



Application for a Planning Permit

Section 1: LAND DETA	ILS									
Unit Number:	Stre	Street Number: 709		Street Name: Nilma Shady Creek Road						
Town:	own:		Postcode: Nilma North							
FORMAL LAND DESCR	RIPTION	(Please complete eith	ner A or B -	- this informatio	n can be f	ounc	d on the Certific	cate of Title)		
Option A:										
Lot No: 2										
Type of Plan: Please tid	Lodge Plan ☐ Title Plan ☐ Plan of Subdivision ☑									
Plan Number:				214	1490C					
Option B:										
Crown Allotment Num										
Section Number:										
Parish/Township Nam	e:									
Section 2: PERMIT AP	PLICAN	NT								
Name:	Ar	Amber Rees								
Business:	Ar	Amber Rees Design								
Postal Address:	16	16 Hamilton Street,								
i Ostal Addiess.	C	ORINELLA					Postcode:	3984		
Telephone No. (H)			(w))		(M)				
Email Address:	sp	hereplanning	@mail	l.com	·					
Section 3: OWNER DI	ETAILS ((If different to the Appli	cant)							
Name(s):										
Postal Address:							Postcode:			
Telephone No. (H)			(w))			ent has beer	copied and lanning process		
Email Address:					as set	as set out in the Planning and Environmer Act 1987.				
						The information must not be used for any other purpose.				
Section 4: DEVELOPN	MENT C	OST - Estimated Cost	of develo	pment for which	h the perm	nit is ı	required			
\$375,000							copy of this o ge and agree	locument, you that you will		
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					Page 1	of 2	8			

Section 5: PROPOSAL You must give full details of the proposal being applied for. Insufficient or unclear information will delay your application..

For what use, development or other matter do you require a permit?

Development:					
□ Advertising Signage	☐ Development of 2 or more dwellings Qty:				
☐ Agricultural Outbuildings	☐ Mixed Use Development and Reduction of Carparking				
☐ Buildings and Works and Reduction in Carparking	□ Residential Outbuildings				
□ Commercial or Industrial Buildings and Works	☐ Single Dwelling				
□ Extension / Alteration to Dwelling	□ Telecommunications				
Use:					
☐ Buildings and Works and Change of Use	☐ Home Based Business				
□ Change of Use	□ Sale and Consumption of Liquor				
□ Change of Use and Single Dwelling					
Subdivision:					
□ Boundary Realignment	□ 3 or more Lot Subdivison Qty:				
□ Variation/ Removal of Restriction	□ Create an easement				
□ 2 Lot Subdivision	□ 100 or more Lot Subdivision Qty:				
Subdivision / Vegetation Removal:					
□ Native Vegetation Removal or Lopping	□ Non Native Vegetation Removal or Lopping (ESO4)				
☐ Subdivision Qty:	□ Alteration of access RDZ1				
Other:					
Does the proposal breach, in any way, an encumbrance agreement or other obligation such as an easement o	r building envelope?				
☐ Yes ☐ No ☐ Not Applicable (no such covenant, section 173 agreement or restriction applies)					
If yes, you should contact Council for advice as to how to proceed with the application. This document has been copied and process with the application.					
FURTHER DETAILS OF PROPOSAL (optional)	as set out in the Planning and Environment Act 1987.				
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	a plan of the existing conditions. Phot			pea now.		Advertised	
Section	on 7: PRE-APPLICATION MEETIN	IG H	as there been a Pre-Application r	meeting with a		Officer?	
No □	717.TRE ALLEGATION MEETING		as there been a the Application in	needing with a		Officer:	
Yes □	If yes, with whom?						
	Date of this meeting						
) ! !	O DECLARATION						
Section	N 8: DECLARATION This form mus	t be	signed. Complete box A or B				
	clare that I am the Applicant and ation given is true and correct.	all	Applicant signature: Amb	ber Rees	Date:		
have n	the Applicant declare that I/We otified the owner about this ation and that all information giv and correct.	en	Applicant Signature: Amb	er Rees	Date:		
	LIST Please ensure you have includay result in a delay in the processing			cation form. <i>Fail</i>	ure to provide ali	l the information	
	A fully completed and signed c	ору	of this form.				
	The application fee (if not alrea Contact Council to determine t	, .		e a fee to be p	oaid.		
	Full and current copy of title and title plan (no older than 60 days) for each individual parcel of land forming the subject site. The title includes: the covering register search statement, the title plan and the associated title documents (known as instruments).						
	Provided plans showing the lay	out (and details of the proposal				
	Provided any information requi	red k	by the planning scheme, reque				
	Provided a description of the likely effect of the proposal (if required set out in the Planning an				ning process nd Environment		
	Completed the declaration in S	eclaration in Section 8			Act 1987. The information must not be used for other purpose.		
	Provided a contact phone num	ber :	and e-mail address	acknowledge only use the specified abo dissemination	opy of this docu e and agree tha document for the ove and that any n, distribution of the is strictly prob	t you will ne purpose y r copying of	

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PLEASE FORWARD THIS APPLICATION TO

Advertised

E-mail: planning@bawbawshire.vic.gov.au Mail: Planning Department, Baw Baw Shire Council

PO Box 304

Warragul VIC 3820

Phone: 5624 2411

In Person: Customer Service Centres 1 Civic Place Warragul OR 33 Young Street Drouin

The personal information requested on this form is being collected to enable council to consider the permit application. Council will use this information for this purpose or one closely related and may disclose this information to third parties for the purpose of their consideration and review of the application.

These third parties generally include, but are not limited to:

Transport Infrastructure Agencies such as VicRoads and VLine

Energy/Utilities Providers

Catchment Management Authorities and Water Corporations

The specific referral bodies will be dependent on factors such as the proposed activities and the location of the applicable property. Applicants are encouraged to familiarise themselves with potential referral bodies. Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review of the application as part of a planning process specified in the Planning and Environment Act 1987.

All information collected and held by Council is managed in accordance with Councils Privacy Policy which is available on our website. If you choose not to supply the requested information it may impair the ability of Council to consider your application or prevent Council from communicating with you in relation to your application. If you have any concerns or require access to the information held by Council, please contact us on 5624 2411.

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From www.planning.vic.gov.au at 28 May 2021 07:19 PM

PROPERTY DETAILS

Address: 709 NILMA-SHADY CREEK ROAD NILMA NORTH 3821

Lot 2 LP214490 Lot and Plan Number: Standard Parcel Identifier (SPI): 2\LP214490

Local Government Area (Council): **BAW BAW** www.bawbawshire.vic.gov.au

Council Property Number: 6952

<u>Planning Scheme - Baw Baw</u> Planning Scheme: **Baw Baw**

Vicroads 97 B3 Directory Reference:

UTILITIES STATE ELECTORATES

Rural Water Corporation: **Southern Rural Water** Legislative Council: **EASTERN VICTORIA**

Gippsland Water Legislative Assembly: **NARRACAN** Urban Water Corporation:

Melbourne Water: Outside drainage boundary

Power Distributor: **AUSNET OTHER**

Registered Aboriginal Party: Gunaikurnai Land and Waters

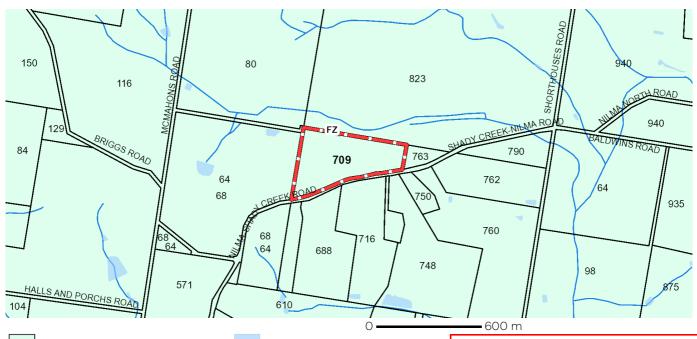
Aboriginal Corporation

Planning Zones

View location in VicPlan

FARMING ZONE (FZ)

SCHEDULE TO THE FARMING ZONE (FZ)



FZ - Farming

Water area

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

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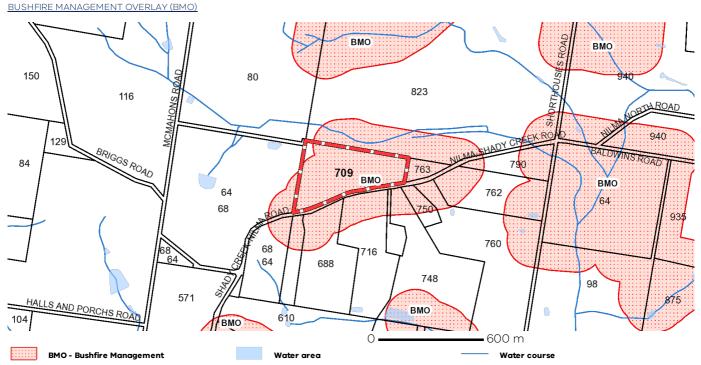
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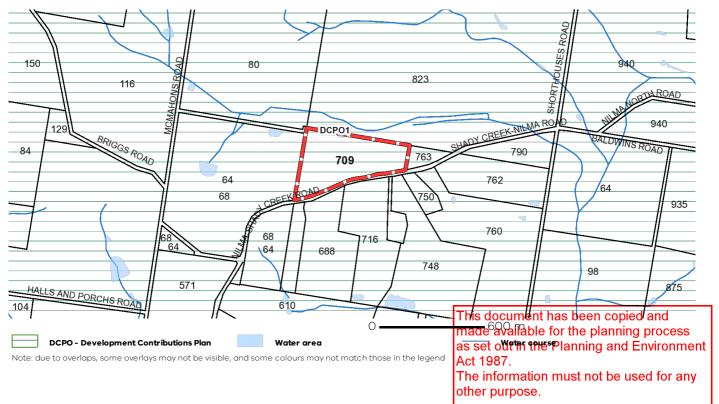
Planning Overlays



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

DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY (DCPO)

DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY - SCHEDULE 1 (DCPO1)



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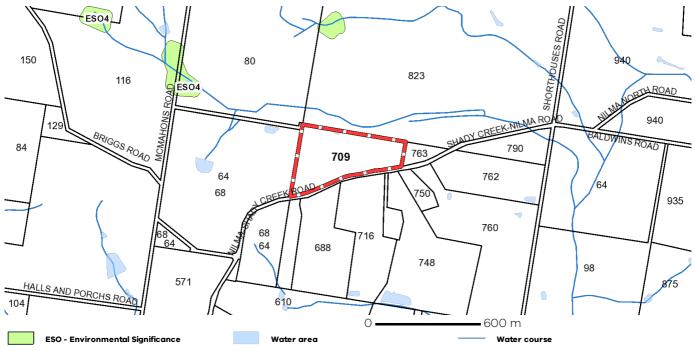


Planning Overlays

OTHER OVERLAYS

Other overlays in the vicinity not directly affecting this land

ENVIRONMENTAL SIGNIFICANCE OVERLAY (ESO)



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

Further Planning Information

Planning scheme data last updated on 27 May 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 abut 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. This document has been copied and

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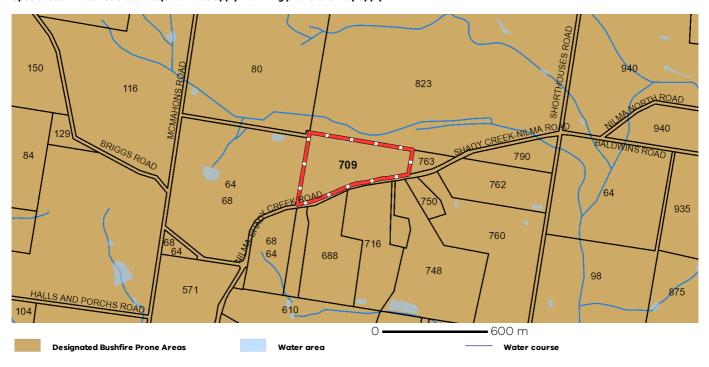
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Designated Bushfire Prone Areas

This property 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 this raction ene Native Venetation (figure

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 Information Management system https://nvim.delwp.vic.gov.au/ and Native vegeto contact your relevant council.

You can find out more about the natural values on your property through NatureKt <u>NatureKit (environment.vic.gov.au)</u>

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11 September 2021.

Planning Department Baw Baw Shire Council Drouin VIC 3818

RE: PLANING APPLICATION FOR A REPLACEMENT DWELLING AT 709 NILMA SHADY CREEK ROAD, NILMA NORTH.

Attached please find a Planning Permit Application for *Buildings and Works associated with a Replacement Dwelling* at 709 Nilma Shady Creek Road, Nilma North in accordance with the attached plans.

The proposed dwelling requires a Planning Permit due to the following Planning controls:

- Clause 35.07-4 relating to buildings and works in Farming Zone.
- Clause 44.06-2 relating to buildings and works in Bushfire Management Overlay

There are no other Planning Permit triggers for this application.



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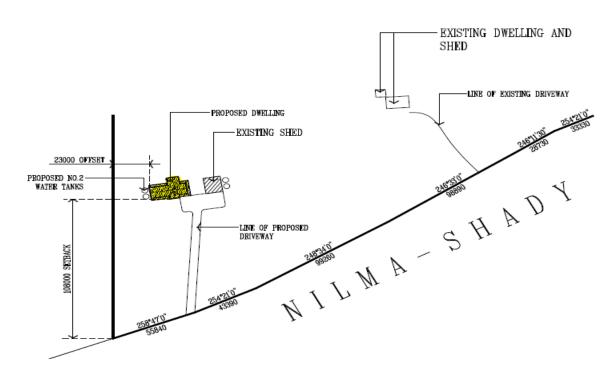
1. THE PROPOSAL

The application proposes buildings and works associated with a replacement dwelling.

It is proposed to construct a single storey, three-bedroom dwelling on the subject land including a study, large open plan kitchen, dining and lounge areas. The proposed dwelling will comprise a total floor area of 328.575qm and will be in an east-west orientation to take advantage of the views to the north.

The dwelling has a setback of approximately 23m from the western (closest side) boundary and 108m from the southern (front) boundary of the site being Nilma Shady Creek Road.

The Bushfire Management consultant has recommended to create a new access to the proposed dwelling as there is mature tall trees surrounding the existing access and this may require removal to meet the BMO requirements, and for this reason a new access is being proposed as part of this application as shown on attached plans. The existing access will be retained as a secondary access to the farm.



No native vegetation is proposed for removal as part of this applidation involved to the tustenate in a large part of the company in the company is a part of the company in the company in the company is a part of the company in the company in the company is a part of the company in the company in the company is a part of the company in the company i image shows a line of planted trees along the western boundary of the stie, sowever these trees doesn't exist on the property. The landowner advises that most of these trees were damaged byt, you storm over the years and branches were continuously falling on the existing fence line which you will

IMAGE 2 – site plan showing the location of existing and proposed buildings document has been depicted and proposed buildings and available for the planning process as set out in the Planning and Environment Act 1987.

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cleared by the previous landowner and the fence reinstated prior to the ownership changing in May 2019.

2. SUBJECT SITE AND SURROUNDING LAND

The subject site is formally described as Lot 2 on Plan of Subdivision 21449oC and commonly known as 709 Nilma-Shady Creek Road, Nilma North.

The site has an area of approximately 16Hectares, gains direct access from Nilma-Shady Creek Road and has been partly used for grazing purposes over the past few decades. There are remnant patches of vegetation scattered across the site.

The location of the proposed development was previously used as a horse arena by the previous landowner. The site of the development is flat and will not require any excavation works apart from usual footings/foundations. A newly constructed farm shed is located to the east of the proposed dwelling which houses farm equipment. No easements are registered on the Plan of Subdivision.

The adjoining lots are either excised allotments or medium to large farming parcels and used for grazing purposes.



IMAGE 3 – Location of the proposed dwelling looking southeast.

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IMAGE 4 – Location of the proposed dwelling looking northwest.



IMAGE 5 – Northern view of the existing dwelling.

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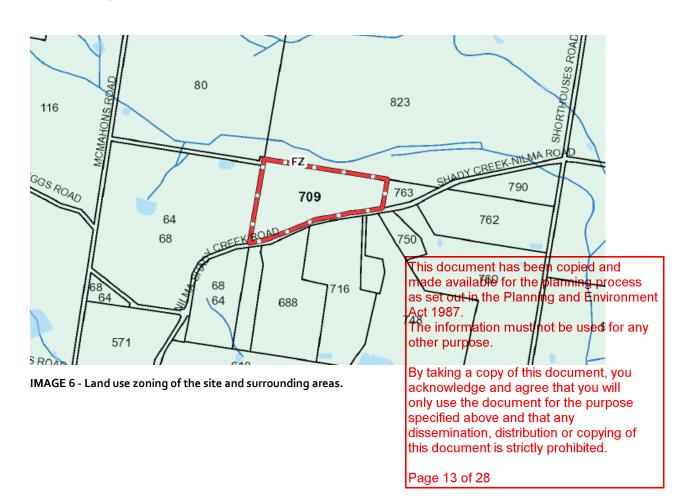
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3. CLAUSE 35.07 - FARMING ZONE

The subject site is zoned as Farming Zone (FZ) as identified under the provisions of the Baw Baw Planning Scheme.

The purpose of the Farming Zone provision is to:

- 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 is for a replacement dwelling. The proposed dwelling will be constructed on the existing horse arena. The relevant Building Surveyor will ensure that appropriate soil testing and reports are in place prior to the issue of a Building Permit. The existing dwelling will be decommissioned within three months of completion of the new dwelling and will thereafter be used for farm storage purposes.

It is submitted that if the location of the proposed development would not have been affected by Bushfire Management Overlay, then this application would have been submitted as a VicSmart Application.

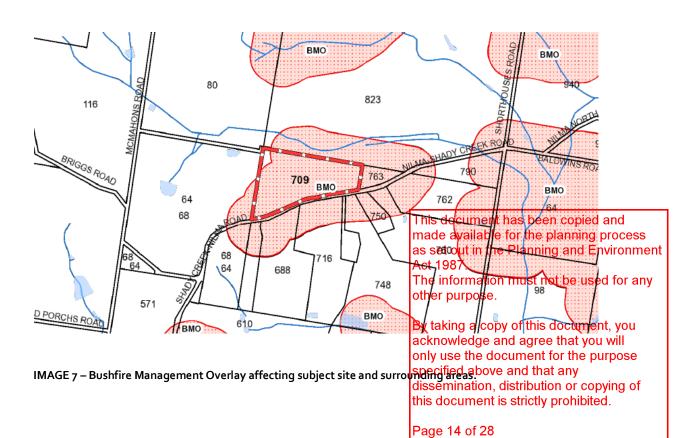
The external colors of the dwelling is yet to be finalized.

4. Clause 44.06 – Bushfire Management Overlay (FO)

The subject site and surrounding areas are affected by Bushfire Management Overlay.

The purpose of this overlay is:

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





Clause 44.03-2 relating to *buildings* and works states that a permit is required to construct a building or to construct or carry out works associated with Accommodation.

Response to the BMO:

The BMO affects the location of the proposed development and therefore, a Planning Permit is triggered for the proposed development.

In response to the provisions of the BMO, a detailed Bushfire Management Plan is attached to this application for Council's and CFA's perusal.

Clause 44.06-7 Notice and Review

It is noted that this clause allows an application under the BMO overlay to be <u>exempted</u> from the notice requirements of section 52 (1) (a), (b) and (d), the decision requirements of section 64 (1), (2) and (3) and the review rights of section 82 (1) of the Act.

Given that the only permit trigger is BMO, it is requested that Council waives the requirements relating to \$52 notification.

5. CLAUSE 45.06 DEVELOPER CONTRIBUTIONS PLAN OVERLAY SCHEDULE 1 (DCPO1)

The subject site is affected by Developer Contributions Plan Overlay of Clause 45.06 Schedule 1.

The purpose of the clause provision is 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.

Response to the DCPO:

As the application relates to buildings and works for a replacement dwelling, it is not considered that the requirements of the overlay provisions are relevant to the consideration of this application and therefore no levy will be applicable.

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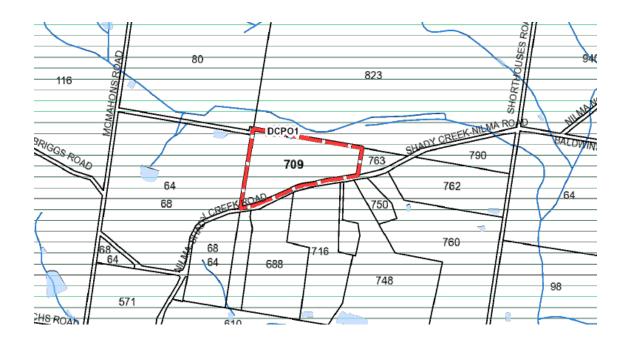


IMAGE 8 – Development Contributions Plan Overlay affecting site and surrounding areas.

6. PARTICULAR PROVISIONS

There are no Particular Provision clauses which requires a response.

7. Section 52 Notification:

It is requested that Council waives the Notification requirements to adjoining landowners and occupiers as the application is for a *replacement dwelling*.

There are no other dwellings within direct line of sight which would be affected by the proposed development. In addition to this, there are exemptions from \$52 notification requirements under the BMO provisions and if the permit was only triggered under the FZ provisions, then the application would have been submitted as a VicSmart Application where there are no notification requirements.

Given the low-impact nature of the proposed development, it is not considered that any adjoining landowner/occupier will be affected by this proposal and and and and and and and are the low-impastis and and are the low-impastis and and are the low-impastis and are the low-impact nature of the proposed development, it is not considered that any

Council to waive any notification requirements.

andborothinbasis a been respied and made available for the planning process as set out in the Planning and Environment Act 1987.

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7. CONCLUSION:

It is submitted that the application should be supported as it positively responds to the relevant provisions of the Planning Policy Framework, the purpose and decision guidelines of the Farming Zone and Bushfire Management Overlay as relevant to this application.

This planning report submits that the proposal is acceptable for the following reasons:

- a) The siting, design, height, bulk and materials selected will blend in with the natural environment, character and appearance of the area. It is not considered that the development will have a detrimental impact on the landscape of the area as the location of the proposed development is well setback from the adjoining road and screened by the existing vegetation on the road reserve.
- b) There are no sensitive land uses adjoining the site which will be affected by to the proposed development.
- c) No native vegetation is proposed for removal. Any vegetation removed will not require additional approvals from Council.
- d) There is no change proposed to the Use of the land. The proposed development will replace an existing dwelling which is currently occupied by the landowner.
- e) The existing dwelling will be decommissioned and used as an outbuilding for storage purposes.
- f) No earthworks works are proposed apart from footing and foundation works as shown on attached plans.
- q) A new Onsite Waste Management System will be installed to service the development.

It is submitted that the proposed development appropriately balances Council's policy objectives whilst delivering a site responsive land use and development which is consistent with the relevant zone and overlay provisions.

It is requested that Council issues a Planning Permit in support of the application for the development of land with a replacement dwelling.

Please do not hesitate to contact us (preferably by email) if you require any additional information.

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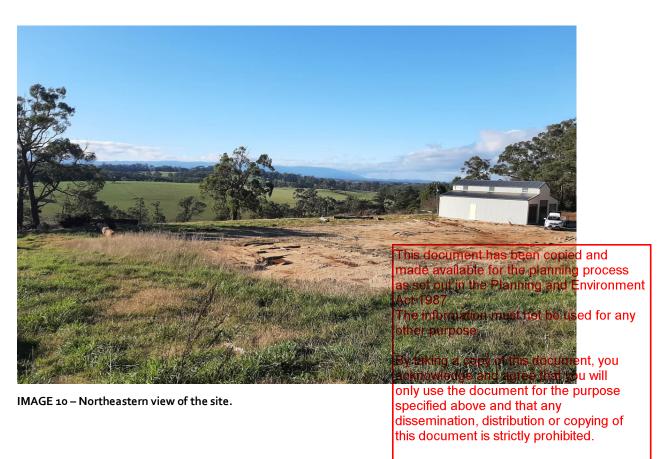
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PHOTO ALBUM



IMAGE 9 - Southwestern view of the site.



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IMAGE 11 — Eastern view of the existing dwelling.



IMAGE 12 — Western view of the existing dwelling.

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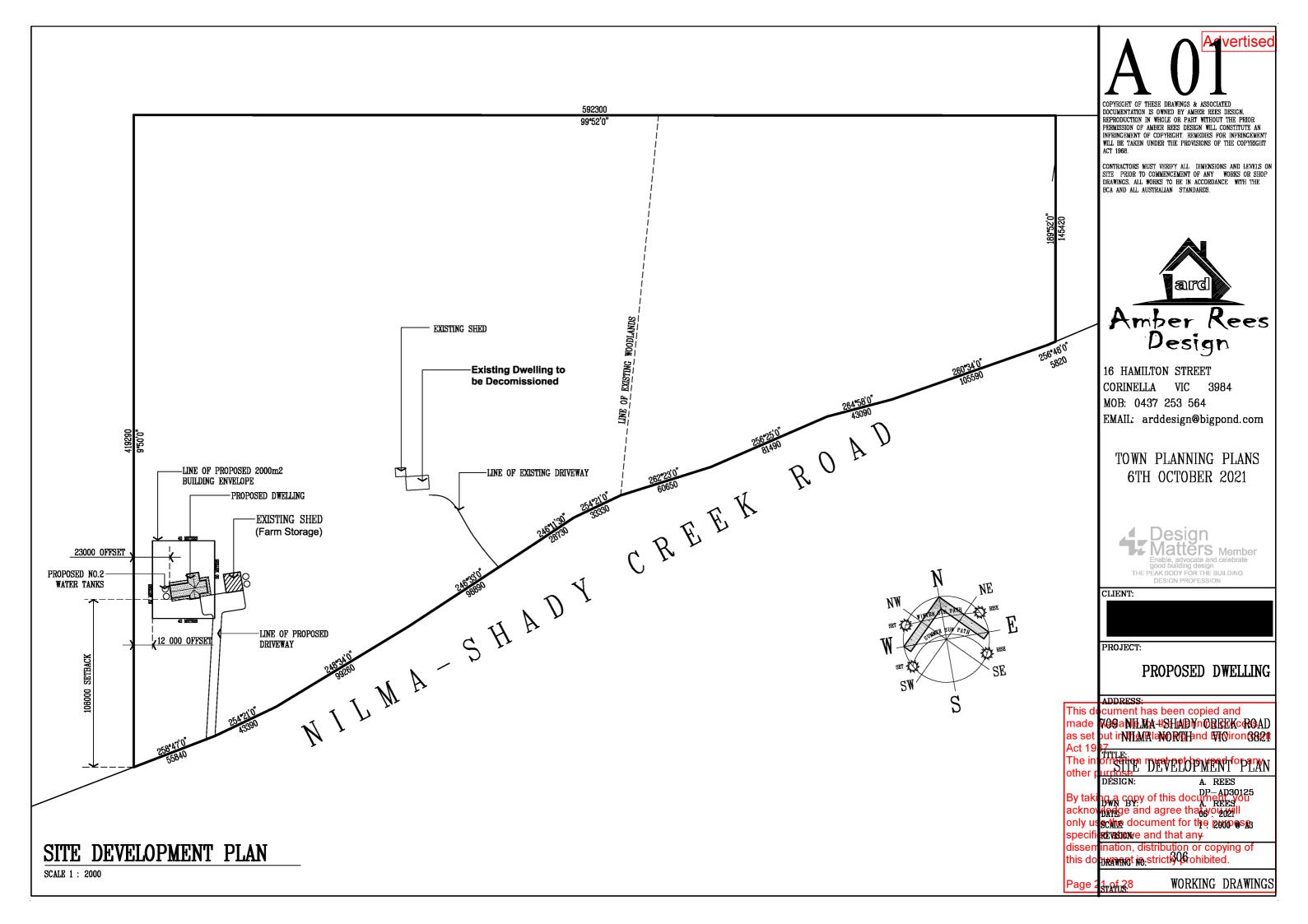
IMAGE 13 – Existing access to the dwelling from Nilma Shady Creek Road.

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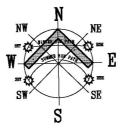
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SITE DEVELOPMENT PLAN

NOT TO SCALE





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16 HAMILTON STREET CORINELLA VIC 3984 MOB: 0437 253 564

EMAIL: arddesign@bigpond.com

TOWN PLANNING PLANS 6TH OCTOBER 2021



CLIENT:

PROJECT:

PROPOSED DWELLING

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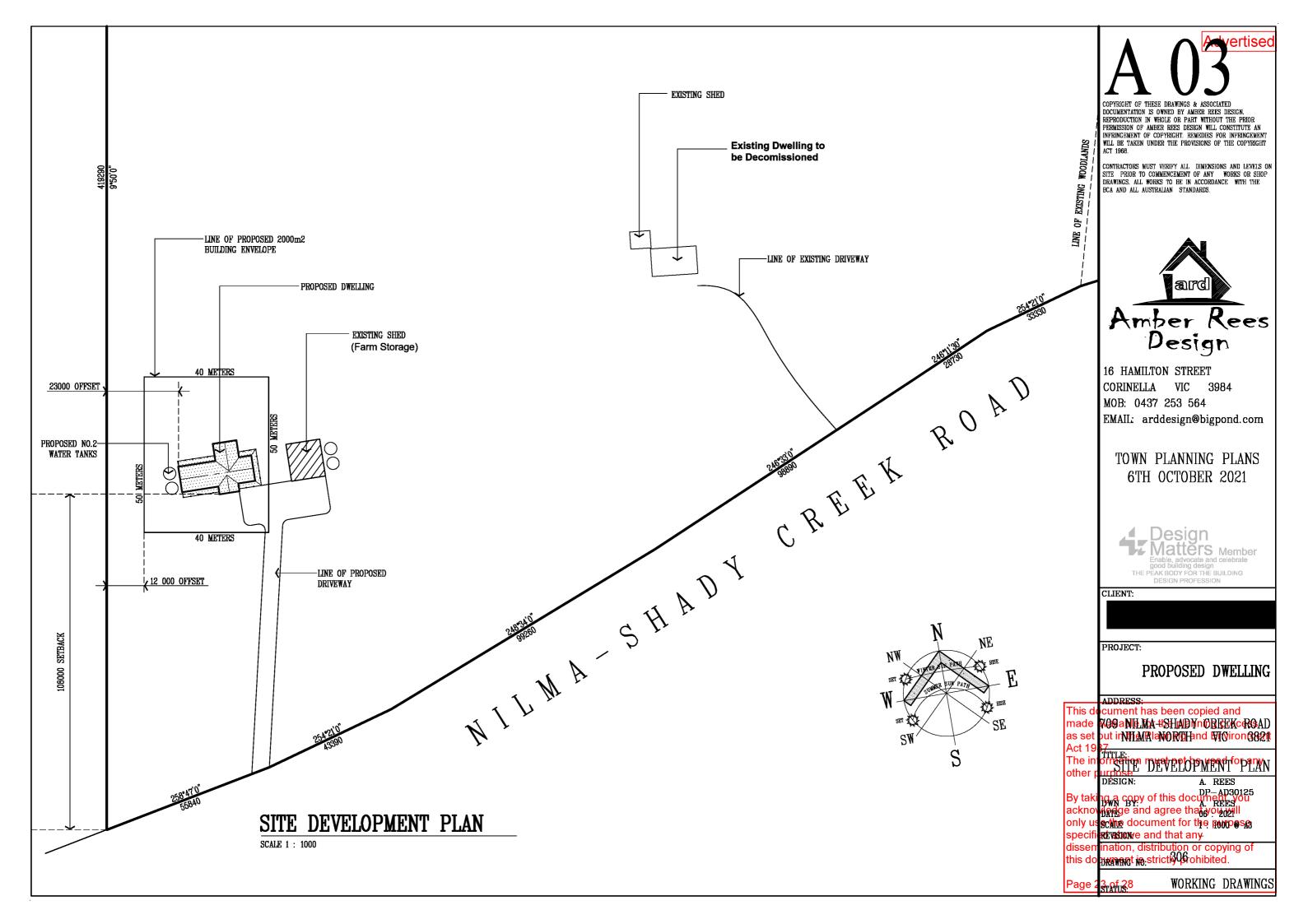
OTROGION DESCRIPTION DE LA REES

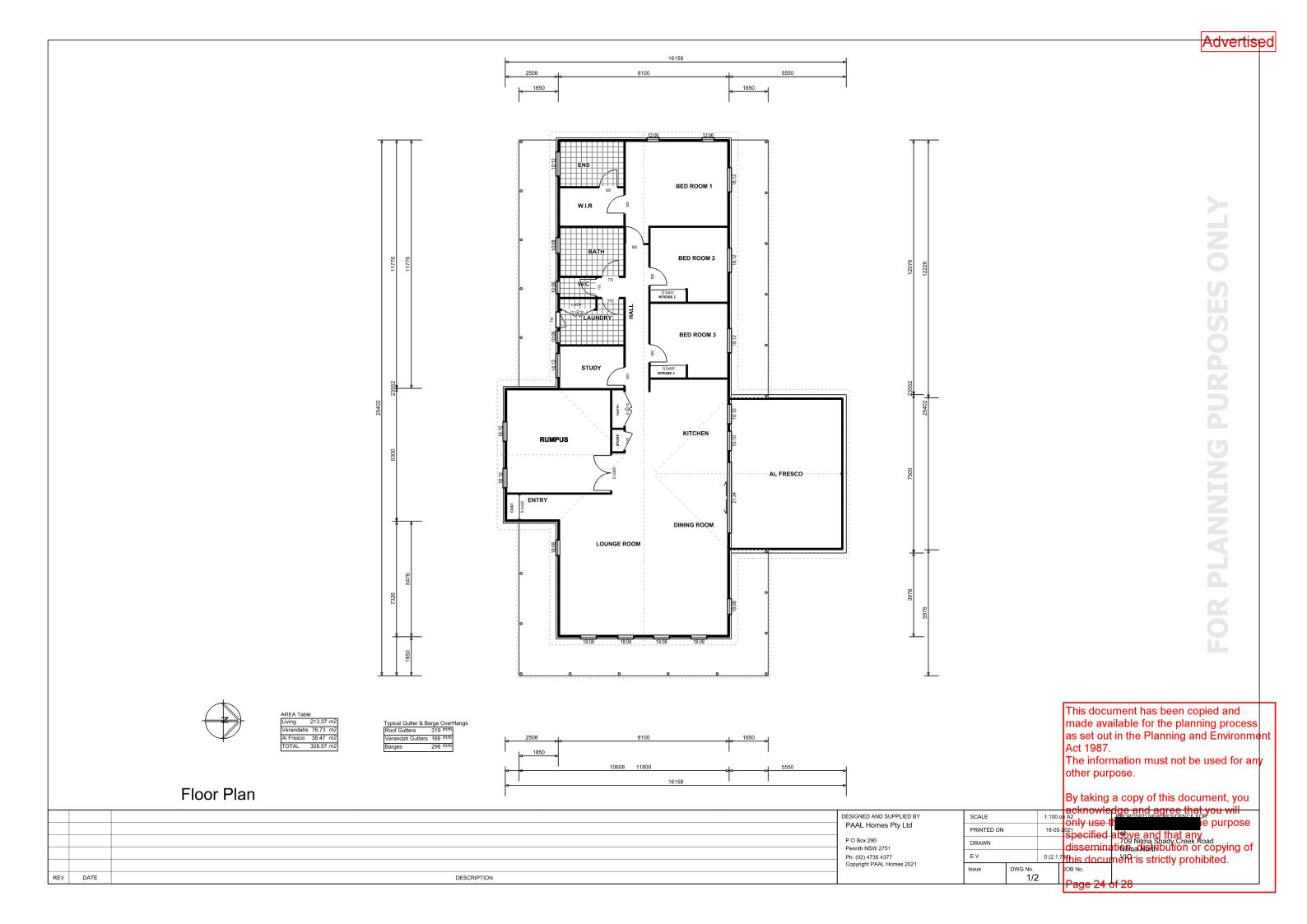
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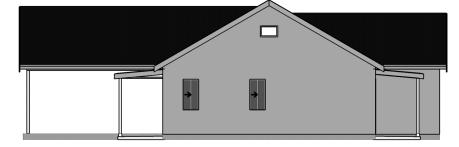
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WORKING DRAWINGS









East Elevation

West Elevation



South Elevation



North Elevation

External Colors:

Roof - Colorbond Basalt Walls - Classic Cream Fascia - Off White Columns/Post - Classic Cream Power Panel - Classic Cream

Notes:

- Site Excavations not to exceed 200mm
- No Vegetation to be removed.

EXTERNAL MATERIAL FINISHES AND COLOURS

COLORBOND CORRUGATED ROOFING - BASALT WINDOWS - SURF MIST EXTERNAL CLADDING - POWER PANEL - BY OWNER

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The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders,

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

Page 1 of 1

VOLUME 09859 FOLIO 567

Security no : 124091574788Q Produced 02/08/2021 09:49 PM

LAND DESCRIPTION

Lot 2 on Plan of Subdivision 214490C. PARENT TITLE Volume 09374 Folio 090

REGISTERED PROPRIETOR



ENCUMBRANCES, CAVEATS AND NOTICES

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

DIAGRAM LOCATION

SEE LP214490C FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

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

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

Street Address: 709 NILMA-SHADY CREEK ROAD NILMA NORTH VIC 3821

ADMINISTRATIVE NOTICES

NIL

eCT Control 18654X PAKENHAM CONVEYANCING Effective from 20/08/2020

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Title 9859/567 Page 1 of 1



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