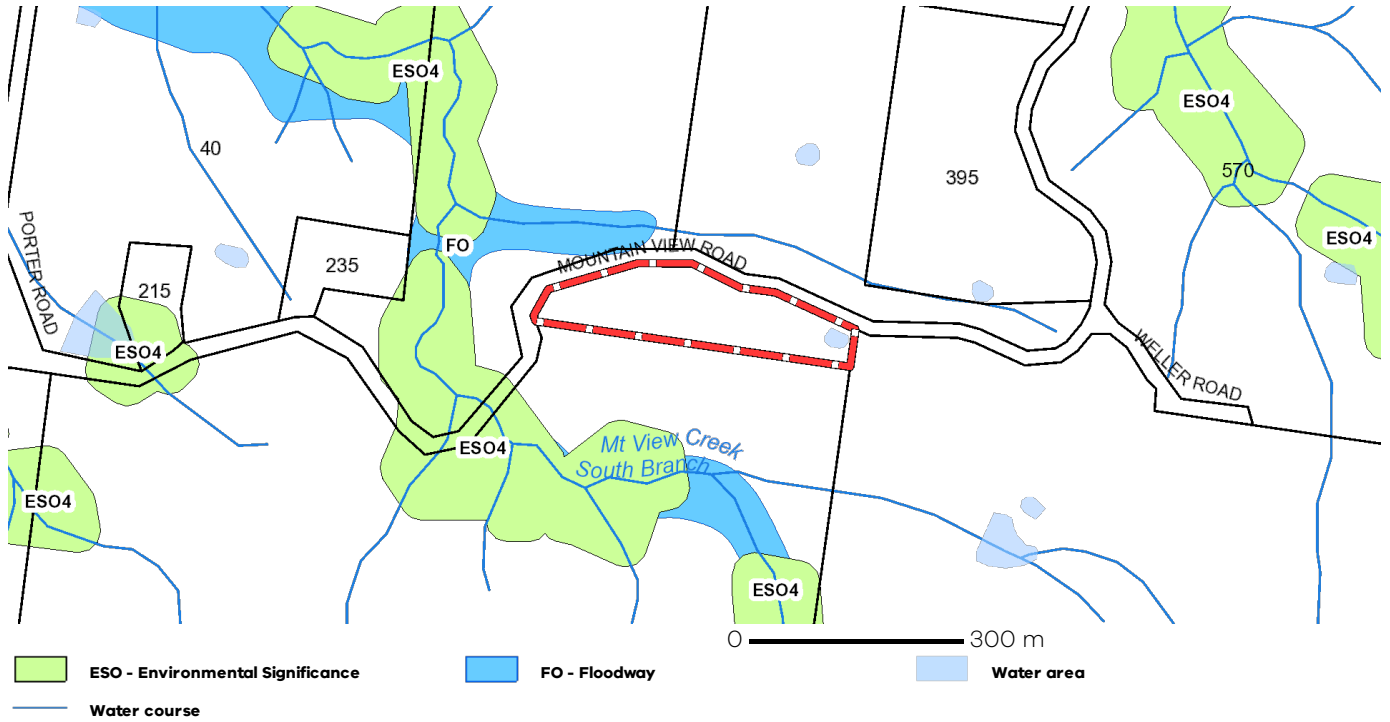
Planning Overlays

OTHER OVERLAYS

Other overlays in the vicinity not directly affecting this land

ENVIRONMENTAL SIGNIFICANCE OVERLAY (ESO)

FLOODWAY OVERLAY (FO)



Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

Areas of Aboriginal Cultural Heritage Sensitivity

All or part of this parcel 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.

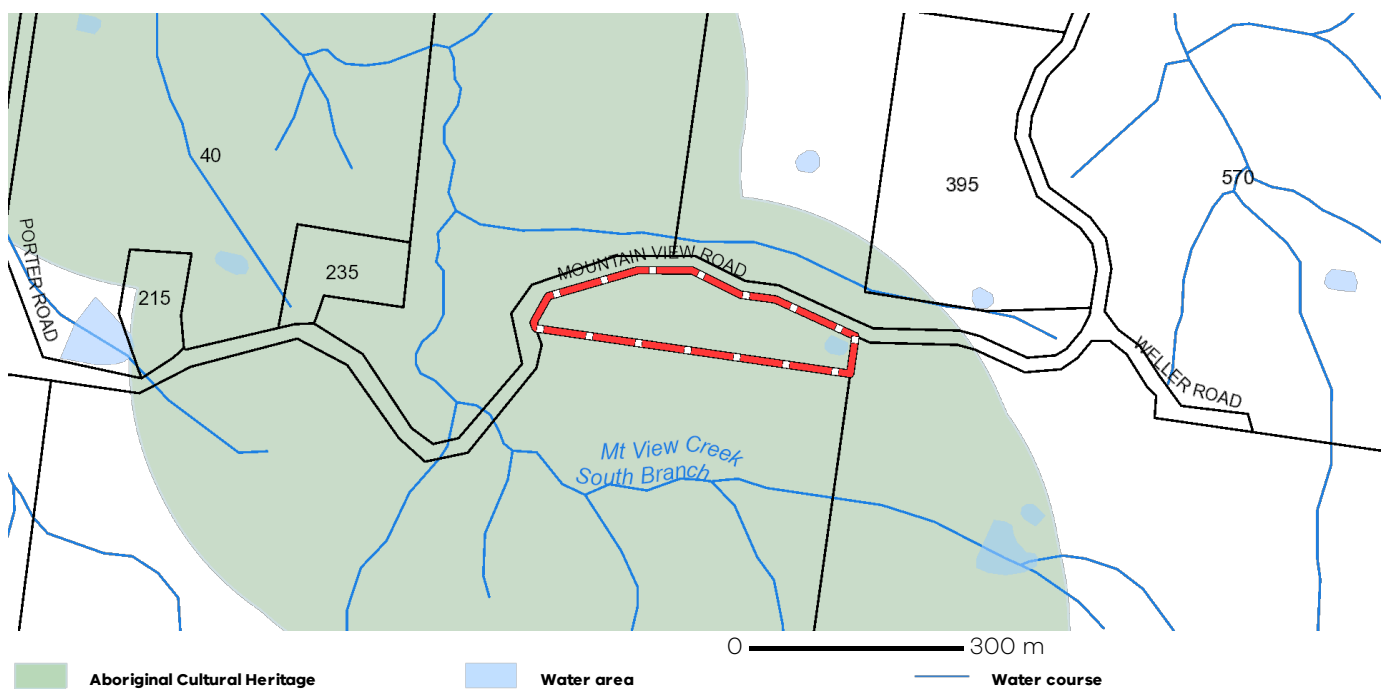
Under the Aboriginal Heritage Regulations 2018, 'areas of cultural heritage sensitivity' are one part of a two part trigger which require a 'cultural heritage management plan' be prepared where a listed 'high impact activity' is proposed.

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.aboriginalvictoria.vic.gov.au/aboriginal-heritage-legislation>



Further Planning Information

Planning scheme data last updated on 15 December 2021.

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 <https://www.planning.vic.gov.au>

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 at Landata - <https://www.landata.vic.gov.au>

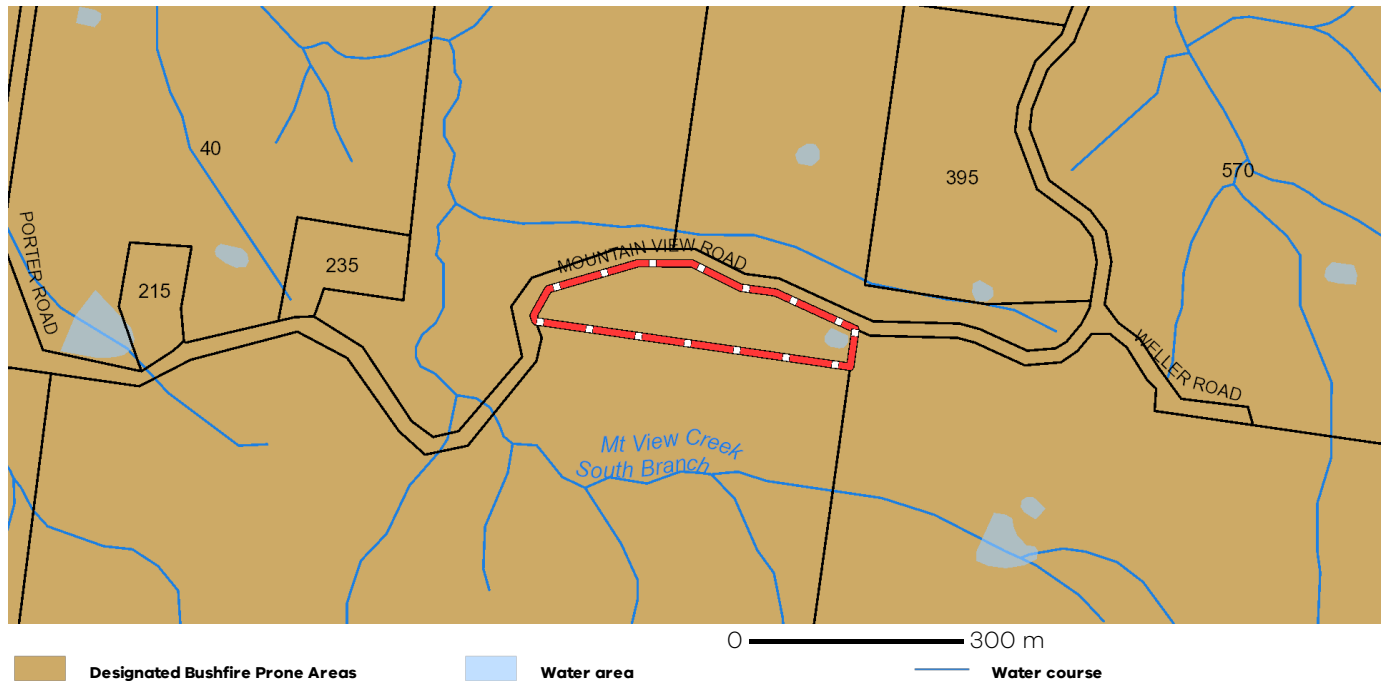
For details of surrounding properties, use this service to get the Reports for properties of interest.

To view planning zones, overlay and heritage information in an interactive format visit <https://mapshare.maps.vic.gov.au/vicplan>

For other information about planning in Victoria visit <https://www.planning.vic.gov.au>

Designated Bushfire Prone Areas

This parcel is in a designated bushfire prone area.
Special bushfire construction requirements apply. Planning provisions may apply.



Designated bushfire prone areas as determined by the Minister for Planning are in effect from 8 September 2011 and amended from time to time.

The Building Regulations 2018 through application of the Building Code of Australia, apply bushfire protection standards for building works in designated bushfire prone areas.

Designated bushfire prone areas maps can be viewed on VicPlan at <https://mapshare.maps.vic.gov.au/vicplan> or at the relevant local council.

Note: prior to 8 September 2011, the whole of Victoria was designated as bushfire prone area for the purposes of the building control system.

Further information about the building control system and building in bushfire prone areas can be found on the Victorian Building Authority website <https://www.vba.vic.gov.au>

Copies of the Building Act and Building Regulations are available from <http://www.legislation.vic.gov.au>

For Planning Scheme Provisions in bushfire areas visit <https://www.planning.vic.gov.au>

Native Vegetation

Native plants that are indigenous to the region and important for biodiversity might be present on this property. This could include trees, shrubs, herbs, grasses or aquatic plants. There are a range of regulations that may apply including need to obtain a planning permit under Clause 52.17 of the local planning scheme. For more information see [Native Vegetation \(Clause 52.17\)](#) with local variations in [Native Vegetation \(Clause 52.17\) Schedule](#)

To help identify native vegetation on his property and the application of Clause 52.17 please visit the Native Vegetation Information Management system <https://nvim.delwp.vic.gov.au/> and [Native vegetation \(environment.vic.gov.au\)](#) or please contact your relevant council.

You can find out more about the natural values on your property through NatureKit [NatureKit \(environment.vic.gov.au\)](#)

From www.planning.vic.gov.au at 20 December 2021 10:56 AM

PROPERTY DETAILS

Lot and Plan Number: **Lot 1 TP157610**
 Address: **275 MOUNTAIN VIEW ROAD MOUNTAIN VIEW 3988**
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 Planning Scheme: **Baw Baw** [Planning Scheme - Baw Baw](#)
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 Power Distributor: **AUSNET**

STATE ELECTORATES

Legislative Council: **EASTERN VICTORIA**
 Legislative Assembly: **NARRACAN**

OTHER

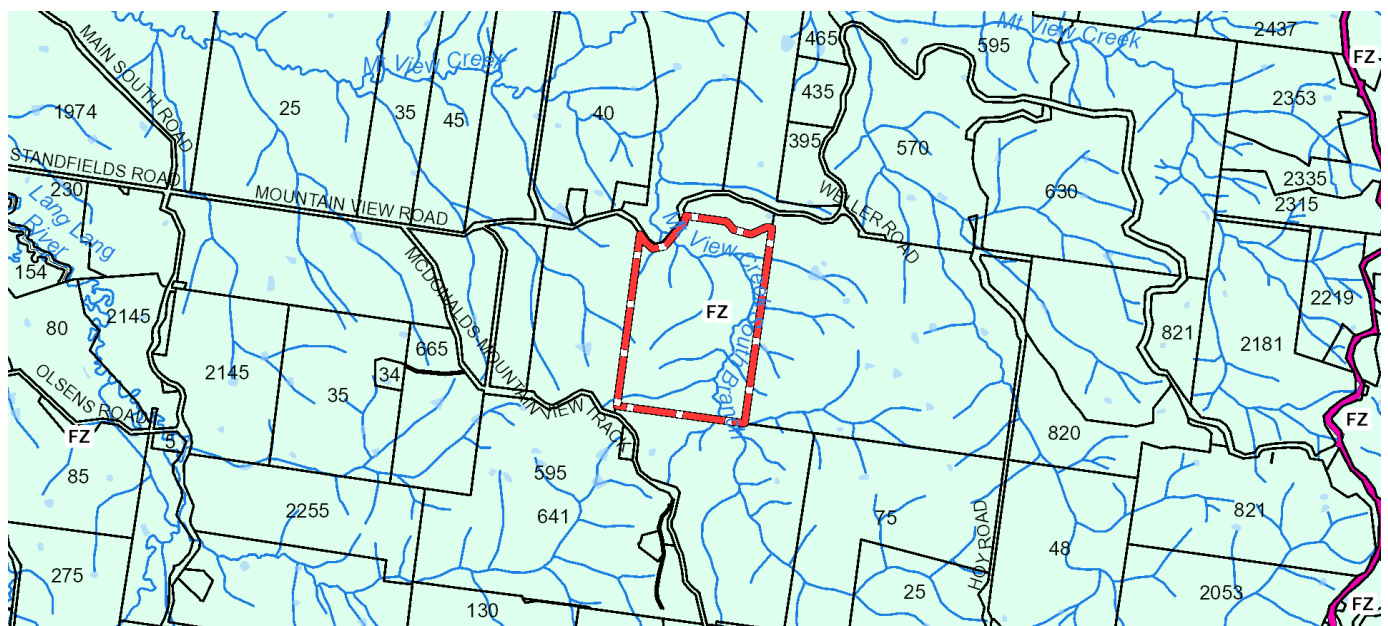
Registered Aboriginal Party: **Bunurong Land Council
 Aboriginal Corporation**

[View location in VicPlan](#)

Planning Zones

[FARMING ZONE \(FZ\)](#)

[SCHEDULE TO THE FARMING ZONE \(FZ\)](#)

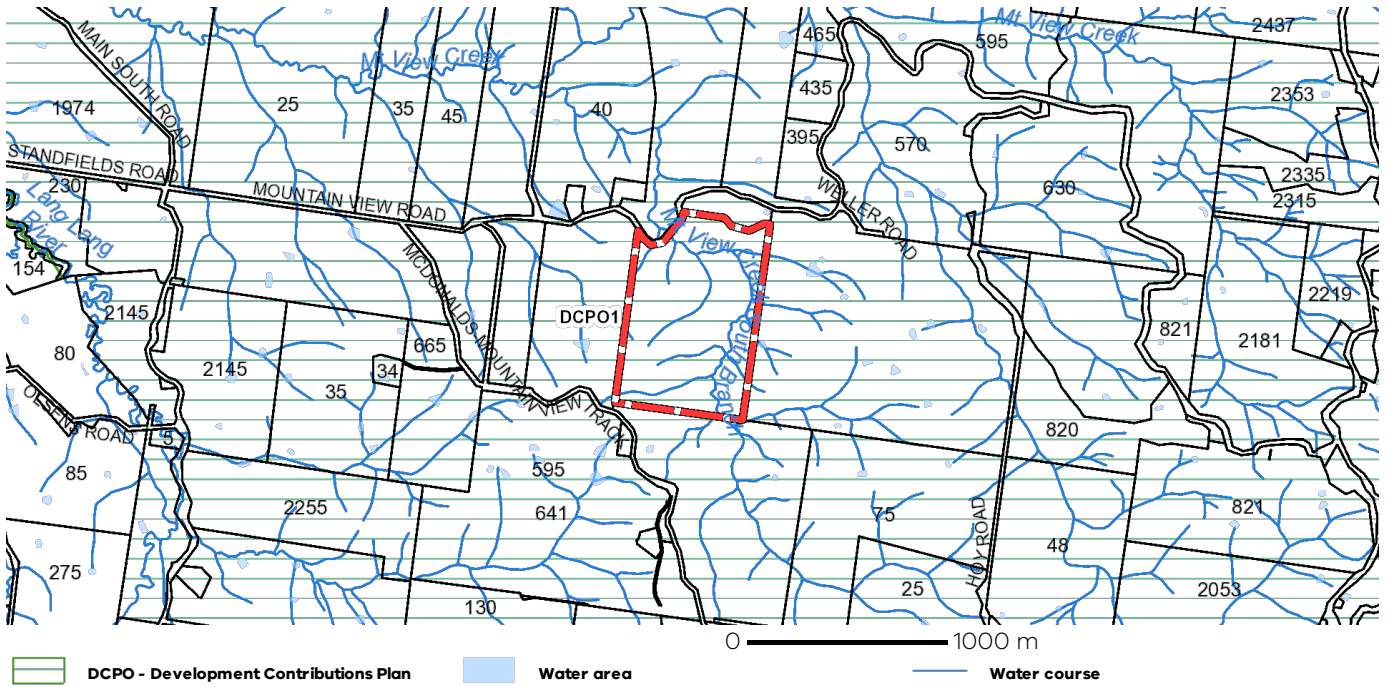


Note: labels for zones may appear outside the actual zone - please compare the labels with the legend.

Planning Overlays

DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY (DCPO)

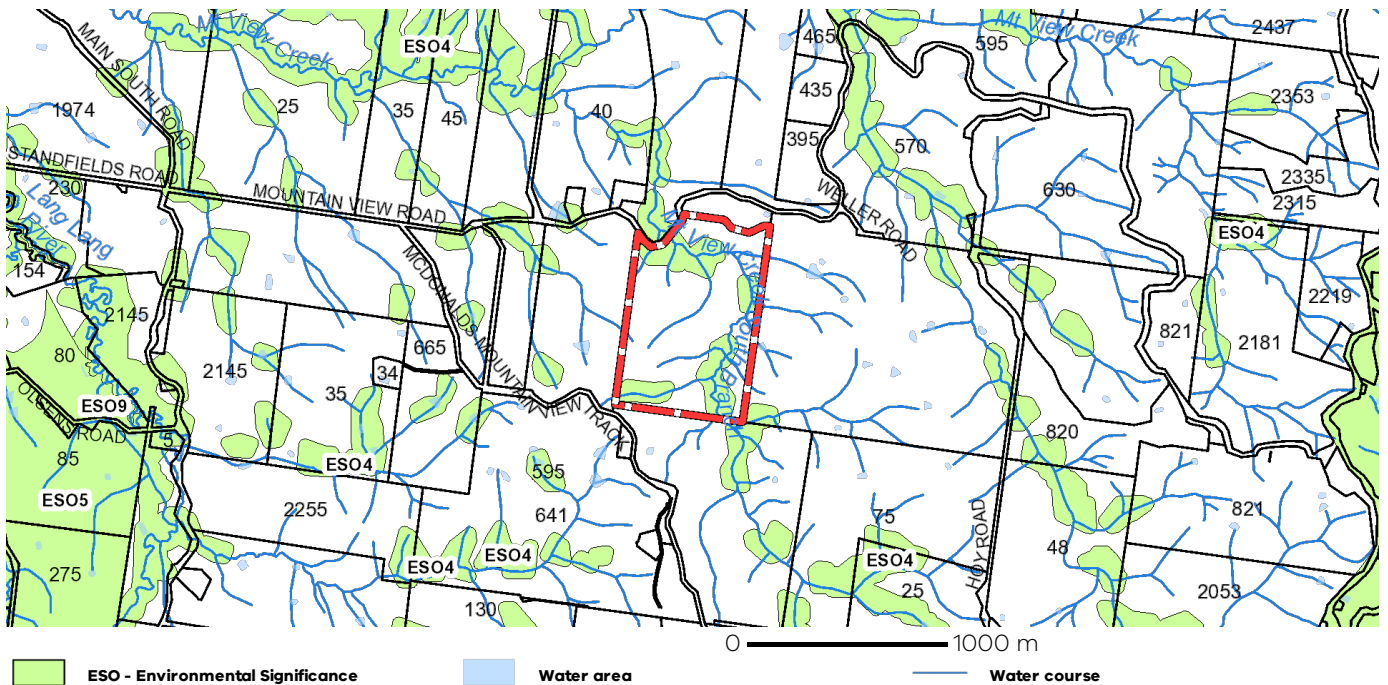
DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY - SCHEDULE 1 (DCPO1)



Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

ENVIRONMENTAL SIGNIFICANCE OVERLAY (ESO)

ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 4 (ESO4)

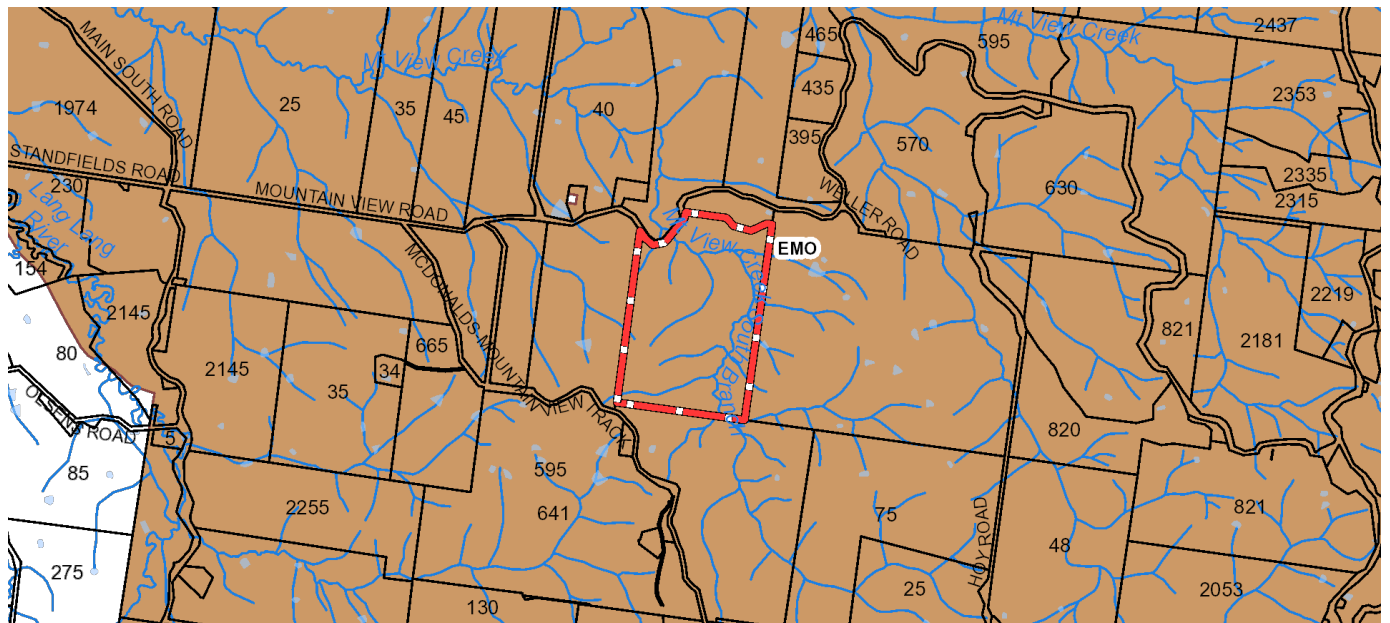


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Planning Overlays

[EROSION MANAGEMENT OVERLAY \(EMO\)](#)

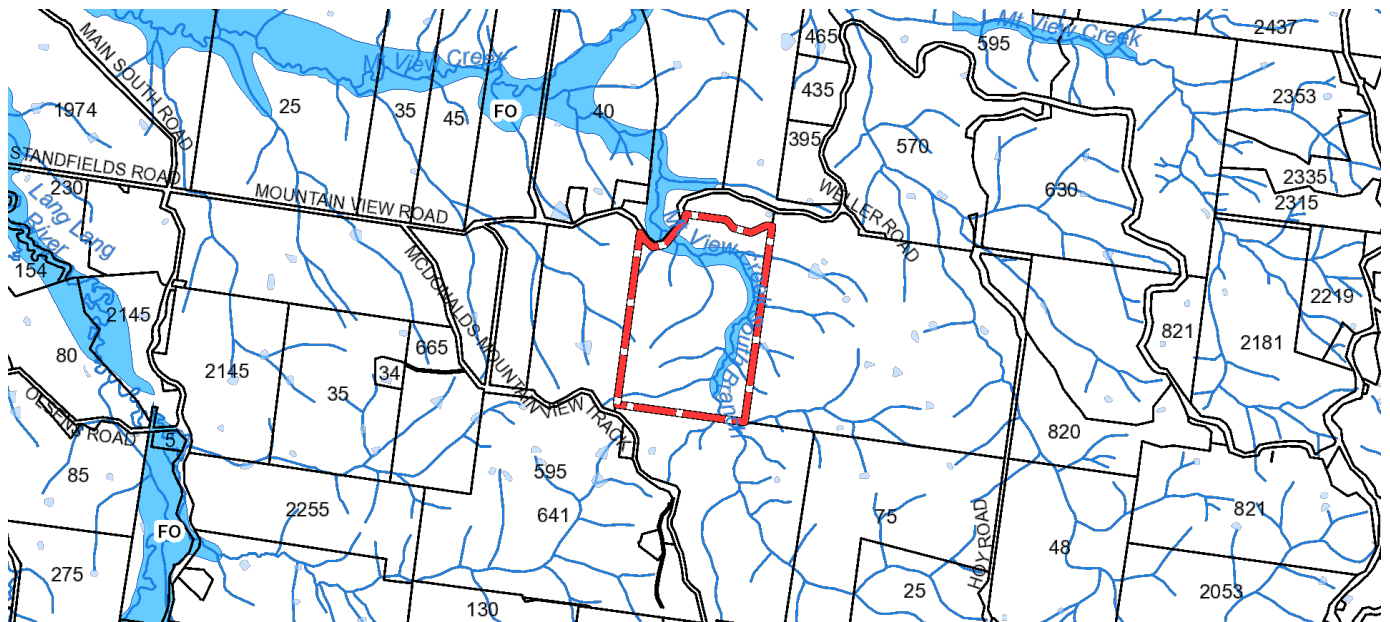
[EROSION MANAGEMENT OVERLAY SCHEDULE \(EMO\)](#)



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[FLOODWAY OVERLAY \(FO\)](#)

[FLOODWAY OVERLAY SCHEDULE \(FO\)](#)



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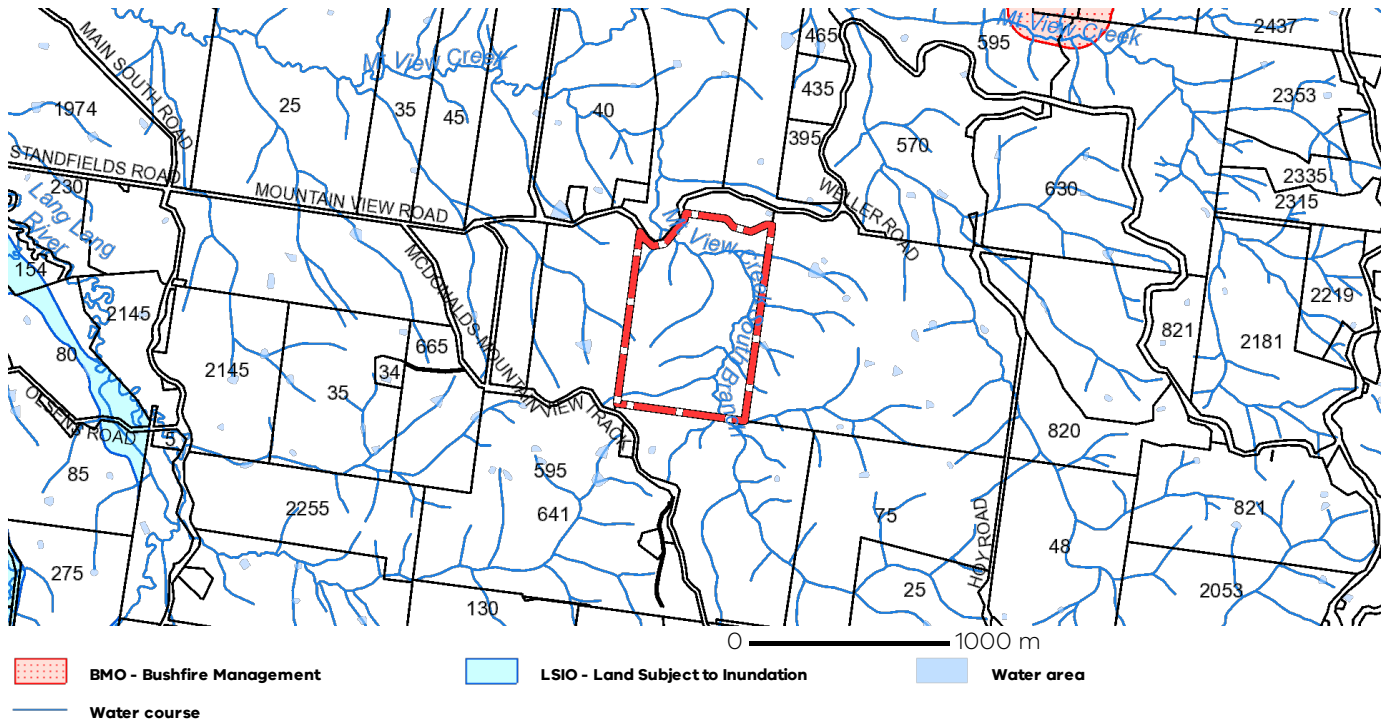
Planning Overlays

OTHER OVERLAYS

Other overlays in the vicinity not directly affecting this land

[BUSHFIRE MANAGEMENT OVERLAY \(BMO\)](#)

[LAND SUBJECT TO INUNDATION OVERLAY \(LSIO\)](#)



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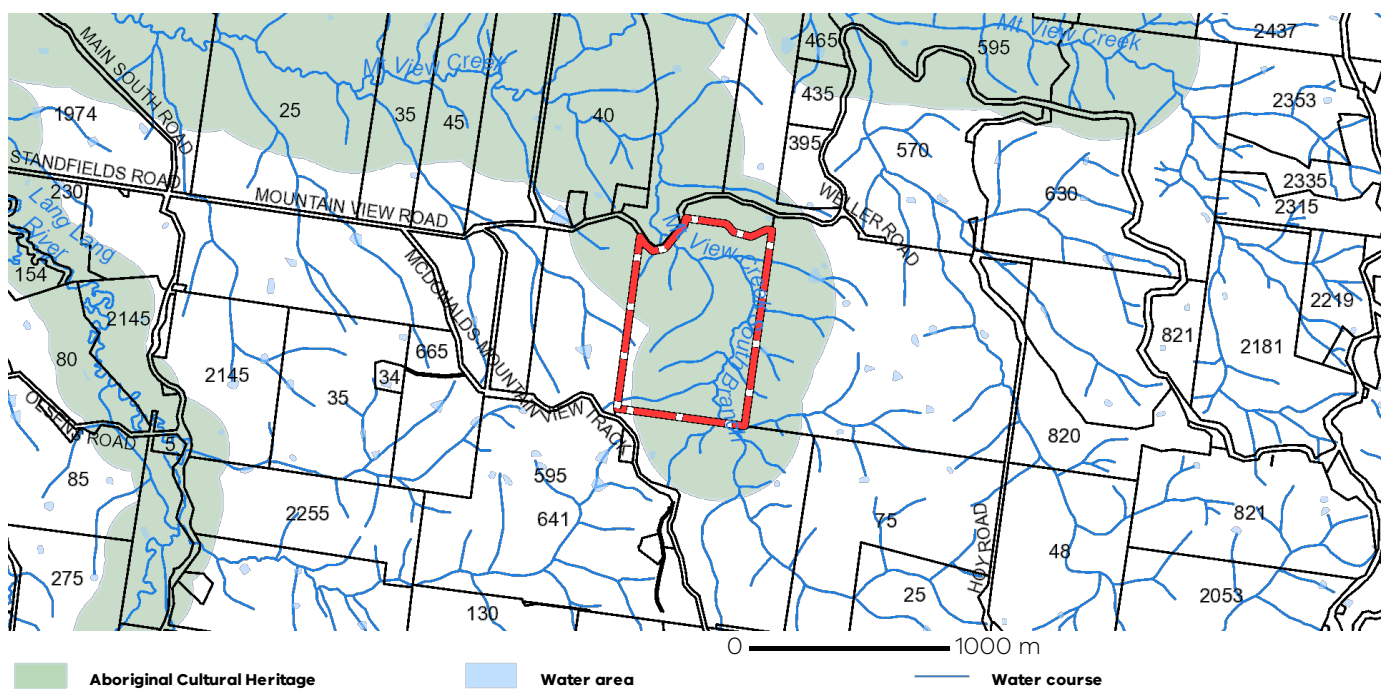
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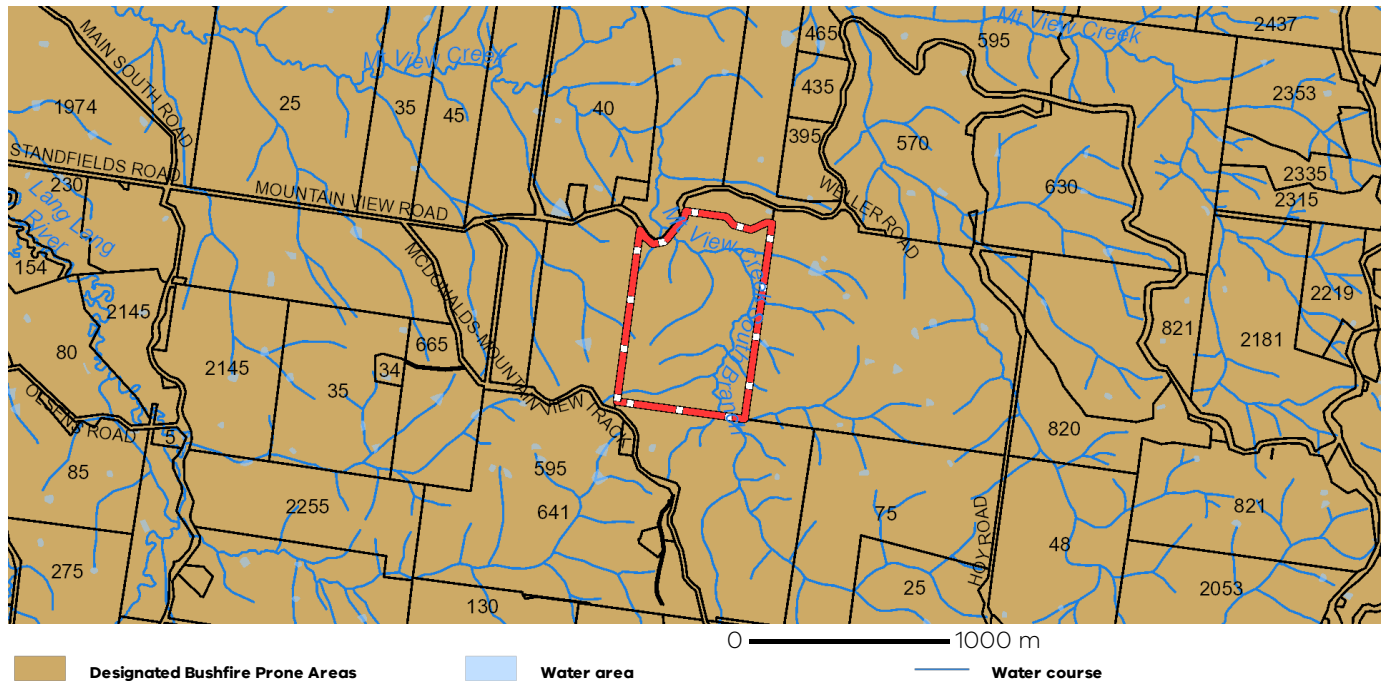
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From www.planning.vic.gov.au at 20 December 2021 10:56 AM

PROPERTY DETAILS

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Address: **275 MOUNTAIN VIEW ROAD MOUNTAIN VIEW 3988**
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Council Property Number: **1862 (Part)**
Planning Scheme: **Baw Baw**
Directory Reference: **Vicroads 96 F6**

www.bawbawshire.vic.gov.au

[Planning Scheme - Baw Baw](#)

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Power Distributor: **AUSNET**

STATE ELECTORATES

Legislative Council: **EASTERN VICTORIA**
Legislative Assembly: **NARRACAN**

OTHER

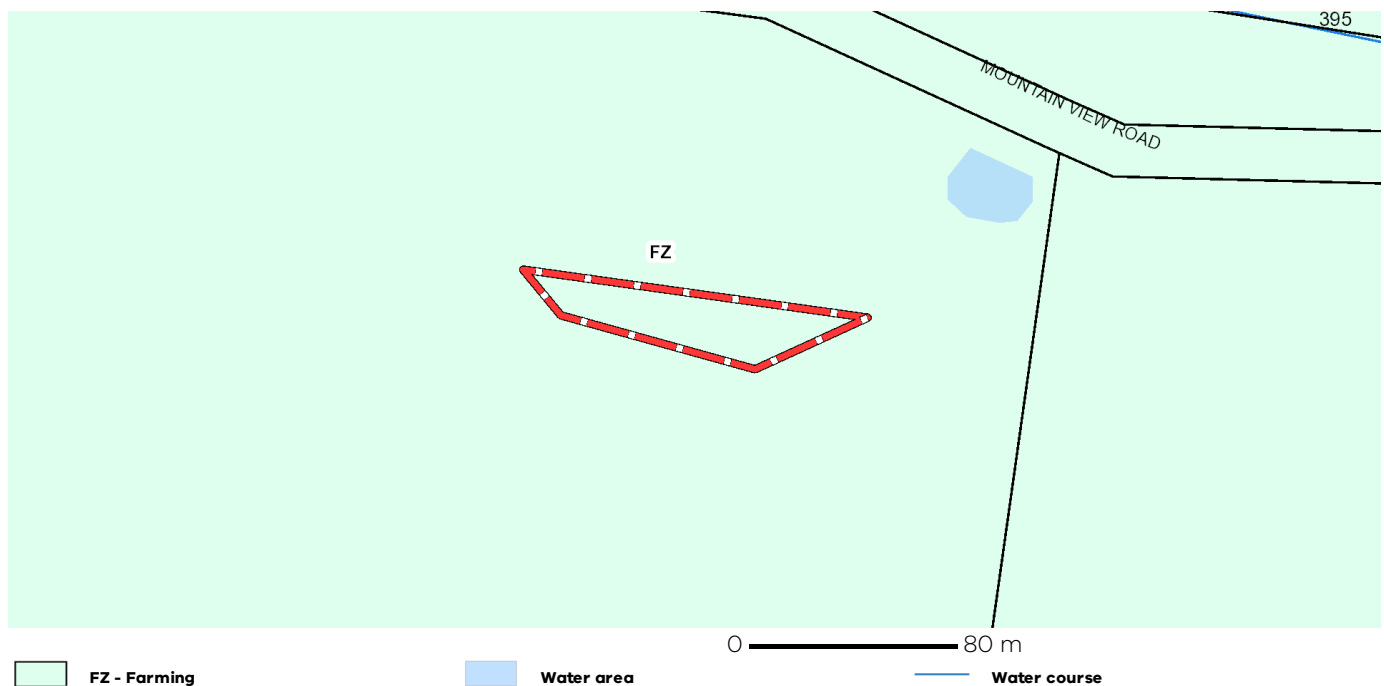
Registered Aboriginal Party: **Bunurong Land Council
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Planning Zones

[FARMING ZONE \(FZ\)](#)

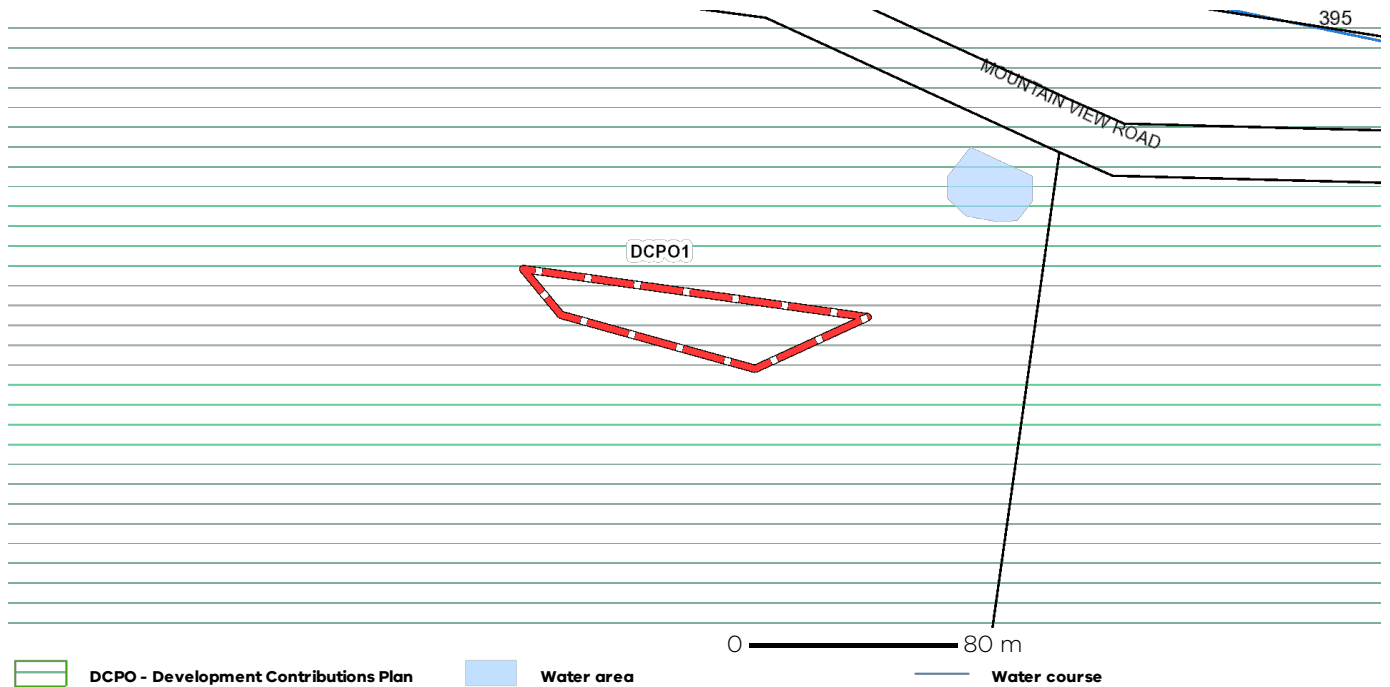
[SCHEDULE TO THE FARMING ZONE \(FZ\)](#)



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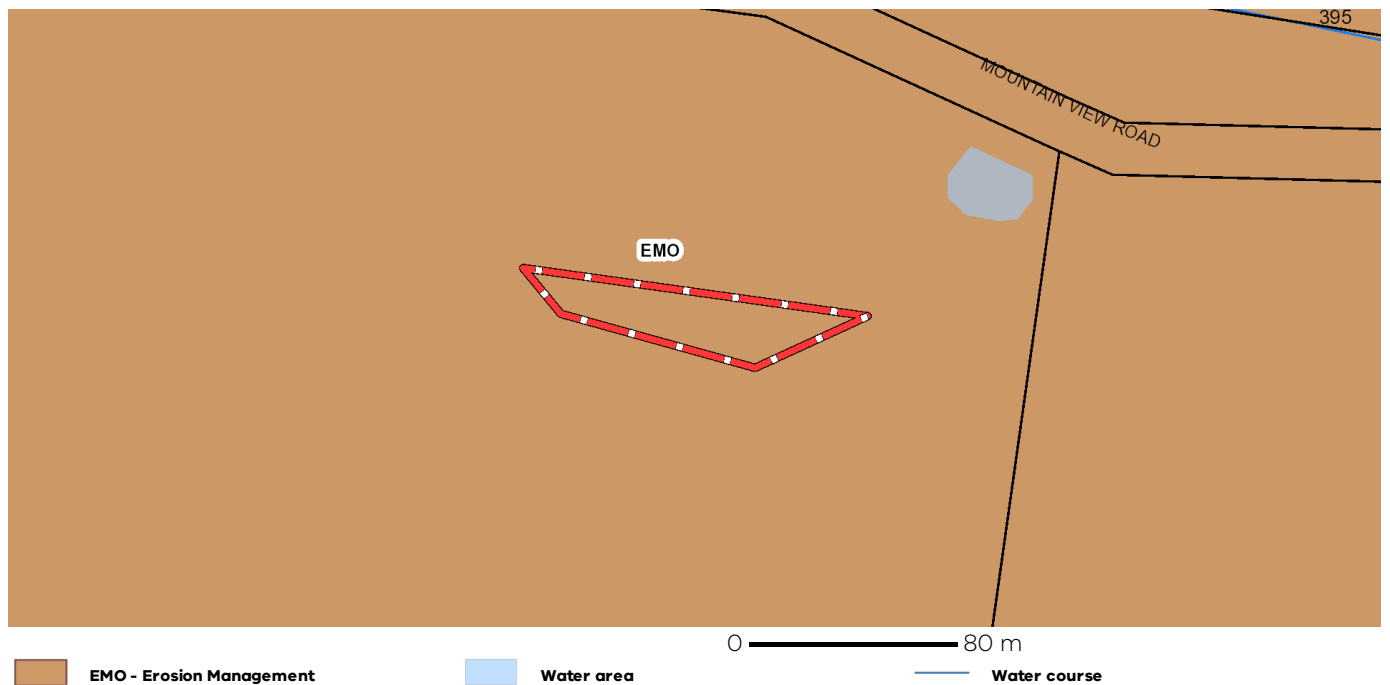
Planning Overlays

[DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY \(DCPO\)](#)
[DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY - SCHEDULE 1 \(DCPO1\)](#)



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[EROSION MANAGEMENT OVERLAY \(EMO\)](#)
[EROSION MANAGEMENT OVERLAY SCHEDULE \(EMO\)](#)



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Planning Overlays

OTHER OVERLAYS

Other overlays in the vicinity not directly affecting this land

[ENVIRONMENTAL SIGNIFICANCE OVERLAY \(ESO\)](#)

[FLOODWAY OVERLAY \(FO\)](#)



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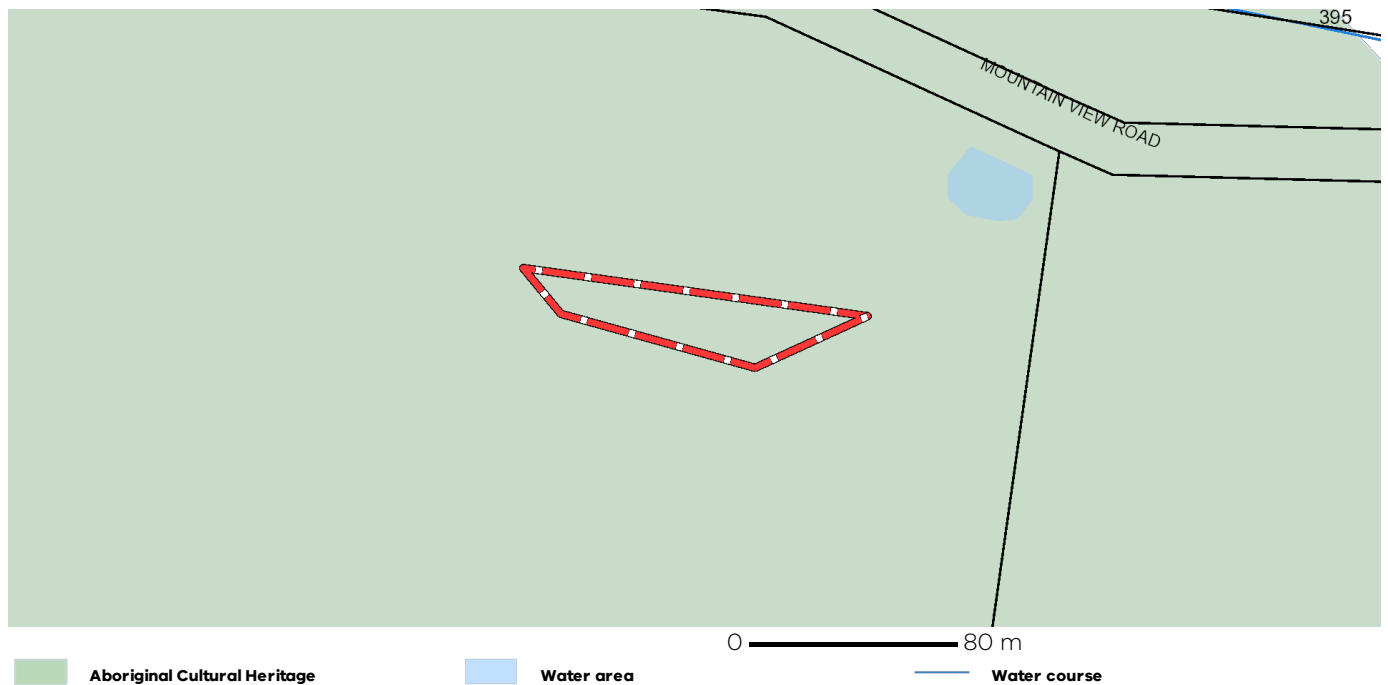
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From www.planning.vic.gov.au at 20 December 2021 10:56 AM

PROPERTY DETAILS

Lot and Plan Number: **Lot 1 TP228735**
Address: **275 MOUNTAIN VIEW ROAD MOUNTAIN VIEW 3988**
Standard Parcel Identifier (SPI): **1\TP228735**
Local Government Area (Council): **BAW BAW**
Council Property Number: **1862 (Part)**
Planning Scheme: **Baw Baw**
Directory Reference: **Vicroads 96 F6**

www.bawbawshire.vic.gov.au

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Power Distributor: **AUSNET**

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OTHER

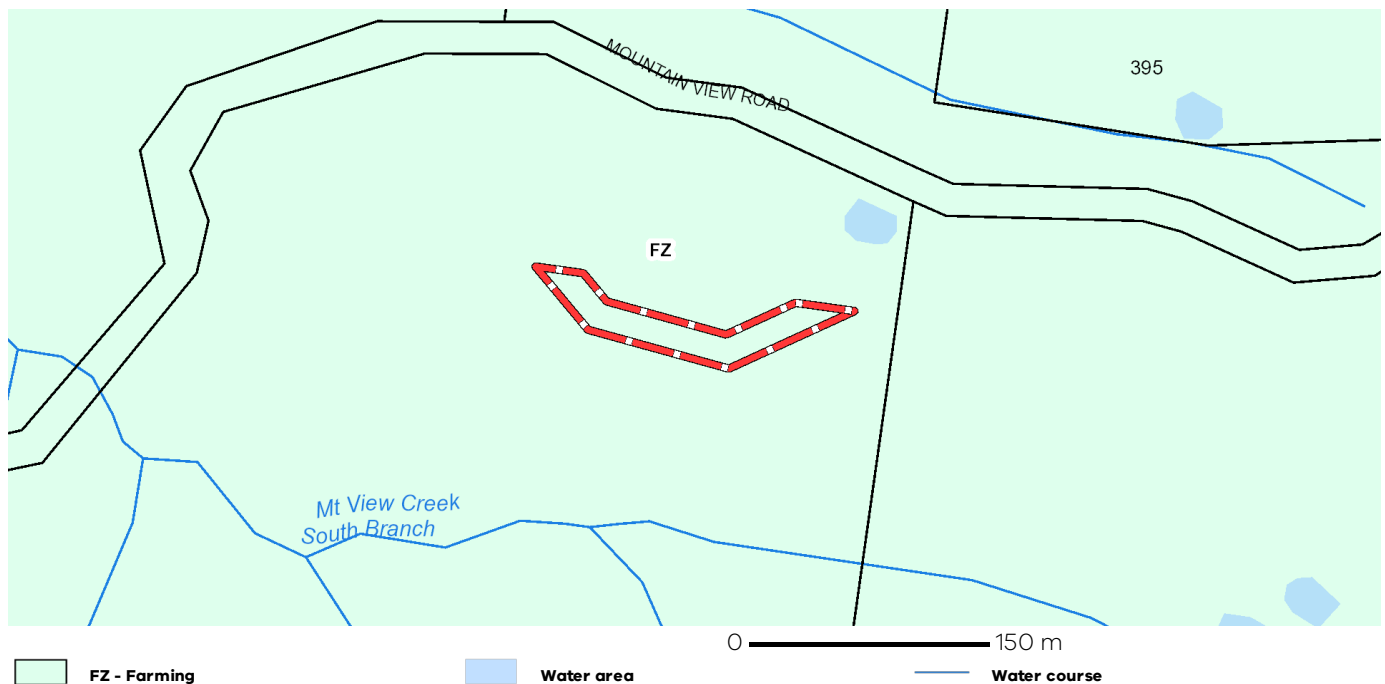
Registered Aboriginal Party: **Bunurong Land Council
Aboriginal Corporation**

[View location in VicPlan](#)

Planning Zones

[FARMING ZONE \(FZ\)](#)

[SCHEDULE TO THE FARMING ZONE \(FZ\)](#)



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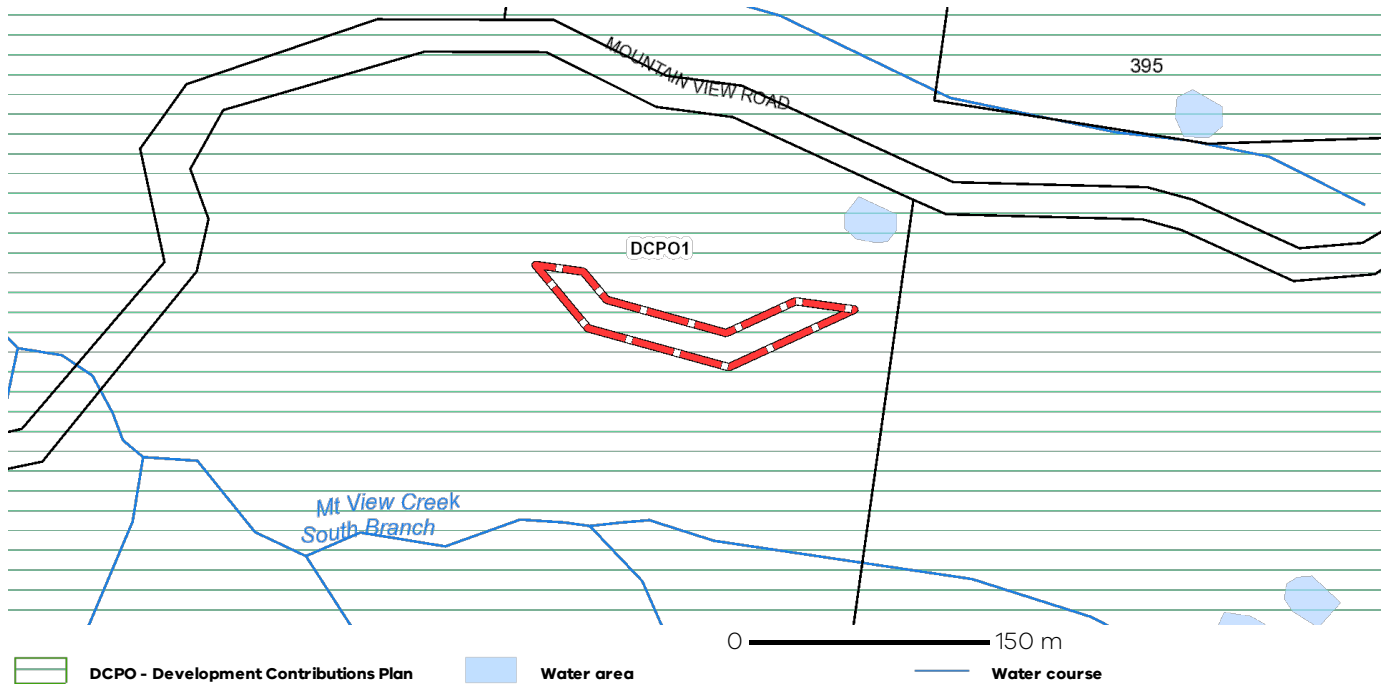
PLANNING PROPERTY REPORT: Lot 1 TP228735

Page 1 of 6

Planning Overlays

DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY (DCPO)

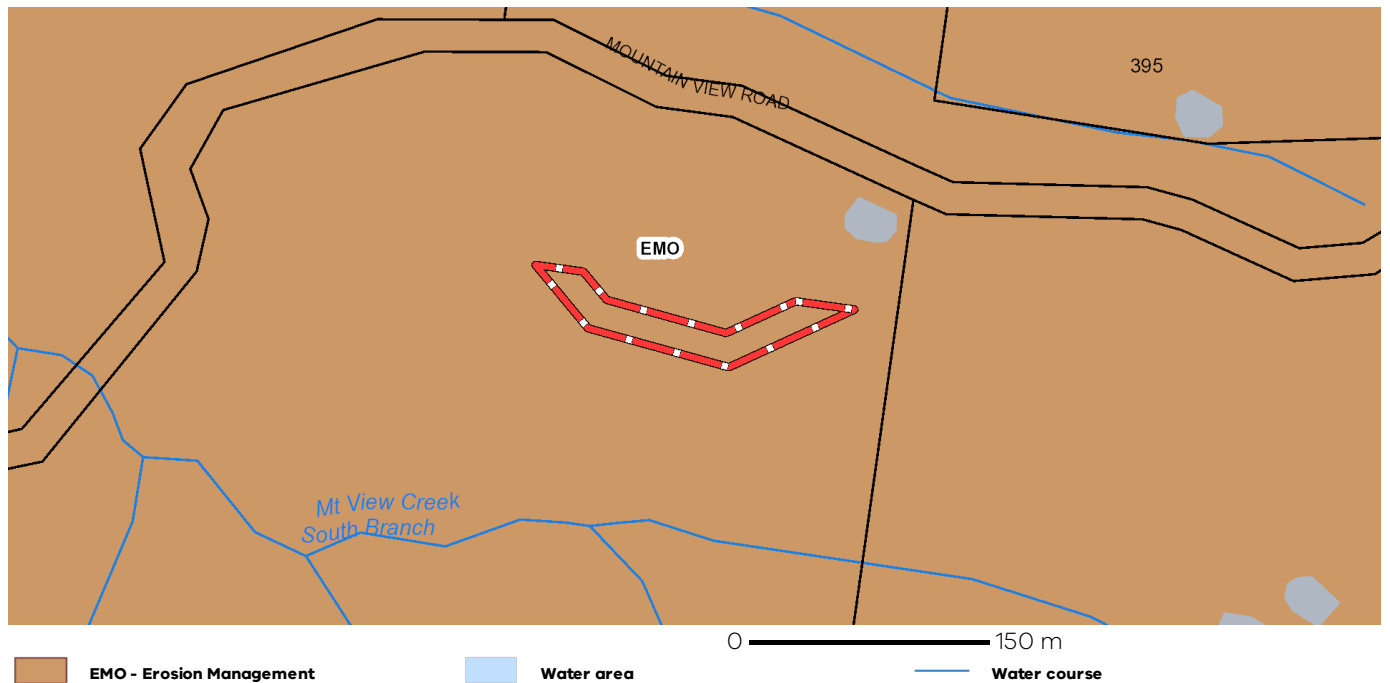
DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY - SCHEDULE 1 (DCPO1)



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EROSION MANAGEMENT OVERLAY (EMO)

EROSION MANAGEMENT OVERLAY SCHEDULE (EMO)



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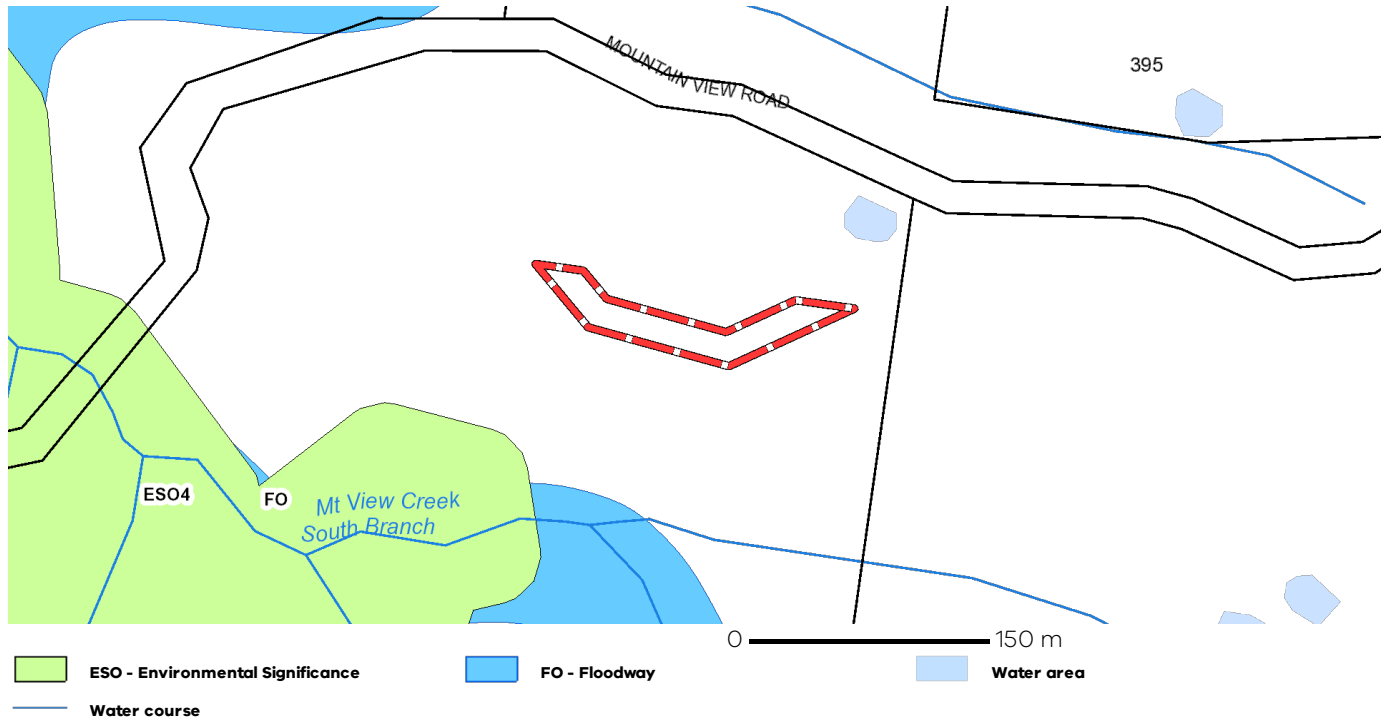
Planning Overlays

OTHER OVERLAYS

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[ENVIRONMENTAL SIGNIFICANCE OVERLAY \(ESO\)](#)

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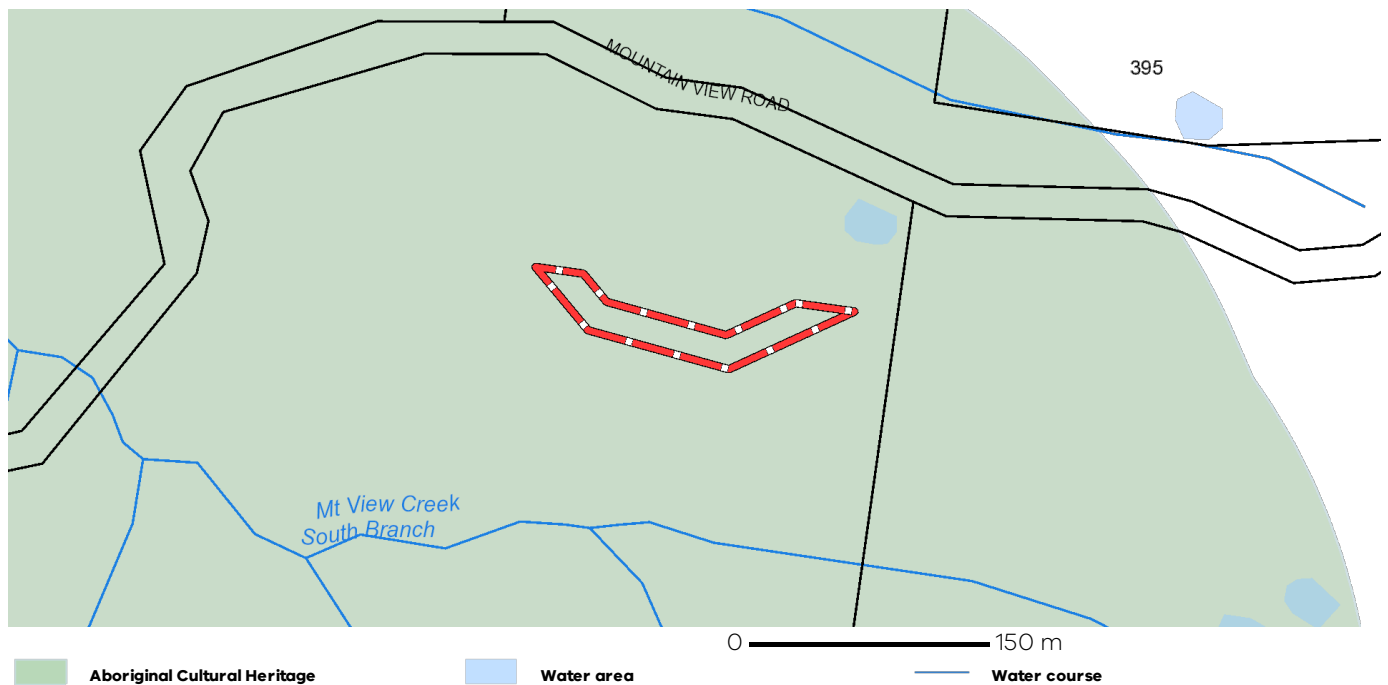
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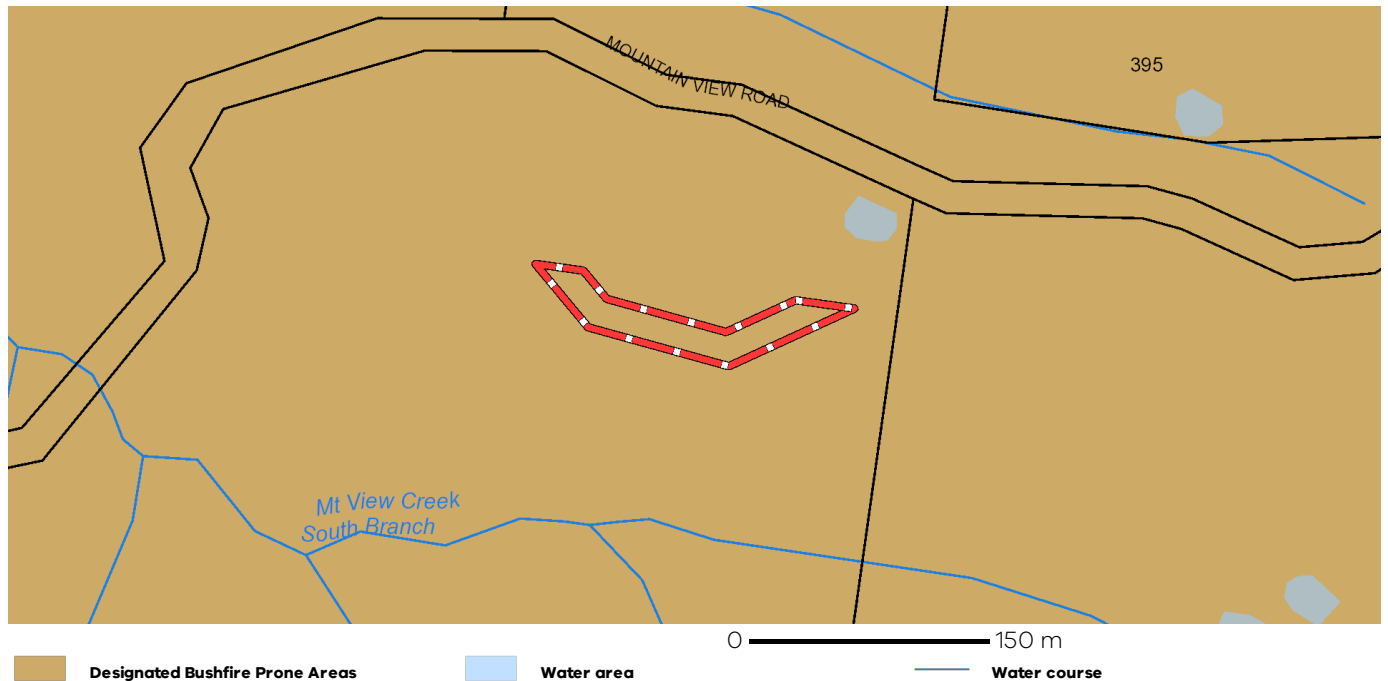
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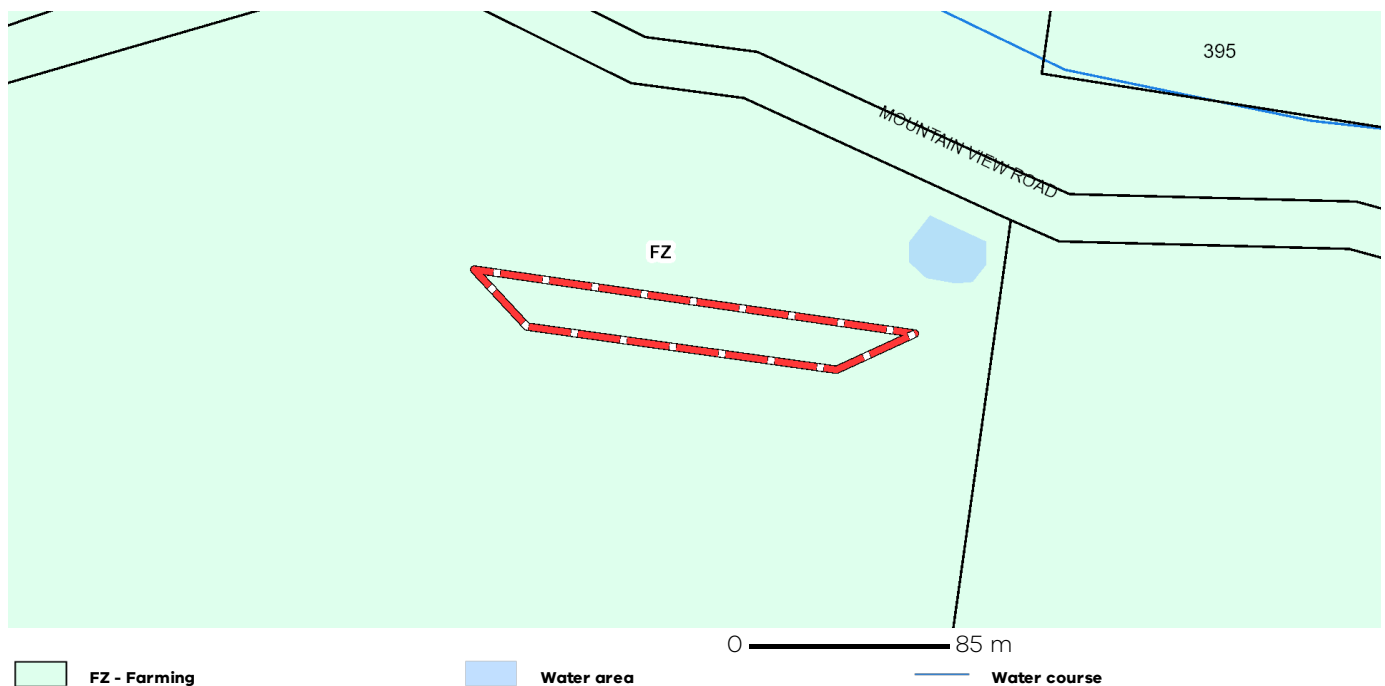
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[View location in VicPlan](#)

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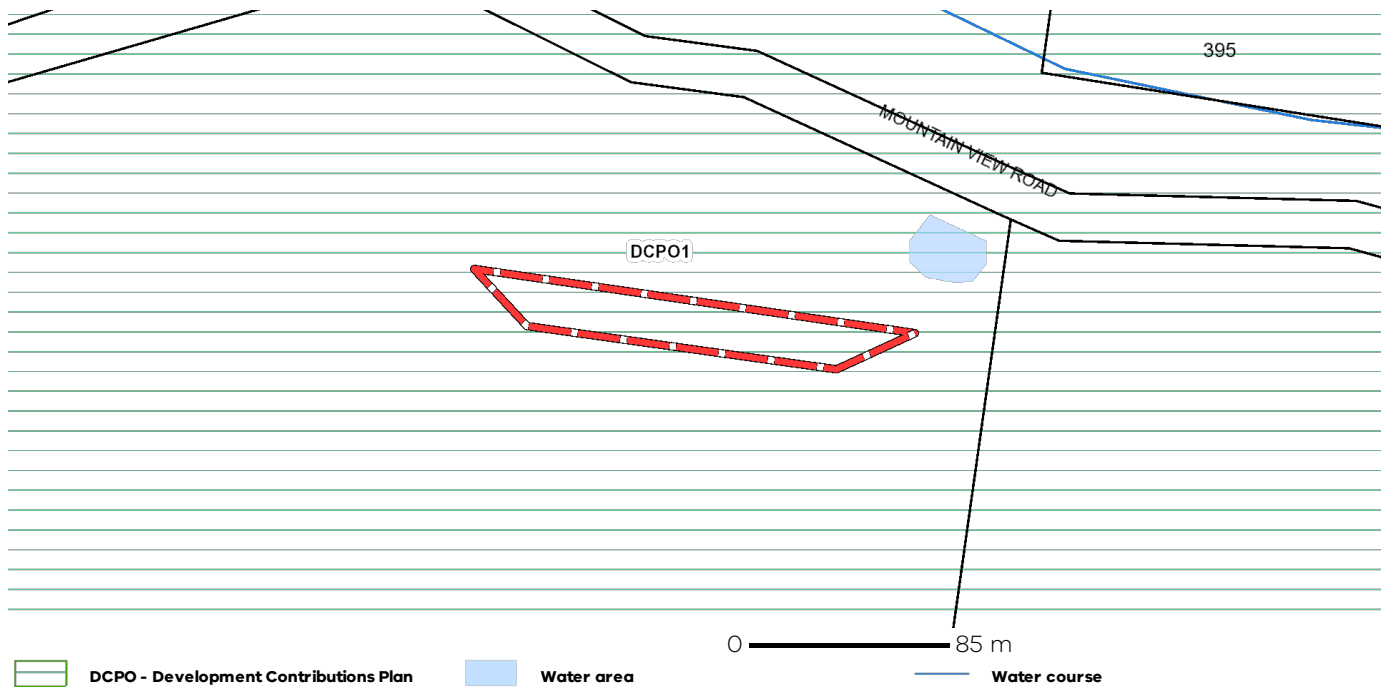
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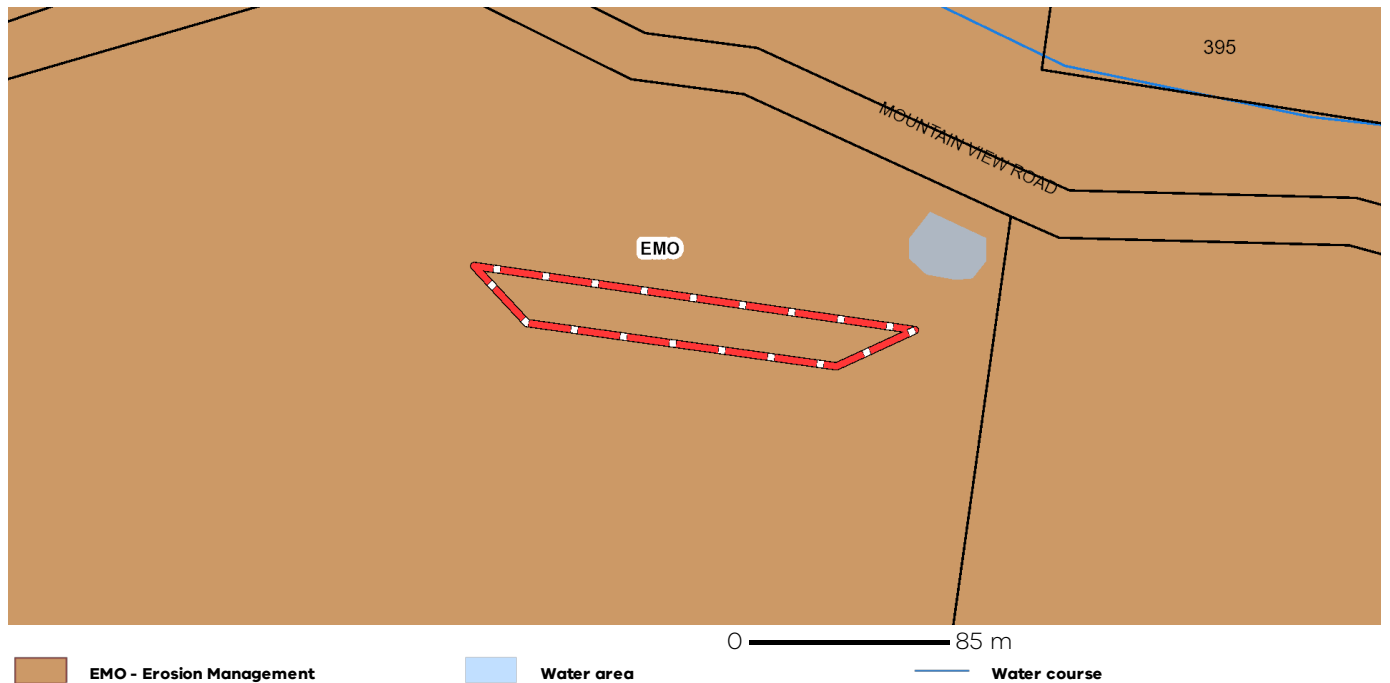
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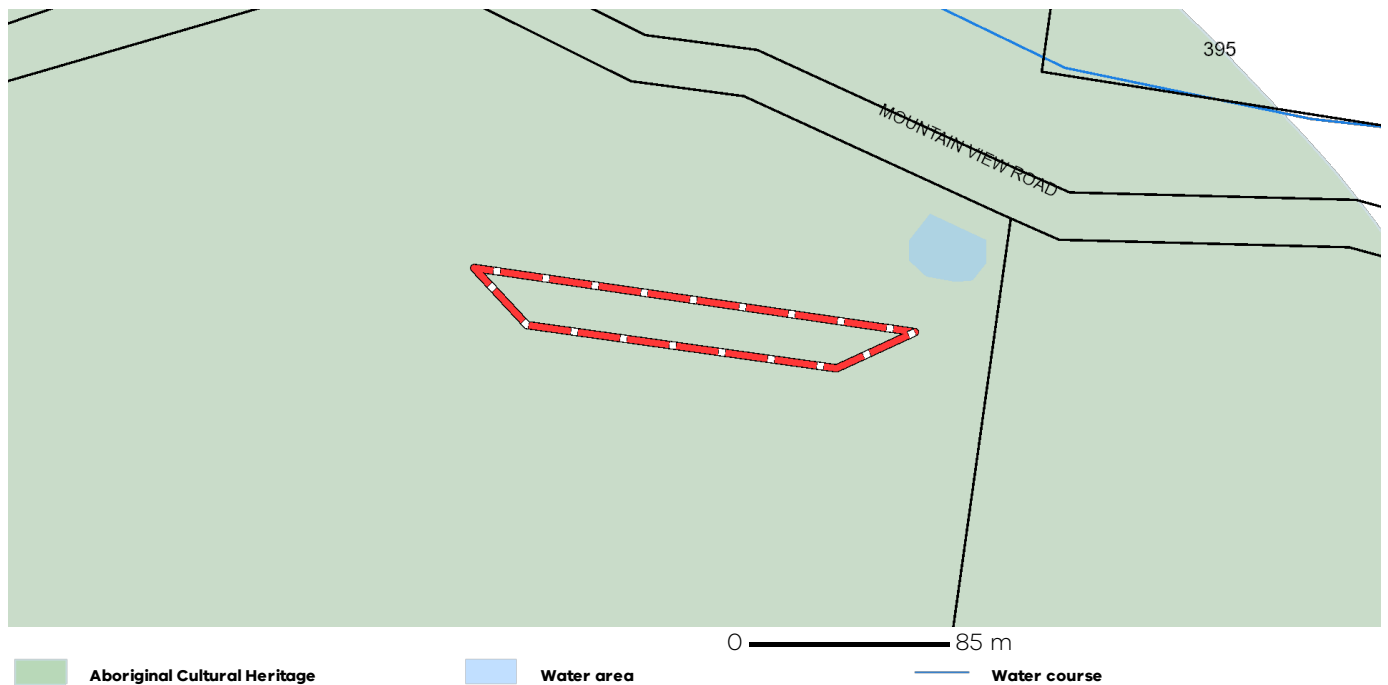
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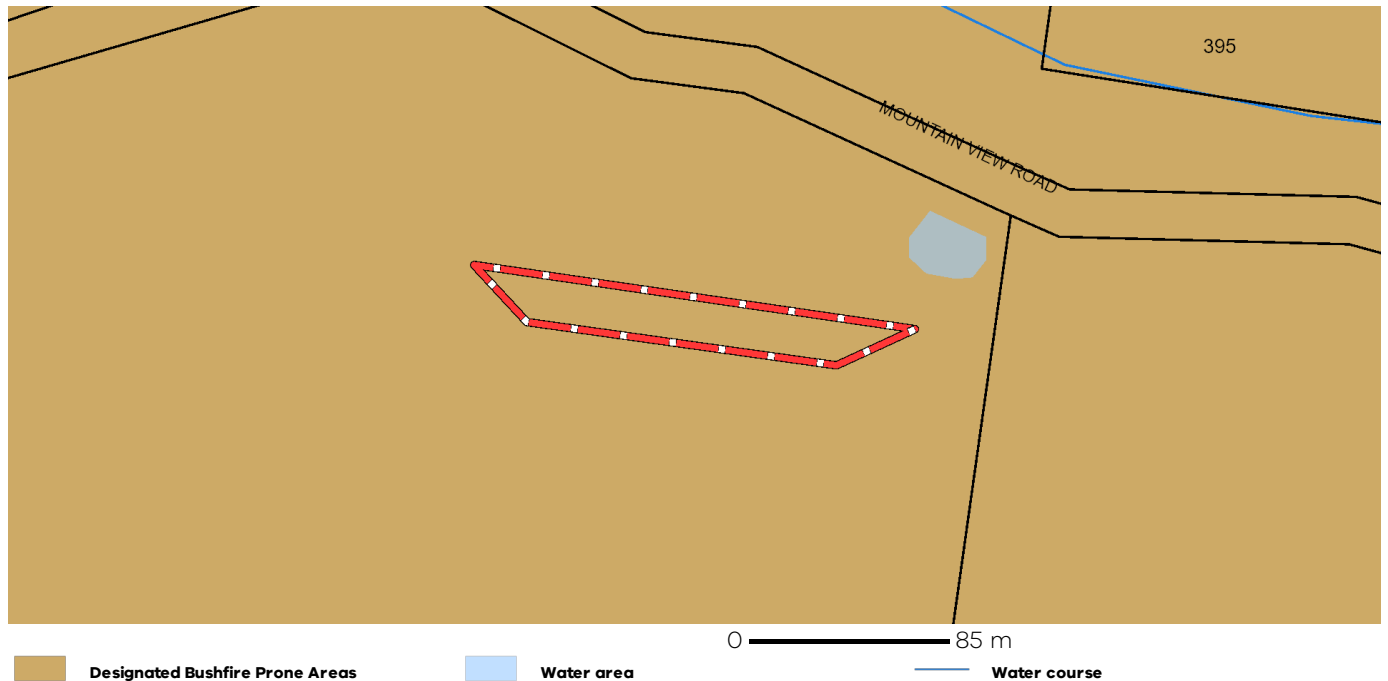
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PROPERTY DETAILS

Lot and Plan Number: **Lot 2 TP228735**
Address: **275 MOUNTAIN VIEW ROAD MOUNTAIN VIEW 3988**
Standard Parcel Identifier (SPI): **2\TP228735**
Local Government Area (Council): **BAW BAW**
Council Property Number: **1862 (Part)**
Planning Scheme: **Baw Baw**
Directory Reference: **Vicroads 96 F6**

www.bawbawshire.vic.gov.au

[Planning Scheme - Baw Baw](#)

This parcel is one of 14 parcels comprising the property. For full parcel details get the free Property report at [Property Reports](#)

UTILITIES

Rural Water Corporation: **Southern Rural Water**
Melbourne Water Retailer: **South East Water**
Melbourne Water: **Inside drainage boundary**
Power Distributor: **AUSNET**

STATE ELECTORATES

Legislative Council: **EASTERN VICTORIA**
Legislative Assembly: **NARRACAN**

OTHER

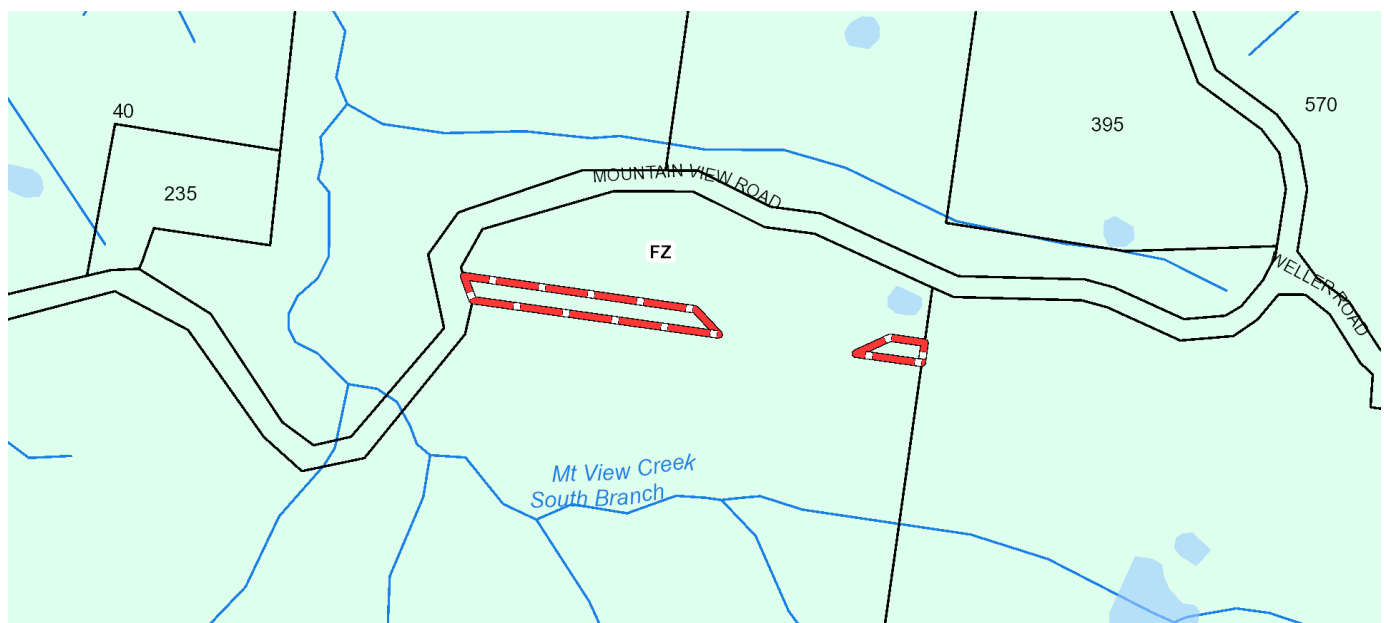
Registered Aboriginal Party: **Bunurong Land Council
Aboriginal Corporation**

[View location in VicPlan](#)

Planning Zones

[FARMING ZONE \(FZ\)](#)

[SCHEDULE TO THE FARMING ZONE \(FZ\)](#)



 FZ - Farming

 Water area

 Water course

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

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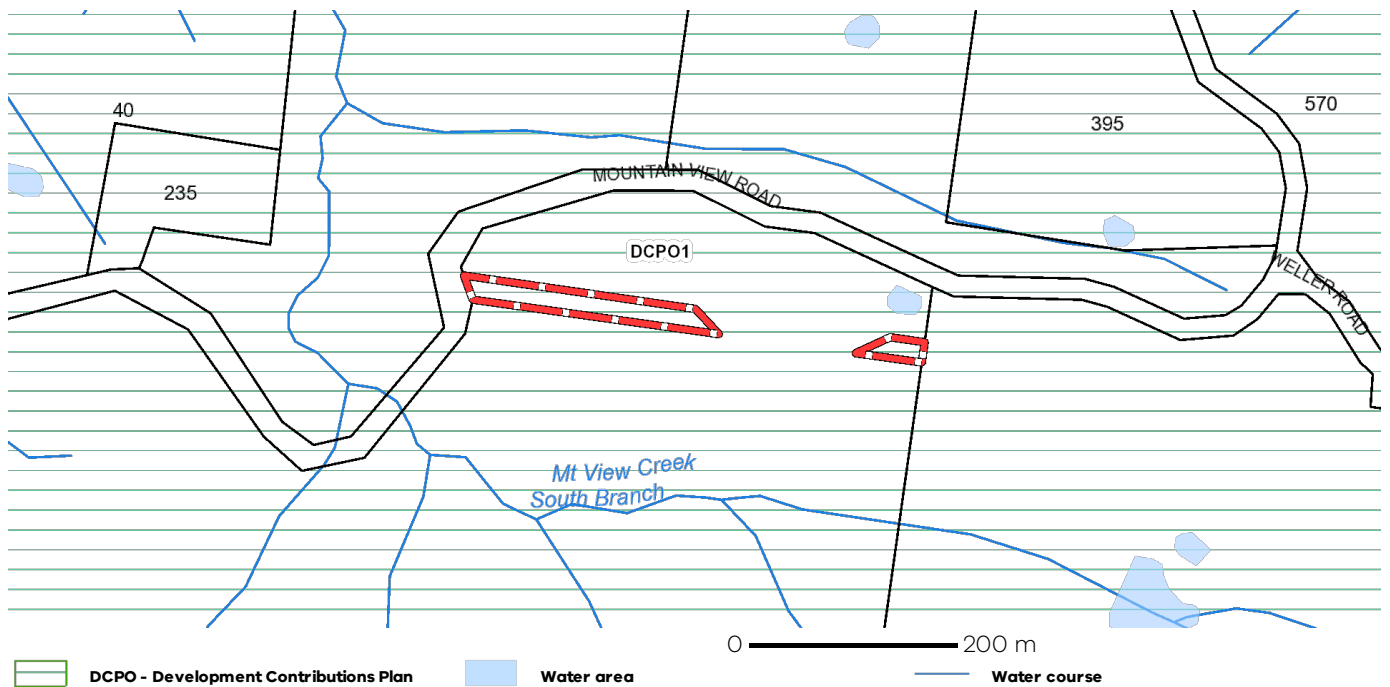
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PLANNING PROPERTY REPORT: Lot 2 TP228735

Page 1 of 6

Planning Overlays

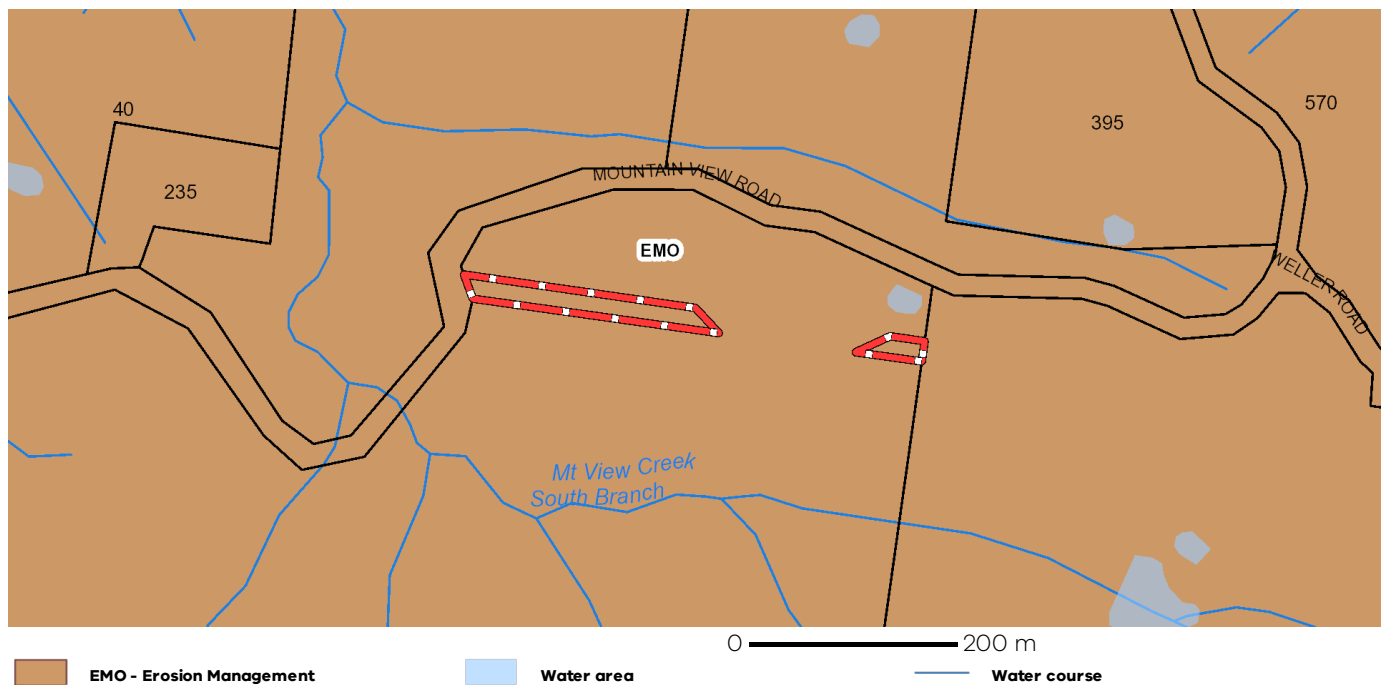
DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY (DCPO)
DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY - SCHEDULE 1 (DCPO1)



DCPO - Development Contributions Plan
 Water area
 Water course

Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

EROSION MANAGEMENT OVERLAY (EMO)
EROSION MANAGEMENT OVERLAY SCHEDULE (EMO)



EMO - Erosion Management
 Water area
 Water course

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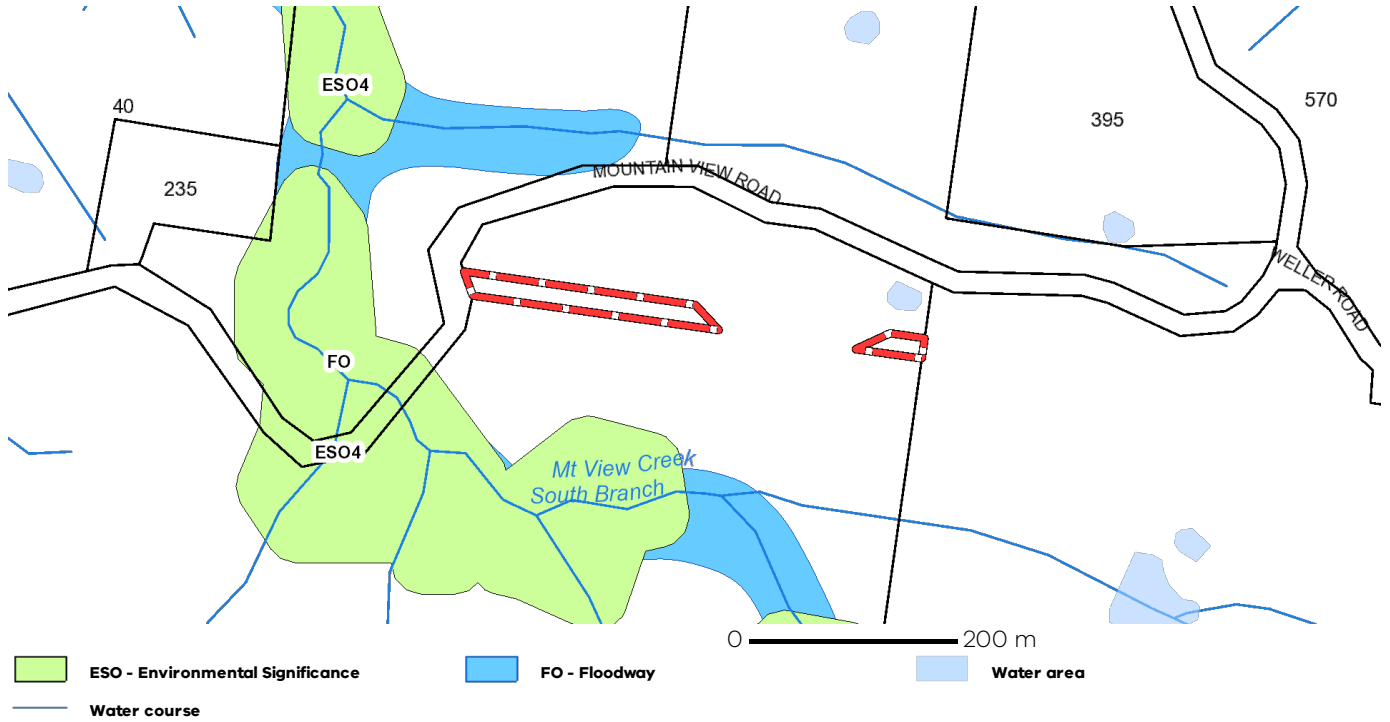
Planning Overlays

OTHER OVERLAYS

Other overlays in the vicinity not directly affecting this land

ENVIRONMENTAL SIGNIFICANCE OVERLAY (ESO)

FLOODWAY OVERLAY (FO)



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Areas of Aboriginal Cultural Heritage Sensitivity

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

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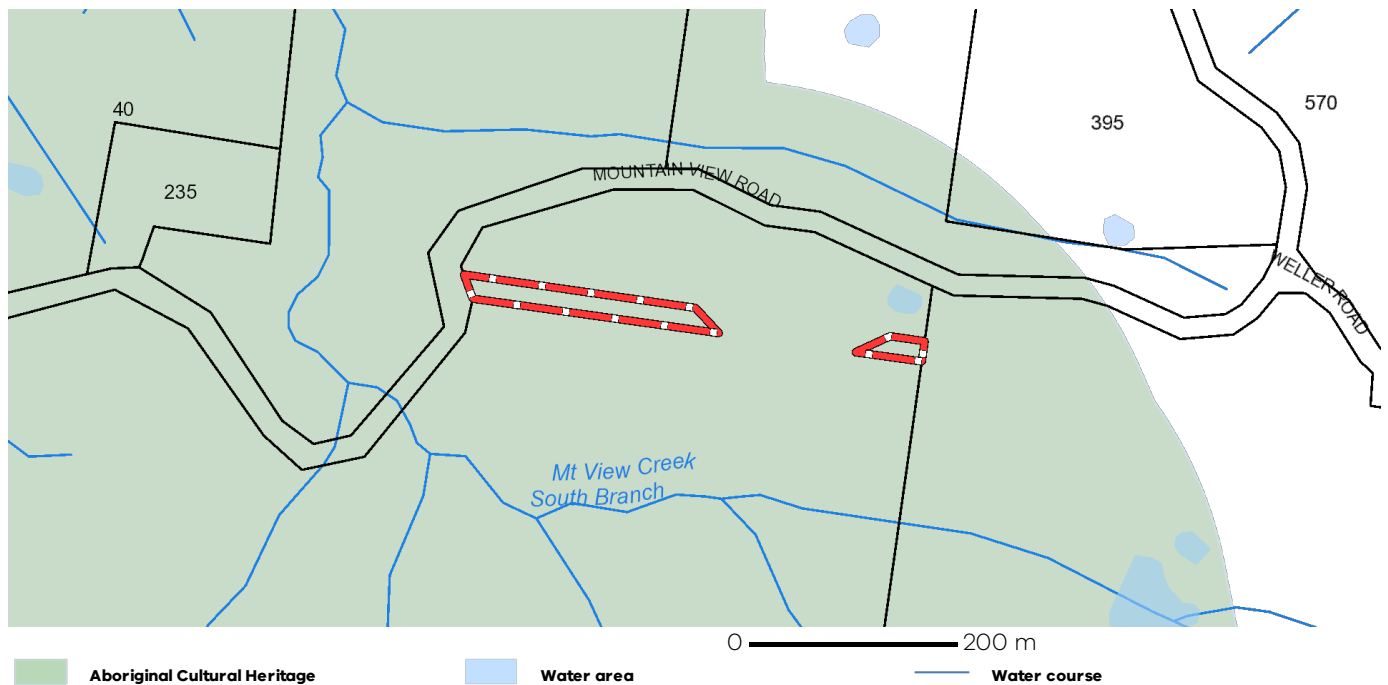
Under the Aboriginal Heritage Regulations 2018, 'areas of cultural heritage sensitivity' are one part of a two part trigger which require a 'cultural heritage management plan' be prepared where a listed 'high impact activity' is proposed.

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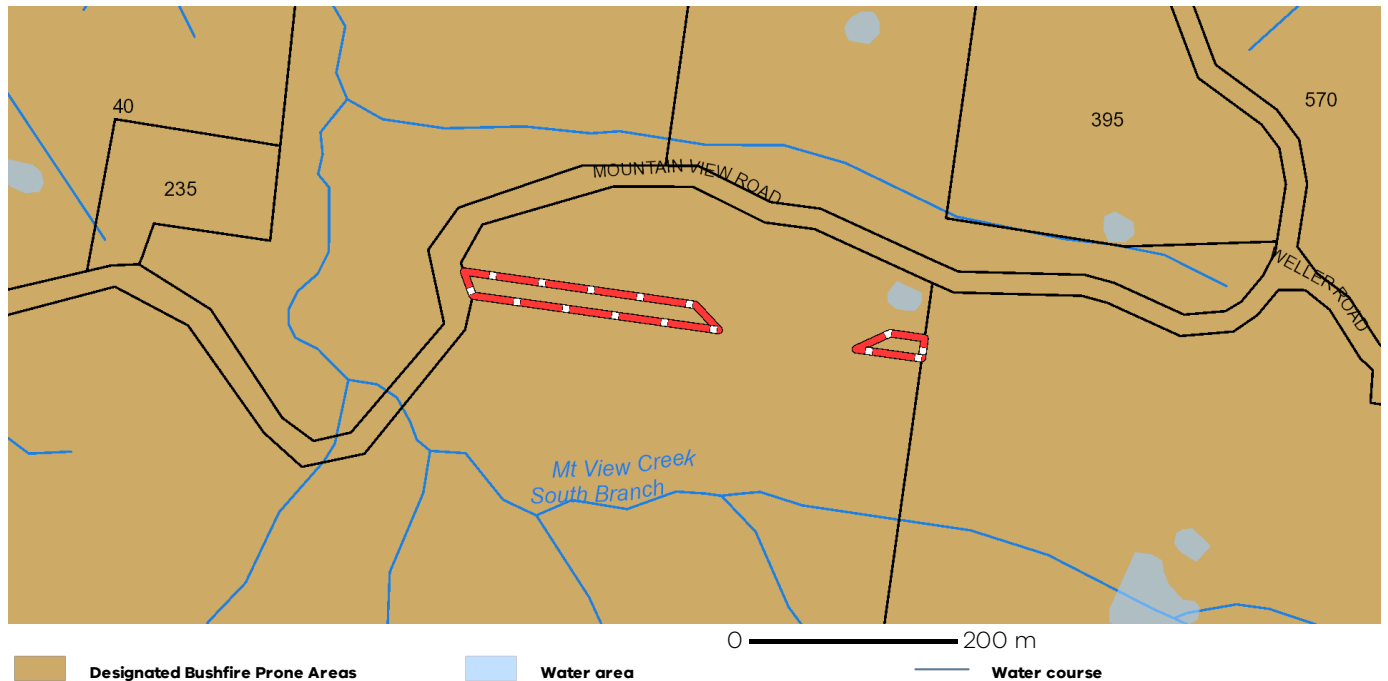
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From www.planning.vic.gov.au at 20 December 2021 10:56 AM

PROPERTY DETAILS

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Address: **368 MOUNTAIN VIEW ROAD MOUNTAIN VIEW 3988**
Standard Parcel Identifier (SPI): **1\PS636137**
Local Government Area (Council): **BAW BAW**
Council Property Number: **17233 (Part)**
Planning Scheme: **Baw Baw**
Directory Reference: **Vicroads 96 F6**

www.bawbawshire.vic.gov.au

[Planning Scheme - Baw Baw](#)

This parcel is one of 5 parcels comprising the property. For full parcel details get the free Property report at [Property Reports](#)

UTILITIES

Rural Water Corporation: **Southern Rural Water**
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FZ - Farming **Water area** **Water course**

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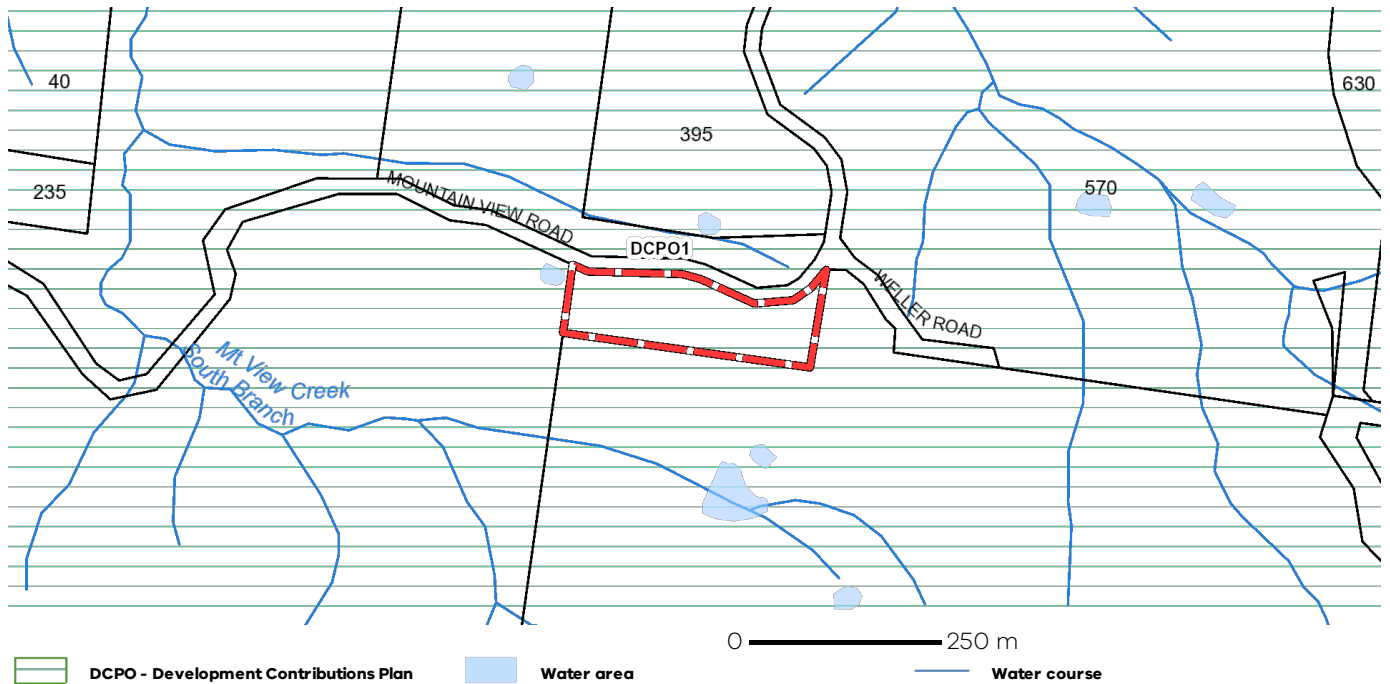
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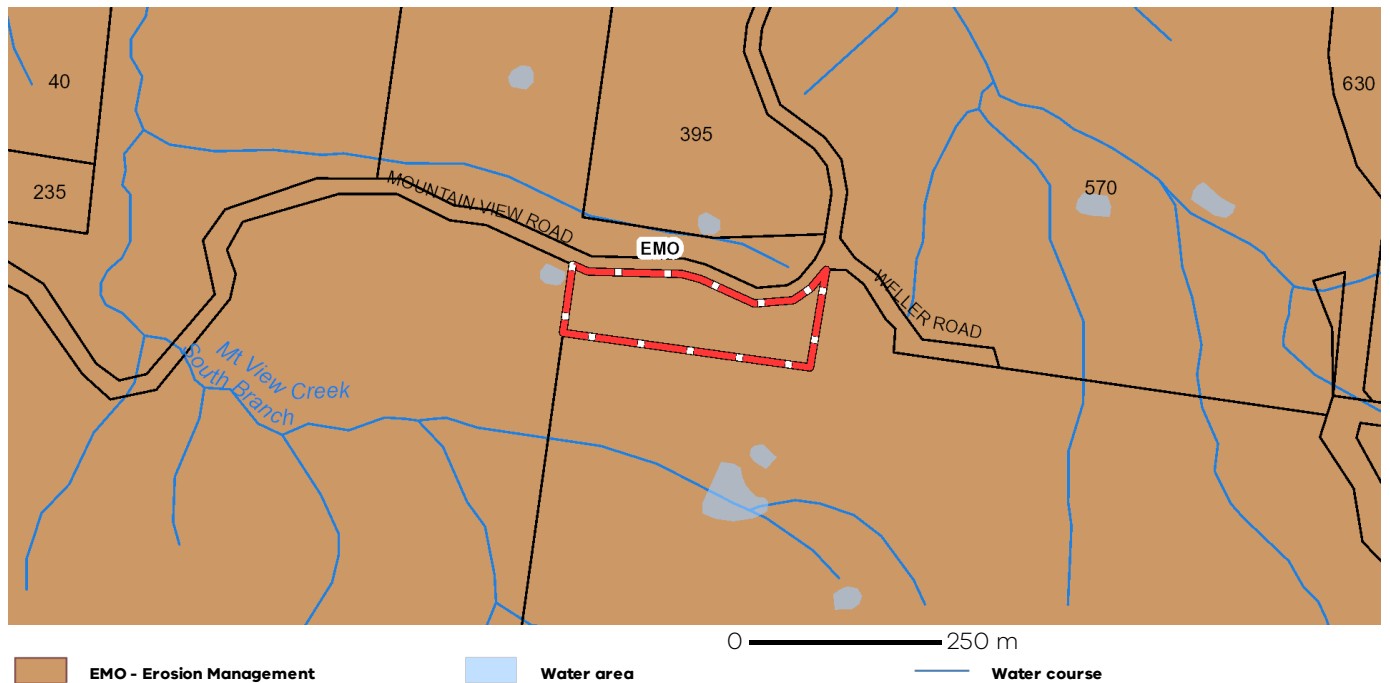
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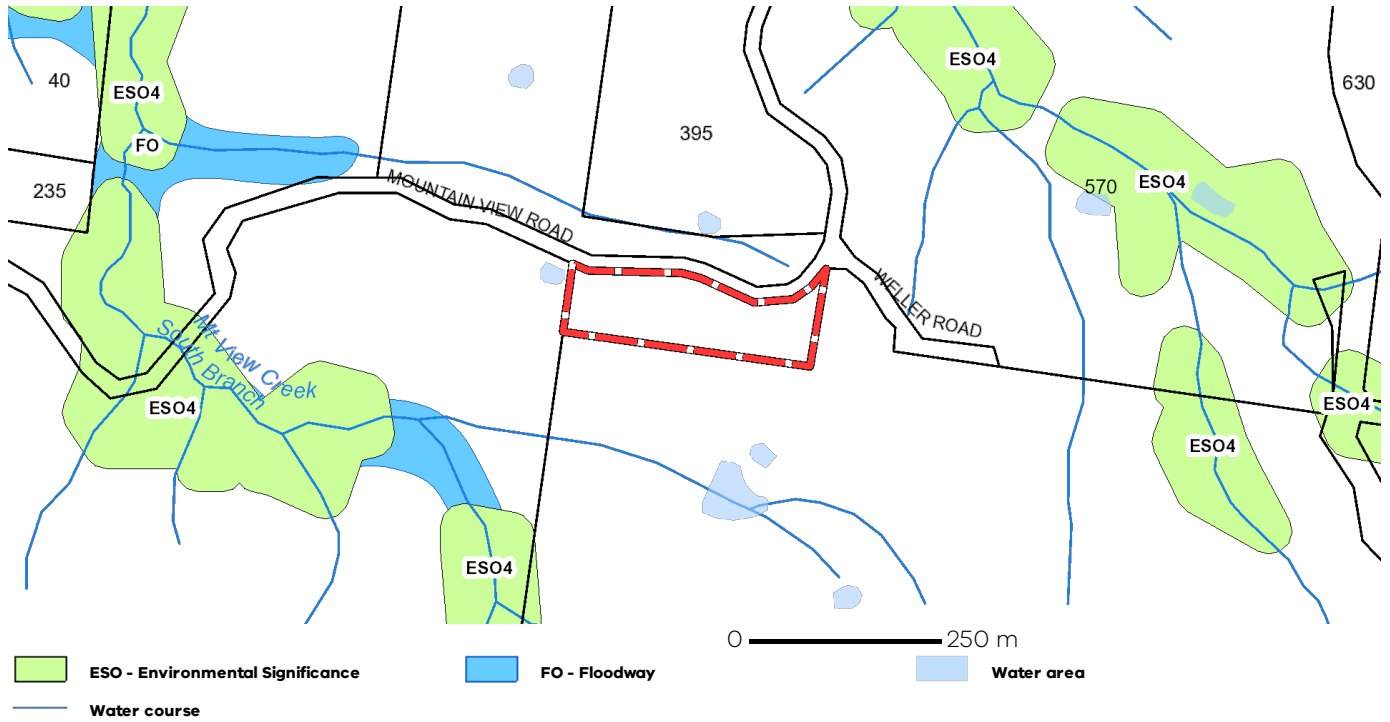
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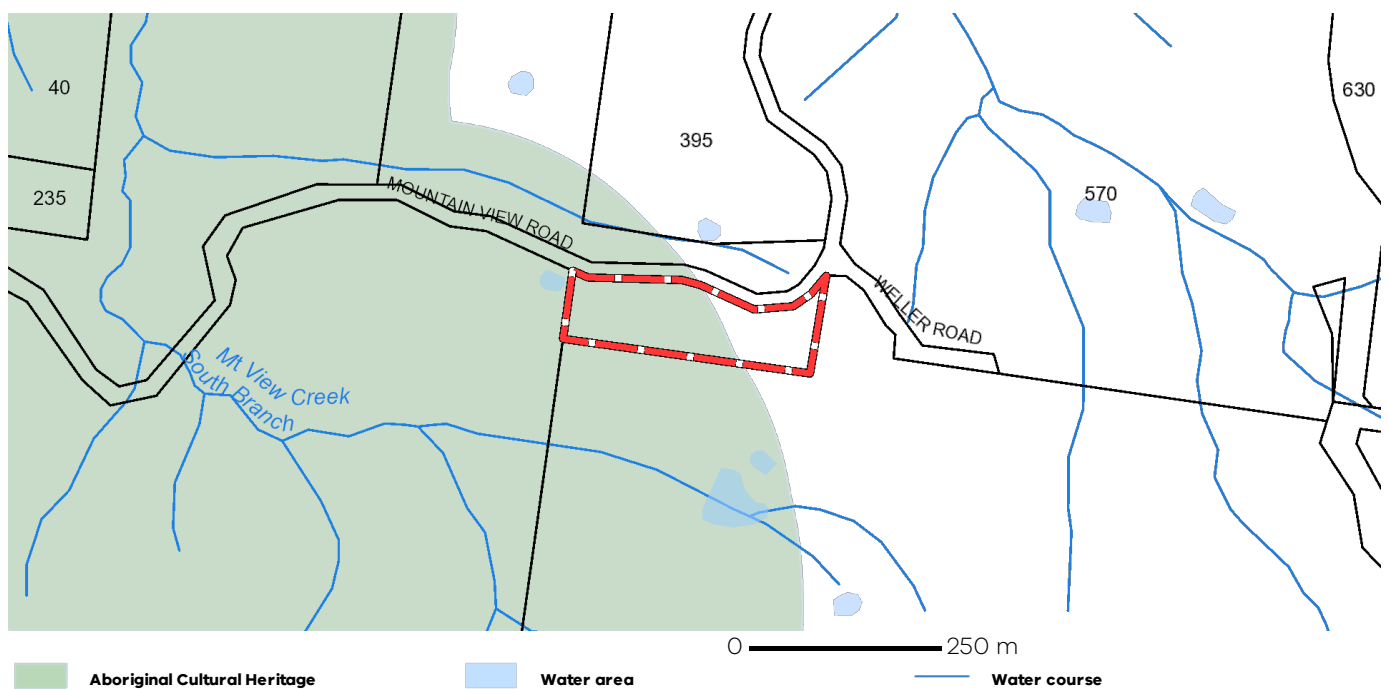
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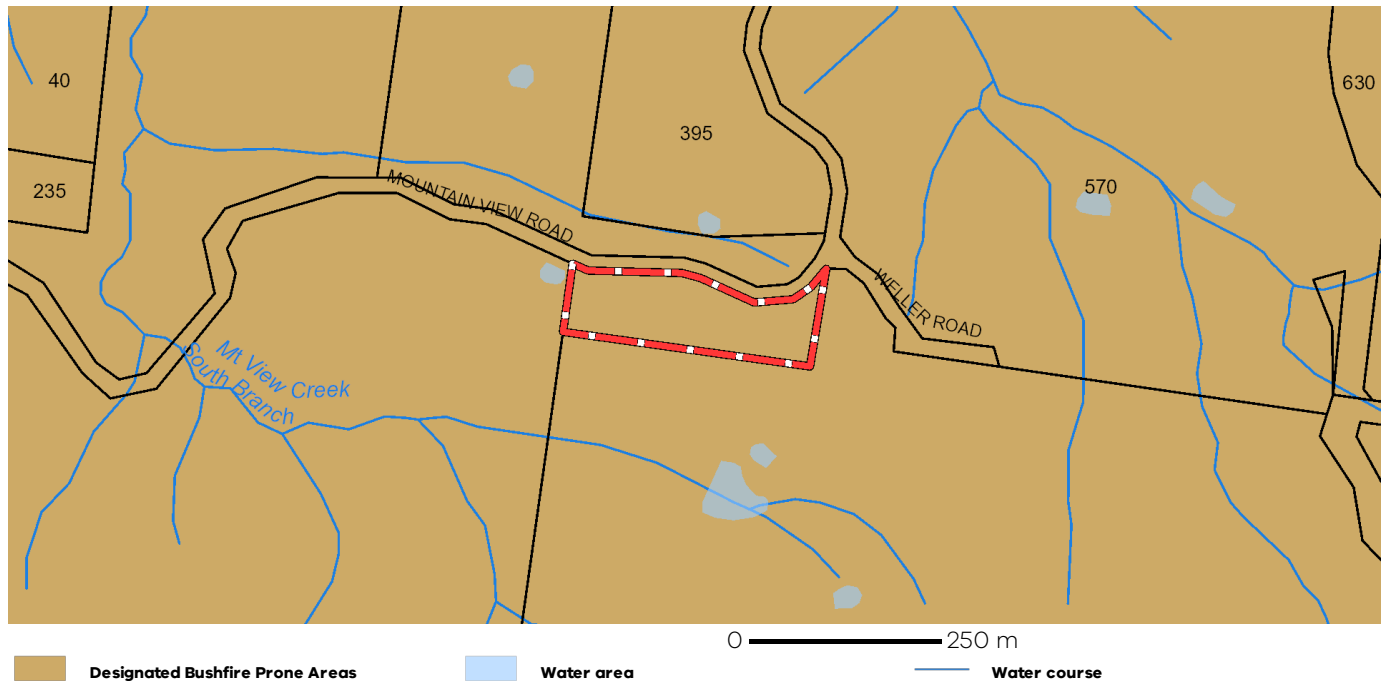
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