



Southern Grampians
SHIRE COUNCIL

Planning Committee

Agenda

16 September 2024

To be held at 10.30 am in the
Martin J Hynes Auditorium
5 Market Place, Hamilton

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1. MEMBERSHIP

Councillors

Cr Mary-Ann Brown (Chair)
Cr Fran Malone

Officers

Mr Rory Neeson, Director Wellbeing Planning and Regulation
Ms Marg Scanlon, Director Infrastructure and Sustainability

Minutes

Sharon Clutterbuck, Executive Assistant - Director Wellbeing Planning and Regulation

2. WELCOME

3. APOLOGIES

4. CONFIRMATION OF MINUTES

Minutes of the Meeting held on 24 July 2024 have been circulated.

RECOMMENDATION

That the Minutes of the Planning Committee meeting held on 24 July 2024 be confirmed as a correct record

5. DECLARATION OF INTEREST

6. MATTERS FOR DECISION

6.1 Planning Application TP-29-2024 for 89 Bellicourt Road and 225 Sturgeon Lane, Dunkeld

Attachment 6.1.1 Delegate Report

Attachment 6.1.2 Application Documents

Summary

Planning application TP-29-2024 seeks a permit under Clause 35.07 Farming Zone for the re-subdivision of land at 89 Bellicourt Road and 225 Sturgeon Lane, Dunkeld. The application presents a dwelling excision and consolidation of the original three lots into two lots. The proposal is inconsistent with policy objectives related to the protection of agricultural land (Clause 14.01-1S Protection of agricultural land and Clause 14.01-1L Small lot subdivisions, house lot excisions and dwellings) and is inconsistent with the purposes of the Farming Zone (Clause 35.07). It does not adequately support or promote the use of the land for agriculture and presents a risk in terms of environmental and amenity impacts. It is recommended the Planning Committee refuse the application for a planning permit.

Officer assessment

See Delegate Report (Attachment 6.1.1)

Plans and supporting documents

See (Attachment 6.1.2)

RECOMMENDATION

That Council having caused notice of Planning Application No. TP-29-2024 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to Refuse to Grant a Permit in respect of the land known and described as 225 Sturgeon Lane, Dunkeld for the subdivision of land, based on the following grounds:

Grounds of Refusal:

1. The application is contrary to the purpose of Clause 35.07 – Farming Zone.
2. The application is contrary to the decision guidelines of Clause 35.07 – Farming Zone.
3. The application is contrary to the objectives and strategies of the Planning Policy Framework and Municipal Planning Strategy of the Southern Grampians Planning Scheme.
4. The application does not satisfy the decision guidelines set out in Clause 65 of the Southern Grampians Planning Scheme.

6.2 Planning Application TP-44-2024 for 27 Dennerts Road, Hamilton

Attachment 6.2.1 Delegate Report

Attachment 6.2.2 Application Documents

Attachment 6.2.3 Hamilton Structure Plan

Summary

Planning application TP-44-2024 seeks a permit under Clause 35.07 Farming Zone for the use and construction of a second dwelling on land at 27 Dennerts Road, Hamilton. The application presents a second dwelling sited on the western side of the lot with access from Robsons Road. The land is located outside of the urban boundary defined in the Hamilton Structure Plan and is currently used for a single dwelling and agriculture (grazing). The proposal is inconsistent with policy objectives related to the protection of agricultural land (Clause 14.01-1S Protection of agricultural land and Clause 14.01-1L Small lot subdivisions, house lot excisions and dwellings) and is inconsistent with the purposes of the Farming Zone (Clause 35.07). The application does not demonstrate the necessity of a second dwelling on the land or how the dwelling supports the existing agricultural use. It is recommended the Planning Committee refuse the application for a planning permit.

Officer assessment

See Delegate Report at Attachment 6.2.1.

Plans and supporting documents

See Attachments 6.2.2 and 6.2.3.

RECOMMENDATION

That council's delegate, having given notice of planning application TP-44-2024 under section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Act, resolves to issue a Notice of Decision to Refuse to Grant a Permit under the provisions of Clause 35.07 of the Southern Grampians Planning Scheme in respect of the land known and described as 27 Dennerts Road Hamilton, Victoria 3300 Crown Allotment 1 Section E Parish of HAMILTON SOUTH for Use and Development of the land for a Second Dwelling, with the application dated 17 June 2024.

Grounds for Refusal:

1. The application provides insufficient justification for the use and construction of a second dwelling on the land and does not demonstrate the proposed dwelling will have an acceptable impact on the existing use for agriculture.
2. The application is inconsistent with the purpose and decision guidelines of Clause 35.07 of the Southern Grampians Planning Scheme.
3. The application does not have regard to Clause 65 of the Southern Grampians Planning Scheme which seeks to achieve orderly planning outcomes.

7. NEXT MEETING

8. CLOSE OF MEETING

PLANNING ASSESSMENT REPORT

DELEGATE REPORT



Application Details

Application Reference:	TP-29-2024
Application Received:	09 May 2024
Applicant:	Brayley & Hayes
Proposal:	Re-subdivision of land (from three lots to two)
Land / Address:	225 Sturgeon Lane DUNKELD VIC 3294 89 Bellicourt Road DUNKELD VIC 3294
Title Restrictions:	Nil
Zoning:	Farming Zone
Overlays:	Nil
Under what clause(s) is a permit required?	Clause 35.07-3 (FZ) – to subdivide land.
Current Use & Development:	Agriculture, Residential / Accommodation

Proposal

The proposal relates to the re-subdivision of land (from three lots to two):

To facilitate this the proposal is to re-subdivide the three existing parcels into two being the house Lot (proposed Lot 1 with an area of 1.359ha) and the balance lot – Lot 2 with an area of 56.72ha.

Proposed Lot 1 includes the dwelling, associated improvements, septic system and driveway/access, while the balance lot is vacant farmland. There is an existing developed access point to the dwelling opposite the end of Recreation Road as shown on the plan of Proposed Subdivision. Lot 2 is usually accessed through Lot 1 and other land in the same ownership to the east. There is an existing access point directly onto Lot 2 at the intersection of Wigans and Sturgeon Lanes.

It is noted that as an amended plan (RFI response) the southern boundary of Lot 1 was moved 4.5m south to minimise impact on planted trees along the southern boundary.

Subject Site & Locality

The proposed subdivision involves three existing parcels: Crown Portion 72 (58.92 acres/23.84 hectares), and Subdivisions A and B of Crown Allotment 49 (each 42.30 acres/17.12 hectares), totalling 143.53 acres/58.08 hectares and held in Certificate of Title Volume 8262 Folio 704. The land is bordered by Sturgeon Lane to the north, Wigans Lane to the west, Tip Lane to the south, and other farmland in the same ownership to the east, extending to Bellicourt Road. The site is approximately 900 metres south of the Dunkeld urban edge.

The land is entirely within the Farming Zone and abuts this zone on all sides, except for the northeastern side of the Recreation Road and Sturgeon Lane intersection, which falls under the Rural Living Zone (RLZ).

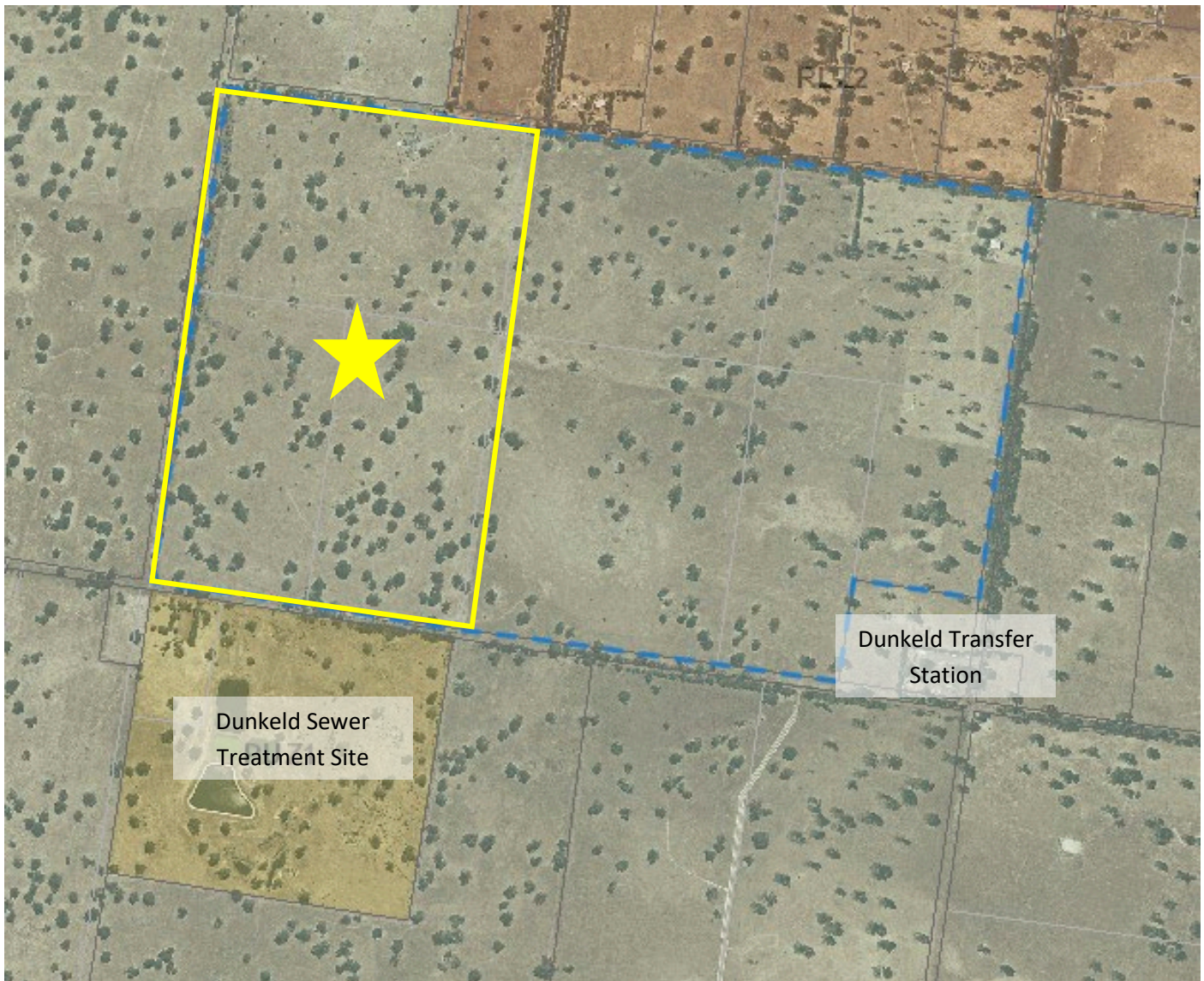


Figure 1: Subject site

The Dunkeld transfer station is located at 7 Bellicourt Road, approximately 880 metres to the east of the edge of parcels included within this planning application.

The Dunkeld transfer station operates as follows:

- Wednesday: 1pm-5pm
- Sunday 1pm-5pm
- Closed on public holidays and on extreme or catastrophic fire danger rating days.

The Dunkeld Sewer Treatment Plant (Lagoon based treatment) is also located within the PUZ1 immediately to the south of the subject site (Tip Lane).

Sewage from Dunkeld flows to the primary lagoon where aerobic bacteria consume any remaining organic matter, neutralising pollutants and assisting the treatment process.

After this primary treatment, the water flows to a maturation lagoon to settle, with sunlight (UV rays) killing harmful bacteria over time.

Site History

There is no relevant site history.

Public Notification

The application was notified correctly for a minimum of 14 days, through to 4 July 2024. No objections were received during the notification process.

Referrals

The application was referred to Agriculture Victoria, where it was noted that they do not provide for responses for dwellings or subdivision within the farming zone; however, noted that Council should consider the potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses, including encroachment on required separation distances.

Planning Framework

Clause 00 Purpose and Vision

The following clauses are the most recent to the planning application, particularly within the Municipal Strategic Statement:

- Clause 02.01 Context

The Shire is located at a major highway junction and has good connections to the southeast of South Australia, as well as to agricultural regions. Primary production and conservation are the main land uses, followed by forestry and extractive industry. The Shire is known for its quality health and education sector, and has strengths in mineral sands processing, cutting tool manufacturing, and agricultural and building materials manufacturing. Fine wool production is famous in the Shire, but large-scale cropping, hay production, and horticulture are now bigger parts of the primary industry sector. Agro-forestry, mining, and renewable energy are expected to grow.

- Clause 02.02 Vision

The Shire's vision is to be a well-connected, dynamic regional centre, supporting a vibrant, healthy and inclusive community.

The Council Plan (2017-2021) identifies five fundamental priority areas. Those relevant to land use and development are to:

- Develop the regional economy and businesses.
- Plan for the built environment and infrastructure.
- Promote the natural environment.

- Clause 02.03 Strategic directions

- Clause 02.03-1 Settlement
Managing Growth

The Southern Grampians Shire Council Strategic Framework Plan at Clause 02.04 illustrates the location and hierarchy of the towns and settlements in the Shire.

In effectively planning for future urban growth, Council will:

- Provide and enforce clear settlement boundaries.
- Clause 02.03-3 Environmental risk and amenity

Bushfire

The majority of the Shire is designated as a Bushfire Prone Area.

Approximately a quarter of the Shire is affected by the Bushfire Management Overlay. The most significant urban interfaces to areas prone to bushfire are in the towns of Balmoral and Dunkeld. The Shire has a long history of major bushfire damage. The Grampians is particularly prone to bushfires because of its significant vegetation cover and steep slopes.

The design, location and operation of development can place the community at risk from uncontrolled fire.

In managing bushfire risk, Council will:

- Direct development away from areas prone to significant bushfire risk.
 - Manage the interface of towns in areas prone to bushfire risk, particularly Balmoral and Dunkeld.
 - Prioritise the protection of life and property from bushfire events.
 - Require fire protection measures that relate to the level of fire risk, particularly in the Grampians.
 - Ensure that land use and development does not unreasonably increase the fire risk.
 - Apply the precautionary principle approach to development within areas prone to bushfire risk.
- Clause 02.03-4 Natural resource management

Agriculture

The Shire's economy is primarily built upon the agricultural sector. Fertile and arable soils, together with a very reliable rainfall, provide a natural advantage. The Shire is renowned for producing fine wool; however, through diversification into meat production, the Hamilton Regional Livestock Exchange (saleyards) has risen to become Victoria's third largest. The Shire's agricultural base also includes large-scale cropping, hay production and horticulture.

Significant growth is expected in agro-forestry, together with mining and renewable energy. Newer industries such as viticulture and olives, and value adding of primary produce, provide significant potential.

Agriculture is supported by established infrastructure and services, scientific research and development, and training and professional services.

Dwellings and small lot subdivision in the Farming Zone can impact detrimentally on agriculture and the rural character of an area.

In supporting agriculture, Council will:

- Support use and development that maintains the significance of agriculture and protects the Shire's agricultural capacity.
- Protect agriculture from use and development that is inconsistent with farming practices, recognising the 'right to farm'.
- Minimise the impact and area of any non-agricultural development in agricultural areas.
- Minimise the impacts of dwellings and small lot subdivisions in farming areas.
- Support use and development that efficiently use and manage land, water and other finite resources.
- Encourage agricultural diversity, particularly adding value to primary products through processing, distribution, research and marketing, and new agricultural industries like horticulture and timber.
- Protect natural resources important to agriculture from soil decline, dryland salinity, water quality decline, erosion, pest plants and animals, loss of native vegetation and inappropriate land management practices.

- Clause 02.04 Strategic framework plan



Figure 1: Strategic Framework Plan

Clause 10 Planning Policy Framework

The following clauses within the Planning Policy Framework are the most relevant to the planning application:

- Clause 11.01-1S Settlement – seeks to facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.
- Clause 13.02-1S Bushfire planning – aims to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.
- Clause 13.06-1S Air quality management – to assist in the protection and improvement of air quality.
- Clause 13.07-1S Land use compatibility – seeks to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.
- Clause 14.01-1S Protection of agricultural land – aims to protect the state’s agricultural base by preserving productive farmland.
 - Strategies include:

- Identify areas of productive agricultural land, including land for primary production and intensive agriculture.
- Consider state, regional and local, issues and characteristics when assessing agricultural quality and productivity.
- Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.
- Protect productive farmland that is of strategic significance in the local or regional context.
- Protect productive agricultural land from unplanned loss due to permanent changes in land use.
- Prevent inappropriately dispersed urban activities in rural areas.
- Protect strategically important agricultural and primary production land from incompatible uses.
- Limit new housing development in rural areas by:
 - Directing housing growth into existing settlements.
 - Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.
 - Encouraging consolidation of existing isolated small lots in rural zones.
 - Identify areas of productive agricultural land by consulting with the Department of Energy, Environment and Climate Action and using available information.
- In considering a proposal to use, subdivide or develop agricultural land, consider the:
 - Desirability and impacts of removing the land from primary production, given its agricultural productivity.
 - Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.
 - Compatibility between the proposed or likely development and the existing use of the surrounding land.
 - The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.
 - Land capability.
- Clause 14.01-1L Small lot subdivisions, house lot excisions and dwellings – seeks to ensure that subdivision and accommodation do not compromise the existing and ongoing agricultural use of land.
 - Strategies include:
 - Discourage subdivision and accommodation that do not relate to or directly support the use of land for agriculture.
 - Retain agricultural land in parcels of sufficient size that can allow viable agriculture.
 - Discourage subdivision unless it is to excise an existing dwelling that is excess to the requirements of a rural use.
 - Site and design dwellings to minimise impacts on agriculture.

- Provide adequate separation distances from dwellings to agriculture.
 - Restructure lots to create a smaller lot for a dwelling instead of creating additional lots.
- Policies guidelines:
 - Encouraging the consolidation of titles prior to any dwelling excision.
 - Requiring any lots created for an existing dwelling to have a maximum size of 2 hectares unless any of the following apply:
 - It can be demonstrated that this is not practical.
 - A larger lot is needed to provide for the on-site collection of water for a dam for domestic purposes.
 - It can be demonstrated that the lot is to be used for agricultural purposes.
 - Requiring any lots created for an existing dwelling to contain a dwelling that is in a habitable condition that complies with the Building Code of Australia.
 - The need to provide for the upgrading of roads and drainage to ensure that traffic and run-off generated by the development is effectively managed.
- Clause 14.01-2S Sustainable agricultural land use – aims to encourage sustainable agricultural land use.
 - Clause 14.01-2L Sustainable agricultural land use.

Strategies include:

- Manage development in rural areas to protect agriculture and avoid inappropriate rural residential development.
- Ensure planning for rural residential development avoids or significantly reduces adverse economic, social and environmental impacts by:
 - Maintaining the long-term sustainable use and management of existing natural resource attributes in activities including agricultural production, water, mineral and energy resources.
 - Protecting existing landscape values and environmental qualities such as water quality, native vegetation, biodiversity and habitat.
 - Minimising or avoiding property servicing costs carried by local and state governments.
 - Maintaining an adequate buffer distance between rural residential development and animal production.
- Discourage development of small lots in rural zones for residential use or other incompatible uses.

Zoning

Farming Zone

The Site is located within the Farming Zone (Clause 35.07). The purposes of the Farming Zone include:

- 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.

Pursuant to Clause 35.07-3 a permit is required to subdivide land.

Each lot must be at least the area specified for the land in a schedule to the zone (40 hectares).

A permit may be granted to create smaller lots if any of the following apply:

- The subdivision is to create a lot for an existing dwelling. The subdivision must be a two lot subdivision.
- The subdivision is the re-subdivision of existing lots and the number of lots is not increased.
- The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

There are no specific application requirements for subdivision under the Zone. Decision guidelines are listed at Clause 35.07-6.

Overlays

The land is not affected by any planning overlays.

Relevant Particular Provisions

There are no relevant particular provisions to the planning application.

Other Considerations

Title Restrictions

There are no relevant title restrictions.

Bushfire Prone Area

The site is within a mapped BPA.

Cultural Heritage

The site is not within a mapped area of cultural heritage sensitivity.

Summary of Key Issues

The key issues for consideration are:

- Is the proposal consistent with the objectives and strategies of the Municipal Planning Strategy and the Planning Policy Framework?
- Is the proposal consistent with the Farming Zone?
- Does the proposal provide for an orderly planning outcome?

Assessment

In assessing the planning application for the re-subdivision of land at 225 Sturgeon Lane, Dunkeld, which proposes a house lot excision on a farming allotment, it is essential to consider the proposal against the relevant provisions of the Southern Grampians Planning Scheme, particularly those concerning agricultural land use.

While the application meets some requirements for house lot excision, including the 2-hectare maximum size for the proposed smaller parcel, the broader purpose of the subdivision raises concerns. The justification provided for the subdivision appears primarily driven by personal motives and accommodation needs rather than any substantive contribution to agricultural activities. Notably, the existing dwelling on Crown Portion 72 (23.84 hectares) is a relatively recent construction, suggesting an intent to create a rural living arrangement rather than supporting productive farming operations.

Although the re-subdivision might meet the current landowner's preferences, personal circumstances should not carry significant weight in planning decisions. The proposal creates a situation where the balance allotment exceeds 40 hectares, allowing for a dwelling to be constructed as-of-right. This raises an issue, being the potential for two dwellings across the planning unit instead of one. Typically, dwellings on small allotments are discouraged, particularly with the recent construction raising questions about the genuine agricultural need for further subdivision. In this case, the small lot is to be created in the reverse, via excision.

From a planning perspective, an as-of-right dwelling on the balance allotment poses amenity risks due to its proximity to the local transfer station and sewer treatment site. Allowing this subdivision would result in council losing control over the siting of future dwellings, which could lead to negative impacts amenity (Clause 13.06-1S Air quality management and Clause 13.07-1S Land use compatibility). This is not aligned with the principles of orderly planning and introduces risks that could have been controlled or avoided under the current configuration.

Moreover, permitting this subdivision could set a precedent for similar applications in the future, where successive excisions are justified. This may further undermine the agricultural integrity of the land and increase the risk of sensitive uses conflicting with nearby agriculture (if land is sold), infrastructure and land uses (sewer and transfer station).

In summary, the proposed subdivision is inconsistent with policy objectives related to the protection of agricultural land (Clause 14.01-1S Protection of agricultural land and Clause 14.01-1L Small lot subdivisions, house lot excisions and dwellings) and is inconsistent with the purposes of the Farming Zone (Clause 35.07). It does not adequately support or promote the use of the land for agriculture and presents a risk in terms of environmental and amenity impacts. As such, it is recommended that the application be refused.

Conclusion

To conclude, this delegate report has assessed the proposal against the relevant provisions of the planning scheme and has deemed the proposal an inappropriate outcome for the following reasons:

- The application is contrary to the purpose of Clause 35.07 – Farming Zone.
- The application is contrary to the objectives and strategies of the Planning Policy Framework and Municipal Planning Strategy.
- Having regard to Clause 65 of the Southern Grampians Planning Scheme, the proposal is not in line with the existing settlement pattern or orderly planning of the area.

It will therefore be recommended that Council refuse the planning application.

Recommendation

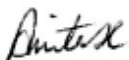
That Council having caused notice of Planning Application No. TP-29-2024 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to **issue a Notice of Decision to Refuse to Grant a Permit** in respect of the land known and described as 89 Bellicourt Road and 225 Sturgeon Lane, Dunkeld for the subdivision of land, based on the following grounds:

Grounds of Refusal:

1. The application is contrary to the purpose of Clause 35.07 – Farming Zone.
2. The application is contrary to the decision guidelines of Clause 35.07 – Farming Zone.
3. The application is contrary to the objectives and strategies of the Planning Policy Framework and Municipal Planning Strategy of the Southern Grampians Planning Scheme.
4. The application does not satisfy the decision guidelines set out in Clause 65 of the Southern Grampians Planning Scheme.

Prepared By:

Andrew Nield, Planning Coordinator
Anita Collingwood, Senior Statutory Planner



Date: 06 September 2024

Application for Planning Permit for a Subdivision

Supplied by	Mark Dore
Submitted Date	01/05/2024
Modified by	Mallory Fitzsimmons (Brayley and Hayes)
Modified Date	02/05/2024

Application Details

Application Type	Planning Permit for a Subdivision Version 2
Applicant Reference Number	24017
Application name or Estate name	Mibus
Responsible Authority Name	Southern Grampians Shire Council
Responsible Authority Reference Number(s)	(Not Supplied)
SPEAR Reference Number	S229486T
Application Status	Submitted
Planning Permit Issue Date	NA
Planning Permit Expiry Date	NA

The Land

Primary Parcel	225 STURGEON LANE, DUNKELD VIC 3294 Volume 8262/Folio 704 SPI A~49\PP2562 CPN 8424 Zone: 35.07 Farming
Parcel 2	89 BELLICOURT ROAD, DUNKELD VIC 3294 Volume 8262/Folio 704 SPI 72\PP2562 CPN 8424 Zone: 35.07 Farming
Parcel 3	89 BELLICOURT ROAD, DUNKELD VIC 3294 Volume 8262/Folio 704 SPI B~49\PP2562 CPN 8424 Zone: 35.07 Farming

The Proposal

Plan Number	(Not Supplied)
Number of lots	2
Proposal Description	3 INTO 2 LOT SUBDIVISION AND REMOVAL OF EASEMENT
Estimated cost of the development for which a permit is required \$	0

Existing Conditions

Existing Conditions Description	FARMING LAND WITH ONE DWELLING
Title Information - Does the proposal breach an encumbrance on Title?	Encumbrances on title, such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope do not apply.

Applicant Contact

Applicant Contact	Mark Dore
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Applicant

Applicant 1

Noel Mibus
225 Sturgeon Lane, Dunkeld, VIC, 3294
Mobile Phone: 0407 433 272

Applicant 2

Venita Mibus
225 Sturgeon Lane, Dunkeld, VIC, 3294
Mobile Phone: 0407 433 272

Owner

Owner 1

(Owner details as per Applicant 1)

Owner 2

(Owner details as per Applicant 2)

Declaration

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

I, Mallery Fitzsimmons, declare that all the information supplied is true.

**Authorised by
Organisation**

Mallery Fitzsimmons
Brayley and Hayes

Proposed 2 lot Subdivision Boundary Re-Alignment 3 into 2

Planning Report

**225 Sturgeon Lane,
Dunkeld**

**30th April 2024
Mark G. Dore LS**

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DORE & MINNEY SURVEYORS PTY LTD ACN: 142 575 479 ATF BRAYLEY & HAYES

Our Ref: 24017

FARMING ZONE

SOUTHERN GRAMPIANS SHIRE COUNCIL

PREAMBLE

The land involved in the proposed subdivision comprises three existing parcels being Crown Portion 72 (Area 58.92ac/23.84ha) and Subdivisions A & B of Crown Allotment 49 (each with an area of 42.30ac/17.12ha) with a total area of 143.53ac/58.08ha and held in C/T Vol. 8262 Fol. 704. It is bordered by Sturgeon Lane to the north, Wigans Lane to the West, Tip Lane to the south and other farmland in the same ownership to the east through to Bellicourt Road. The owners are Noel & Venita Mibus who live on the property in the existing dwelling. Noel and Venita are succession planning and are intending to transfer the balance of the land to their adult children while remaining in their house on the property. To facilitate this the proposal is to resubdivide the three existing parcels as listed above into just two being the house Lot (proposed Lot 1 with an area of 1.359ha) and the balance lot – Lot 2 with an area of 56.72ha.

Proposed Lot 1 includes the house, associated improvements, septic system and driveway/access and a suitable "buffer between the dwelling and farm land, while the balance lot is vacant farmland except for the usual improvements of dams, water supply infrastructure and fencing. There is an existing developed access point to the existing dwelling opposite the end of Recreation Road as shown on the plan of Proposed Subdivision. Lot 2 is usually accessed through Lot 1 and other land in the same ownership to the east, and this is likely to continue however, there is an existing access point directly onto Lot 2 at the intersection of Wigans and Sturgeon Lanes as indicated on the plan.

The land is wholly contained in and abuts Farming Zone on all sides except for land on the north east side of the intersection of Recreation Road and Sturgeon Lane which is in Rural Living Zone (RLZ2).

See Appendix A for Copy of Title.

See Appendix B for Plan of Proposed Subdivision

See Appendix C for Google Image Overlays

See Appendix D for Cultural Heritage Assessment and Sensitivity Map

REASONS FOR LOT SIZE

The lot size is defined by existing features on site being the position of the access and improvements on Lot 1 and the perimeter fencing. The existing dwelling and improvements are located centrally on the proposed allotment. The Lot size of 1.36ha is larger than the minimum size (1ha) recommended by the EPA for onsite effluent treatment but still under 2ha which minimises the land occupied by what is essentially a residential use, thus maximising the farming potential/area of the balance of the land. This complies with the local rules for subdivisions of this nature in the Southern Grampians Shire Planning Scheme – see Clause 14.01-1L below.

35.07-3 SUBDIVISION

A permit is required to subdivide land.

Each lot must be at least the area specified for the land in a schedule to this zone. If no area is specified, each lot must be at least 40 hectares.

A permit may be granted to create smaller lots if any of the following apply:

- The subdivision is to create a lot for an existing dwelling. The subdivision must be a two-lot subdivision.
- The subdivision is the re-subdivision of existing lots and the number of lots is not increased.
- The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

RESPONSE

The minimum lot size specified in the planning scheme for land in the farming zone is 40ha. However, as a smaller lot containing an existing dwelling it is allowable under Dot Point 1. As a resubdivision of two (or more) existing lots it is also allowable under Dot Point 2. The balance lot 56.72ha is well in excess of the minimum lot size for the zone.

14.01-1L SMALL LOT SUBDIVISIONS, HOUSE LOT EXCISIONS AND DWELLINGS

Policy application

This policy applies to an application for subdivision or accommodation in the Farming Zone.

Objective

To ensure that subdivision and accommodation do not compromise the existing and ongoing agricultural use of land.

Strategies

Discourage subdivision and accommodation that do not relate to or directly support the use of land for agriculture.

Retain agricultural land in parcels of sufficient size that can allow viable agriculture. Discourage subdivision unless it is to excise an existing dwelling that is excess to the requirements of a rural use.

Site and design dwellings to minimise impacts on agriculture.

Provide adequate separation distances from dwellings to agriculture.

Restructure lots to create a smaller lot for a dwelling instead of creating additional lots.

Policy guidelines

Consider as relevant:

Encouraging the consolidation of titles prior to any dwelling excision.

Requiring any lots created for an existing dwelling to have a maximum size of 2 hectares unless any of the following apply:

- It can be demonstrated that this is not practical.
- A larger lot is needed to provide for the on-site collection of water for a dam for domestic purposes.
- It can be demonstrated that the lot is to be used for agricultural purposes.

Requiring any lots created for an existing dwelling to contain a dwelling that is in a habitable condition that complies with the Building Code of Australia.

The need to provide for the upgrading of roads and drainage to ensure that traffic and run-off generated by the development is effectively managed.

The need to require any roads created in association with a subdivision or dwelling to allow all weather access to the following standards:

- Formation width of 6 metres or passing bays every 200 metres.
- Pavement width of 4 metres. – Pavement depth of 150 millimetres of compacted road making gravel.
- Minimum grade of 1 in 8, unless sealed.

RESPONSE

The proposed subdivision complies with objectives and Strategies as described above. The proposed house lot is less than 2ha as recommended above. The house is relatively recent, was built in accordance with the prevailing regulations, including on-site effluent disposal, at the time of construction and has been continuously lived in by the current owners since original construction. The proposed house lot is well under the desired 2ha area for lots of this nature, thus maximizing land being retained for farming purposes. The subdivision also restructures lots as recommended and actually reduces the number of lots from 3 to 2 after the proposed subdivision.

PURPOSE OF THE ZONE

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies. To provide for the use of land for agriculture.

To encourage the retention of productive agricultural land. To ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture. To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

To protect and enhance natural resources and the biodiversity of the area.

RESPONSE

The balance land with an area of over 56.72ha is well in excess of the minimum lot size for the zone being 40ha. The size of the lot for the existing dwelling has been kept to a sensible minimum (approx. 1.36ha) while

maintaining a practical buffer, given the position of the existing infrastructure, the abutting land use and features on site.

DECISION GUIDELINES

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

GENERAL ISSUES

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.

RESPONSE

The objectives of the State Planning Policy Framework are accommodated as follows.

Environment: - This subdivision will have no negative impact upon air, land and water quality. The usage of the land will not change from that which has been established over many years.

Economic well being: -The purpose of this proposal is to create a new lot to separate the existing uses being farmland and dwelling. The dwelling, is/will be owned and occupied by the owners and the balance lot will be transferred to and owned by immediate family members. It makes sense for the dwelling to be independently owned for security, financial and maintenance purposes.

Agriculture: - The land is being subdivided in accordance with the current and future land uses and with the dwelling being confined to a practical minimum lot size given the siting and access constraints the maximum amount of land is being maintained for farming purposes.

There are no specific issues to be addressed relating to the Local Planning Policy Framework as a result of this subdivision. The boundaries have been defined by the position of the improvements, access and site features which form a natural buffer between the two lots. The lot shape is regular with convenient access to the road.

It is not anticipated that the subdivision will have an impact on any Regional Catchment Strategy, however the Responsible Authority may refer the proposal to the Catchment Management Authority if it deems fit.

The subdivision will not result in increased effluent disposal.

AGRICULTURAL ISSUES

- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use.
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.
- Any integrated land management plan prepared for the site.

RESPONSE

As already noted, the land will continue to be used for agricultural purposes with no material change to how the property is currently used except for the ownership breakdown within the family. The existing uses have a demonstrated ability to be successfully operated on the subject land and in the area. There will be no change in land use as a result of this subdivision as the house and area of land surrounding it (proposed Lot 1) have been used solely as a dwelling by the current owners and this use will continue for the foreseeable future.

DWELLING ISSUES

- Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
- Whether the dwelling is reasonably required for the operation of the agricultural activity conducted on the land.
- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.
- 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.

RESPONSE

There is no proposal to erect a dwelling as a result of this subdivision. The house lot size (Lot 1) has been kept to a practical minimum under 2ha in accordance with local planning guidelines.

ENVIRONMENTAL ISSUES

- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.
- The impact of the use or development on the flora and fauna on the site and its

RESPONSE

The creation of a new boundary will not impact on the physical features and resources of the area. The new boundary has been designed so the potential for future fencing does not impact on existing trees.

CULTURAL HERITAGE

Refer to Cultural Heritage Sensitivity Map in Appendix D. The subject land is not in an area of Cultural Heritage Significance as identified on mapping and as the proposal is for a two-lot subdivision and there is no need for any ground disturbance as a result of the subdivision a Cultural Heritage Management plan is not required.

CONCLUSION

The proposal is to create a smaller lot for an existing dwelling to enable the owners to succession plan while still retaining and living in their own home. Lot 1 has been kept to a minimum size while still being large enough to contain the associated improvements, existing access and septic effluent field, thus maximising the amount of land in the balance which can continue to be used for agricultural purposes. The proposed subdivision does not create an additional lot and actually reduces the number of lots that existed before subdivision from 3 to 2.

Appendix A - Copy of Titles



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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, past, present and emerging.

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

Page 1 of 1

VOLUME 08262 FOLIO 704

Security no : 124114582423R
Produced 01/05/2024 09:23 AM

LAND DESCRIPTION

Subdivision A and B Crown Allotment 49 and Portion 72 Parish of Dunkeld.
PARENT TITLE Volume 03415 Folio 956
Created by instrument A980456 01/06/1960

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
NOEL GEORGE MIBUS
VENITA CARYL MIBUS both of "PALM" DUNKELD
N467375X 20/05/1988

ENCUMBRANCES, CAVEATS AND NOTICES

For details of any other encumbrances see the plan or imaged folio set out under DIAGRAM LOCATION below.

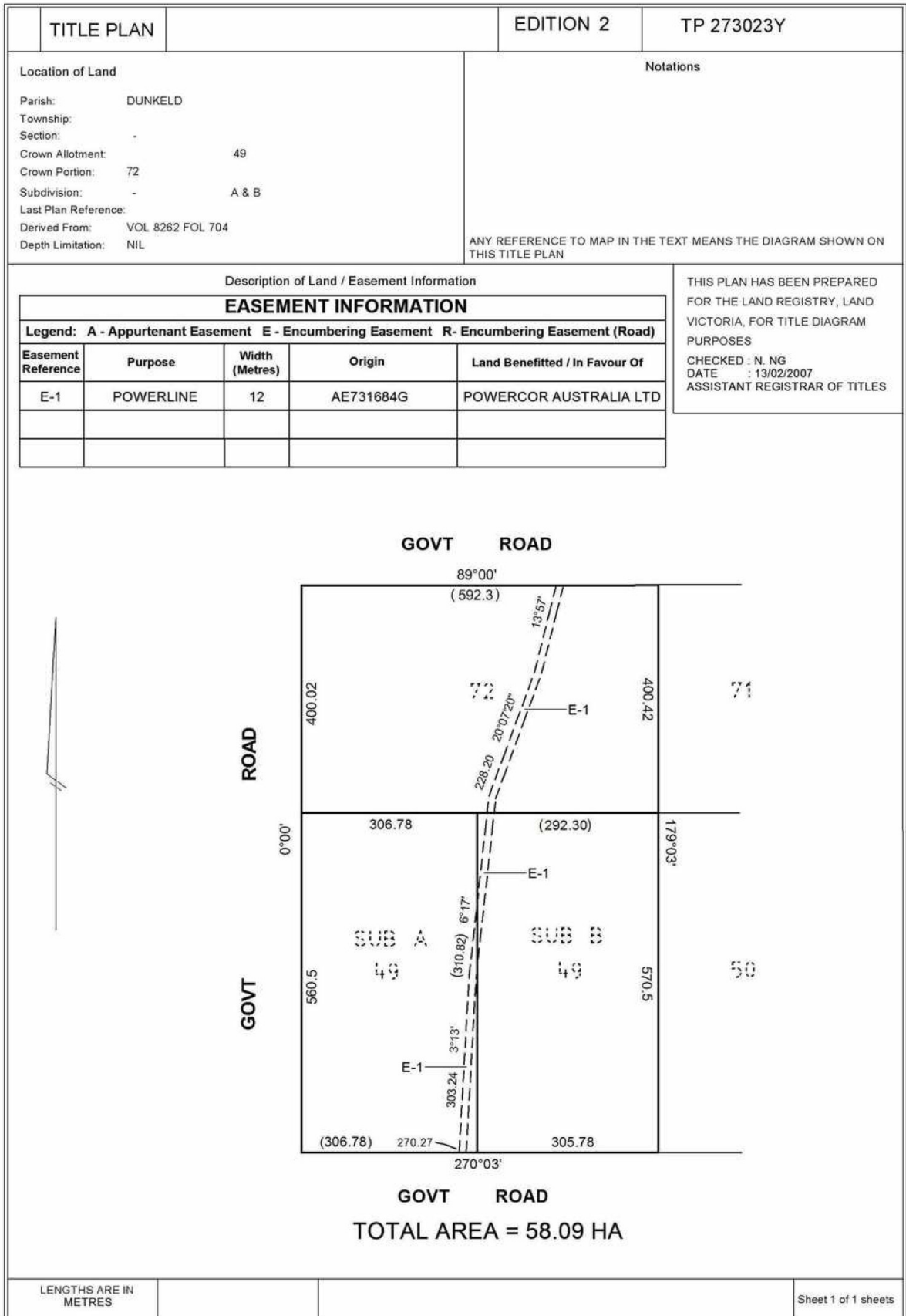
DIAGRAM LOCATION

SEE TP273023Y FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

DOCUMENT END



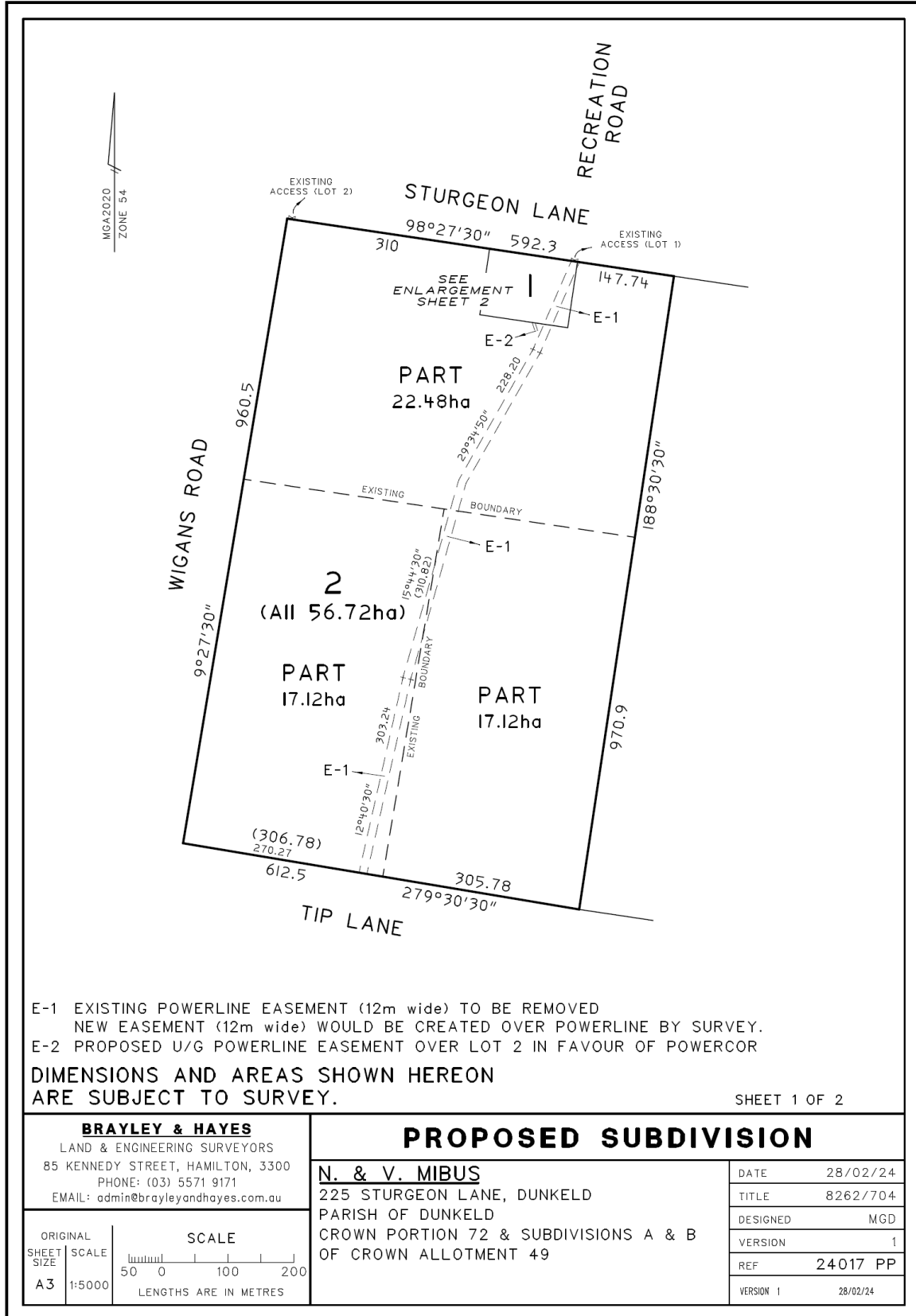
MODIFICATION TABLE
 RECORD OF ALL ADDITIONS OR CHANGES TO THE PLAN

PLAN NUMBER
TP273023Y

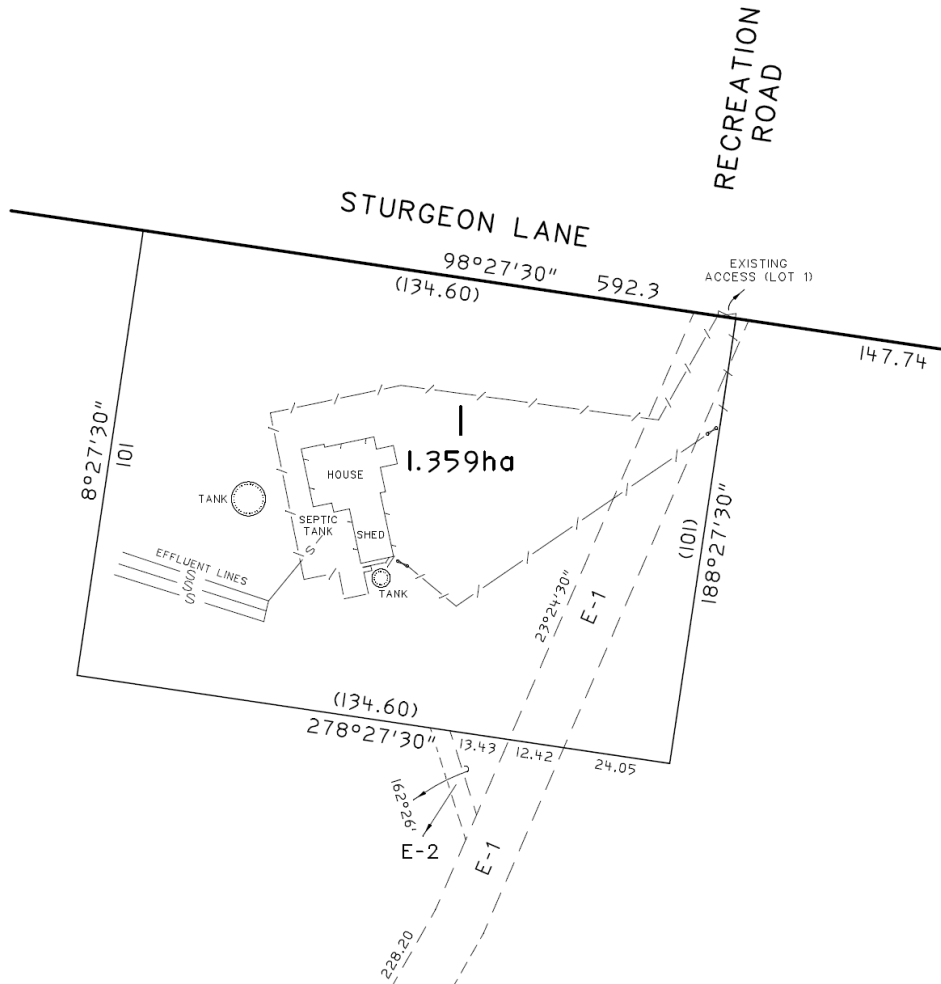
**WARNING: THE IMAGE OF THIS DOCUMENT OF THE REGISTER HAS BEEN DIGITALLY AMENDED.
 NO FURTHER AMENDMENTS ARE TO BE MADE TO THE ORIGINAL DOCUMENT OF THE REGISTER.**

AFFECTED LAND/PARCEL	LAND/PARCEL IDENTIFIER CREATED	MODIFICATION	DEALING NUMBER	DATE	EDITION NUMBER	ASSISTANT REGISTRAR OF TITLES
LAND HEREIN	E-1	CREATION OF EASEMENT	AE731684G	16/11/06	2	N. NG

Appendix B - Proposed Plan of Subdivision – Two Sheets



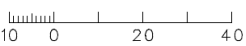
MGA2020
ZONE 54



E-1 EXISTING POWERLINE EASEMENT (12m wide) TO BE REMOVED
 NEW EASEMENT (12m wide) WOULD BE CREATED OVER POWERLINE BY SURVEY.
 E-2 PROPOSED U/G POWERLINE EASEMENT OVER LOT 2 IN FAVOUR OF POWERCOR

**DIMENSIONS AND AREAS SHOWN HEREON
 ARE SUBJECT TO SURVEY.**

SHEET 2 OF 2

<p>BRAYLEY & HAYES LAND & ENGINEERING SURVEYORS 85 KENNEDY STREET, HAMILTON, 3300 PHONE: (03) 5571 9171 EMAIL: admin@brayleyandhayes.com.au</p>		<p>PROPOSED SUBDIVISION</p>													
<p>ORIGINAL ENLARGEMENT SHEET SIZE A3 1:1000</p>		<p>N. & V. MIBUS 225 STURGEON LANE, DUNKELD PARISH OF DUNKELD CROWN PORTION 72 & SUBDIVISIONS A & B OF CROWN ALLOTMENT 49</p>													
<p>ENLARGEMENT SCALE  LENGTHS ARE IN METRES</p>		<table border="1"> <tr> <td>DATE</td> <td>28/02/24</td> </tr> <tr> <td>TITLE</td> <td>8262/704</td> </tr> <tr> <td>DESIGNED</td> <td>MCD</td> </tr> <tr> <td>VERSION</td> <td>1</td> </tr> <tr> <td>REF</td> <td>24017 PP</td> </tr> <tr> <td>VERSION 1</td> <td>28/02/24</td> </tr> </table>		DATE	28/02/24	TITLE	8262/704	DESIGNED	MCD	VERSION	1	REF	24017 PP	VERSION 1	28/02/24
DATE	28/02/24														
TITLE	8262/704														
DESIGNED	MCD														
VERSION	1														
REF	24017 PP														
VERSION 1	28/02/24														

Appendix C - Photo Overlays - All - North to Top of Page





GSC Image Lot 1 – North to Top of Page

Appendix D - Aboriginal Cultural Heritage



Department of
Premier and Cabinet

Process List

Project Name: 24017 Mibus

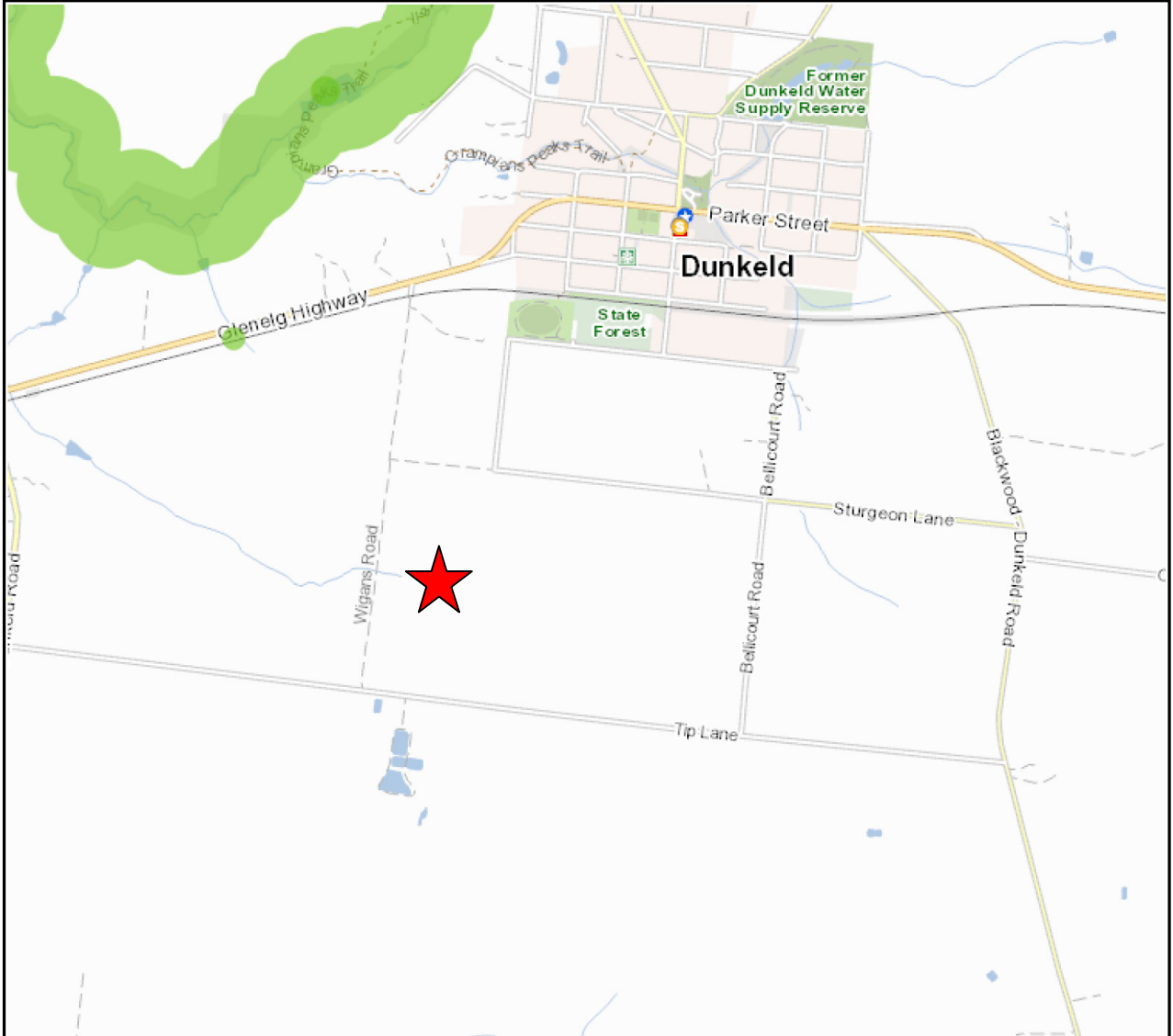
Project Location: 225 Sturgeon Lane, Dunkeld

Date: 01-May-2024

	QUESTION	ANSWER
Question 1	Is the proposed activity , or all the proposed activities, exempt?	No
Question 2	Are you undertaking a High Impact Activity as listed in the Aboriginal Heritage Regulations?	Yes
Question 3	Does your activity include significant ground disturbance?	No
Question 3(a)	Is your activity a subdivision of 3 or more lots for housing (where at least 3 of the lots are less than 8 hectares in size), or industrial subdivision in an area zoned for industry, or do you require a permit under the relevant planning scheme municipal council permit) to use the land for one of the following purposes?	No
Answer:	<p><u>ON THE BASIS OF THE ANSWERS YOU HAVE ENTERED</u></p> <p>YOU ARE NOT REQUIRED BY THE REGULATIONS TO PREPARE A CULTURAL HERITAGE MANAGEMENT PLAN FOR THIS PROJECT</p>	
	<p>This process list is for information purposes only; the result must not be relied upon by a statutory authority in deciding whether a cultural heritage management plan is required for a proposed activity.</p>	

Aboriginal Victoria

24017 Mibus



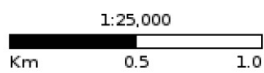
 Areas of Cultural Heritage Sensitivity



Produced by
Aboriginal Victoria
for
Brayley & Hayes



Date: 1 May 2024



This document contains culturally sensitive information concerning the heritage of Victoria's Aboriginal communities, and cannot be included in any reports resulting from research associated with this document. This information is accurate at the date of production. However, the State of Victoria and its employees do not guarantee that the information in this document is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on this information.

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

Page 1 of 1

VOLUME 08262 FOLIO 704

Security no : 124114582423R
Produced 01/05/2024 09:23 AM

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PARENT TITLE Volume 03415 Folio 956
Created by instrument A980456 01/06/1960

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Estate Fee Simple
Joint Proprietors
NOEL GEORGE MIBUS
VENITA CARYL MIBUS both of "PALM" DUNKELD
N467375X 20/05/1988

ENCUMBRANCES, CAVEATS AND NOTICES

For details of any other encumbrances see the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP273023Y FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

DOCUMENT END

Location of Land

Parish: DUNKELD
 Township:
 Section:
 Crown Allotment: 49
 Crown Portion: 72
 Subdivision: A & B
 Last Plan Reference:
 Derived From: VOL 8262 FOL 704
 Depth Limitation: NIL

Notations

ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN

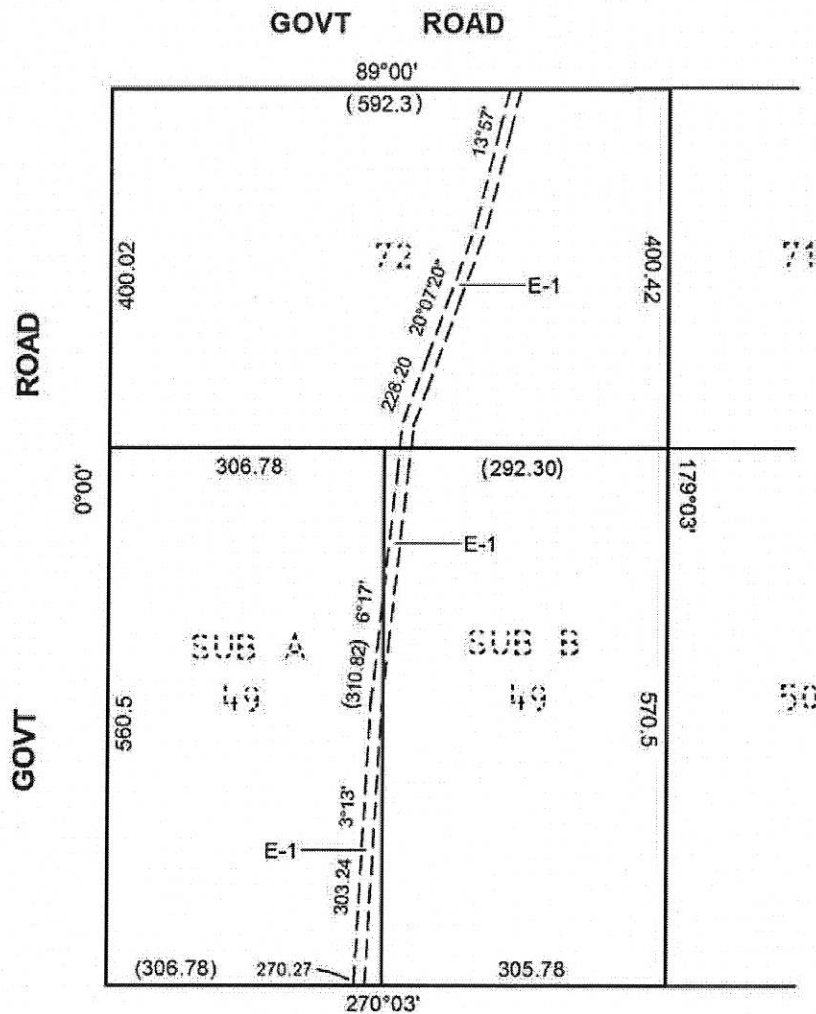
Description of Land / Easement Information

EASEMENT INFORMATION

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

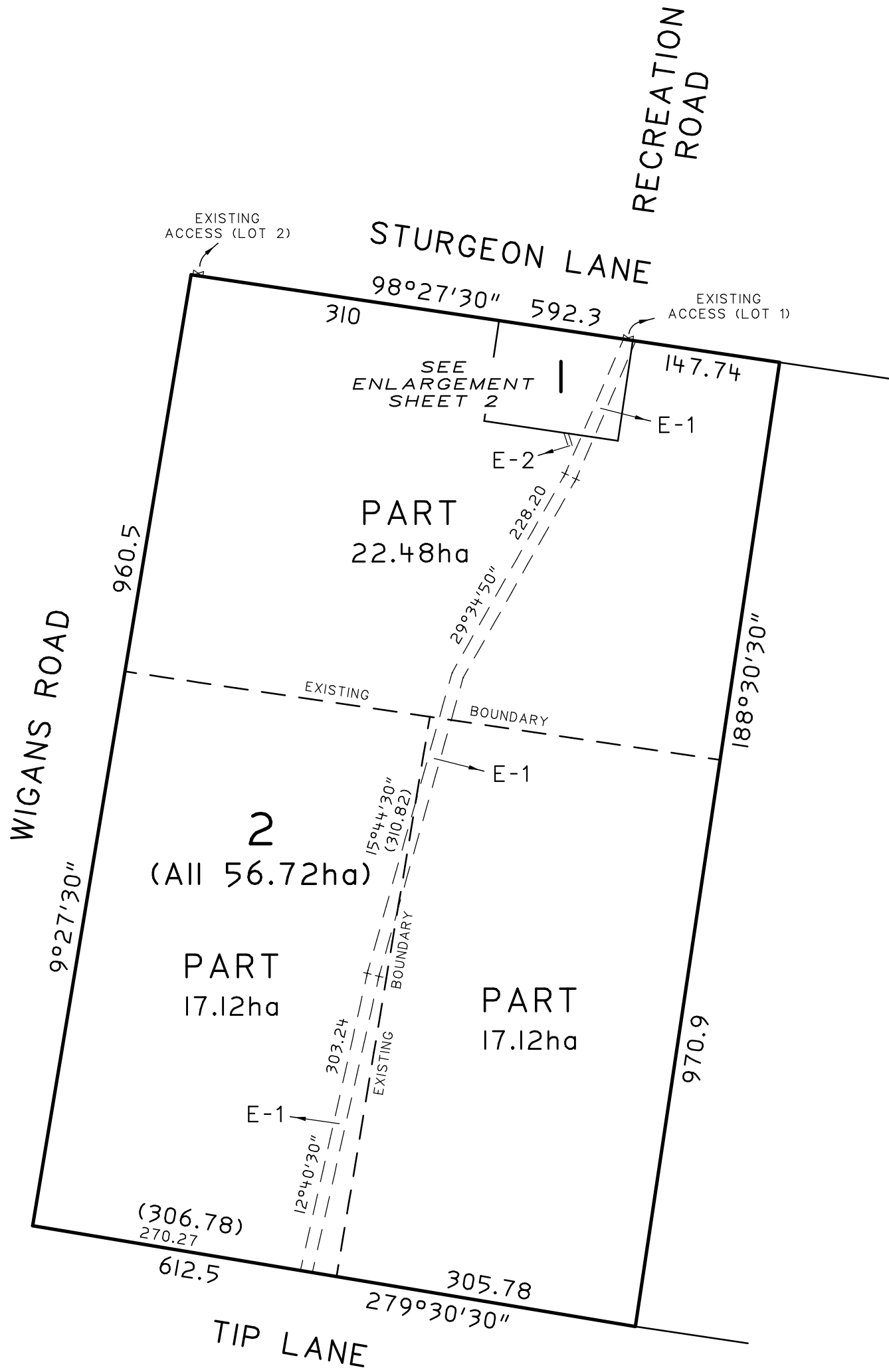
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefitted / In Favour Of
E-1	POWERLINE	12	AE731684G	POWERCOR AUSTRALIA LTD

THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES
 CHECKED : N. NG
 DATE : 13/02/2007
 ASSISTANT REGISTRAR OF TITLES



TOTAL AREA = 58.09 HA

MGA2020
ZONE 54



E-1 EXISTING POWERLINE EASEMENT (12m wide) TO BE REMOVED
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DIMENSIONS AND AREAS SHOWN HEREON
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SHEET 1 OF 2

BRAYLEY & HAYES

LAND & ENGINEERING SURVEYORS
85 KENNEDY STREET, HAMILTON, 3300
PHONE: (03) 5571 9171
EMAIL: admin@brayleyandhayes.com.au

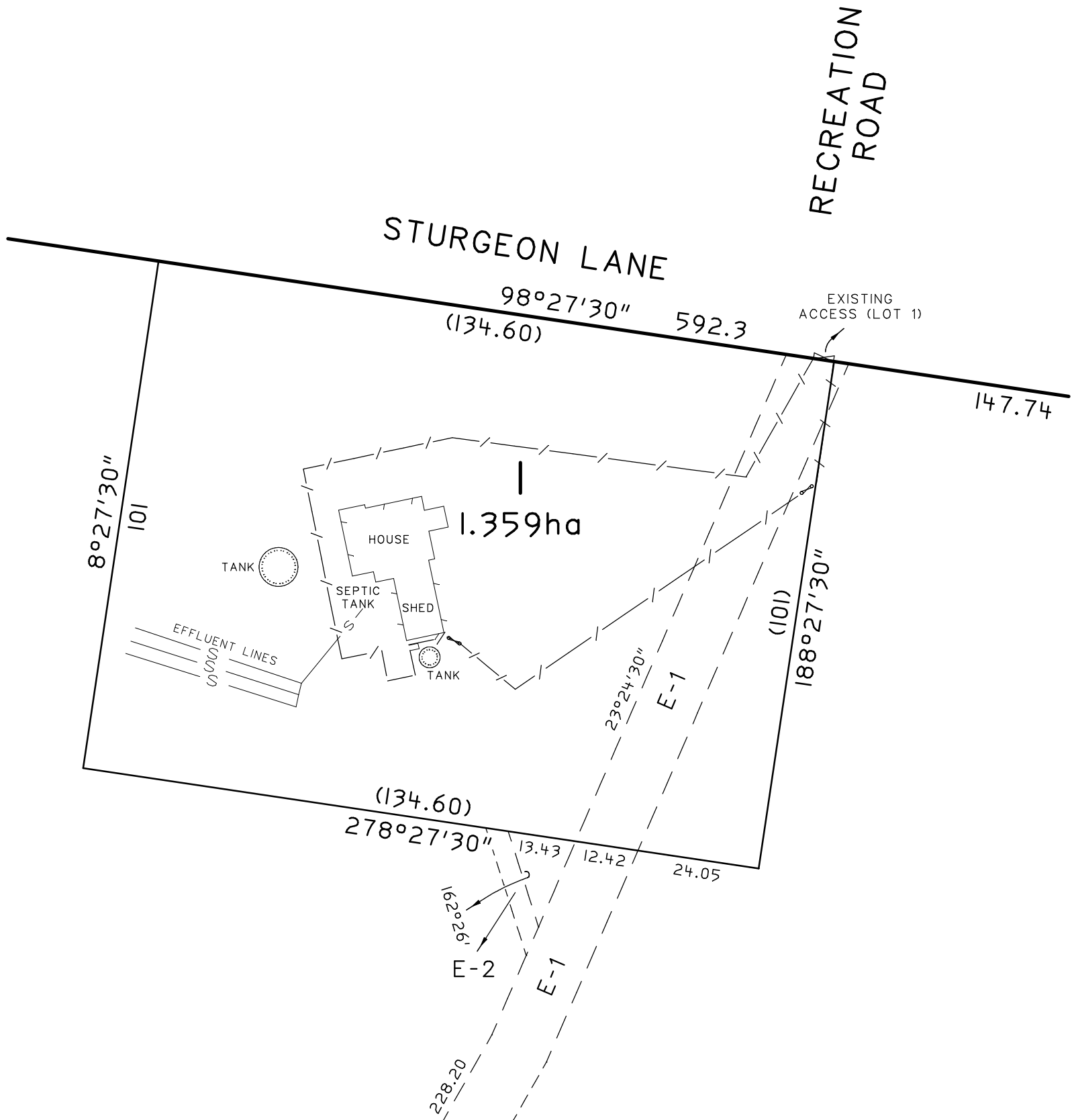
PROPOSED SUBDIVISION

N. & V. MIBUS
225 STURGEON LANE, DUNKELD
PARISH OF DUNKELD
CROWN PORTION 72 & SUBDIVISIONS A & B
OF CROWN ALLOTMENT 49

DATE	28/02/24
TITLE	8262/704
DESIGNED	MGD
VERSION	1
REF	24017 PP
VERSION 1	28/02/24

ORIGINAL SHEET SIZE	SCALE	SCALE
A3	1:5000	<p>LENGTHS ARE IN METRES</p>

MGA2020
ZONE 54



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DATE	28/02/24
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VERSION	1
REF	24017 PP
VERSION 1	28/02/24

ORIGINAL ENLARGEMENT SHEET SIZE	SCALE	ENLARGEMENT SCALE
A3	1:1000	<p>LENGTHS ARE IN METRES</p>

From www.planning.vic.gov.au at 01 May 2024 03:20 PM

PROPERTY DETAILS

Crown Description: **Sub. A Allot. 49 PARISH OF DUNKELD**
 Address: **225 STURGEON LANE DUNKELD 3294**
 Standard Parcel Identifier (SPI): **A-49\PP2562**
 Local Government Area (Council): **SOUTHERN GRAMPIANS** www.sthgrampians.vic.gov.au
 Council Property Number: **8424 (Part)**
 Planning Scheme: **Southern Grampians** [Planning Scheme - Southern Grampians](#)
 Directory Reference: **Vicroads 73 G4**

This parcel is one of 8 parcels comprising the property. For full parcel details get the free Property report at [Property Reports](#)

UTILITIES

Rural Water Corporation: **Southern Rural Water**
 Urban Water Corporation: **Wannon Water**
 Melbourne Water: **Outside drainage boundary**
 Power Distributor: **POWERCOR**

STATE ELECTORATES

Legislative Council: **WESTERN VICTORIA**
 Legislative Assembly: **LOWAN**

OTHER

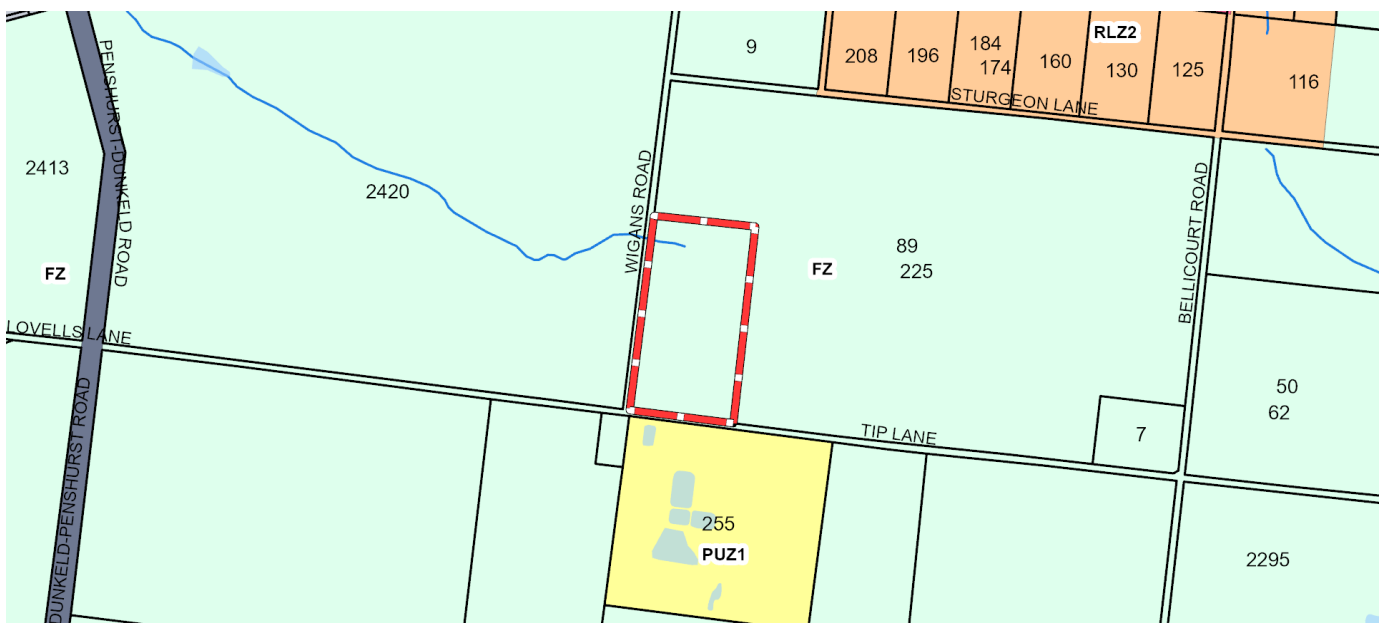
Registered Aboriginal Party: **Eastern Maar Aboriginal Corporation**

[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.

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Notwithstanding this disclaimer, a vendor may rely on the information in this report for the purpose of a statement that land is in a bushfire prone area as required by section 32C (b) of the Sale of Land 1962 (Vic).

Planning Overlay

None affecting this land - there are overlays in the vicinity

OTHER OVERLAYS

Other overlays in the vicinity not directly affecting this land

[DESIGN AND DEVELOPMENT OVERLAY \(DDO\)](#)

[DEVELOPMENT PLAN OVERLAY \(DPO\)](#)

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

[VEGETATION PROTECTION OVERLAY \(VPO\)](#)



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 7 December 2023.

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 apply to 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>

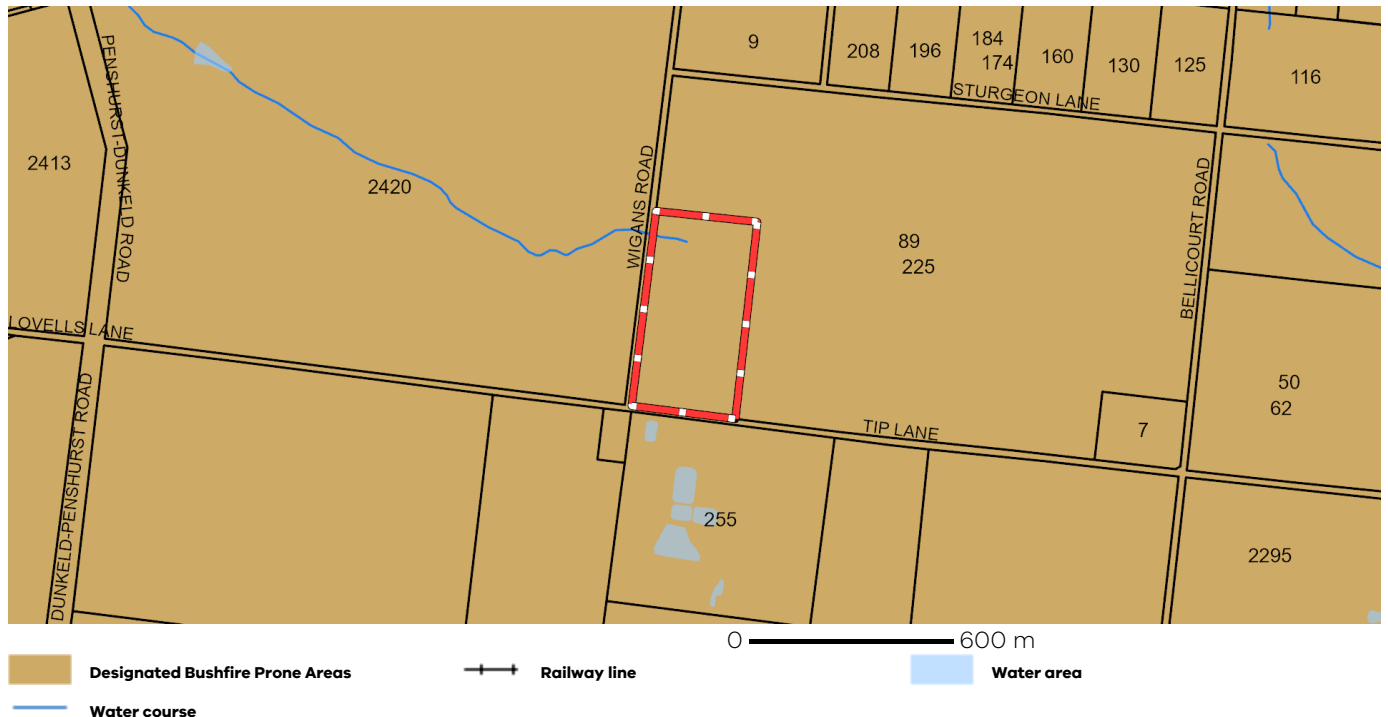
For other information about planning in Victoria visit <https://www.planning.vic.gov.au>

Designated Bushfire Prone Areas

This parcel is in a designated bushfire prone area. Special bushfire construction requirements apply to the part of the property mapped as a designated bushfire prone area (BPA). Planning provisions may apply.

Where part of the property is mapped as BPA, if no part of the building envelope or footprint falls within the BPA area, the BPA construction requirements do not apply.

Note: the relevant building surveyor determines the need for compliance with the bushfire construction requirements.



Designated BPA are determined by the Minister for Planning following a detailed review process. The Building Regulations 2018, through adoption of the Building Code of Australia, apply bushfire protection standards for building works in designated BPA.

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

Create a BPA definition plan in [VicPlan](#) to measure the BPA.

Information for lot owners building in the BPA is available at <https://www.planning.vic.gov.au>

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 this 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 \(environment.vic.gov.au\)](#)

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From www.planning.vic.gov.au at 01 May 2024 03:20 PM

PROPERTY DETAILS

Crown Description: **Allot. 72 PARISH OF DUNKELD**
 Address: **225 STURGEON LANE DUNKELD 3294**
 Standard Parcel Identifier (SPI): **72\PP2562**
 Local Government Area (Council): **SOUTHERN GRAMPIANS** www.sthgrampians.vic.gov.au
 Council Property Number: **8424 (Part)**
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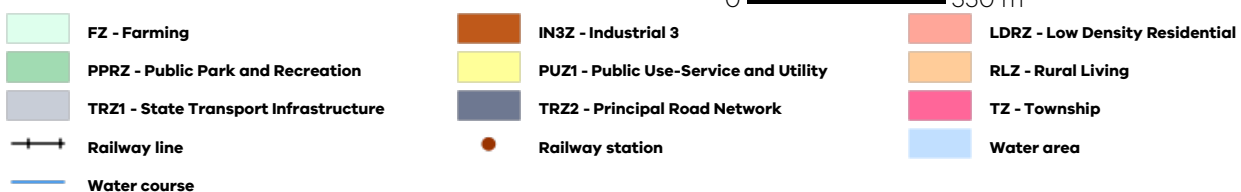
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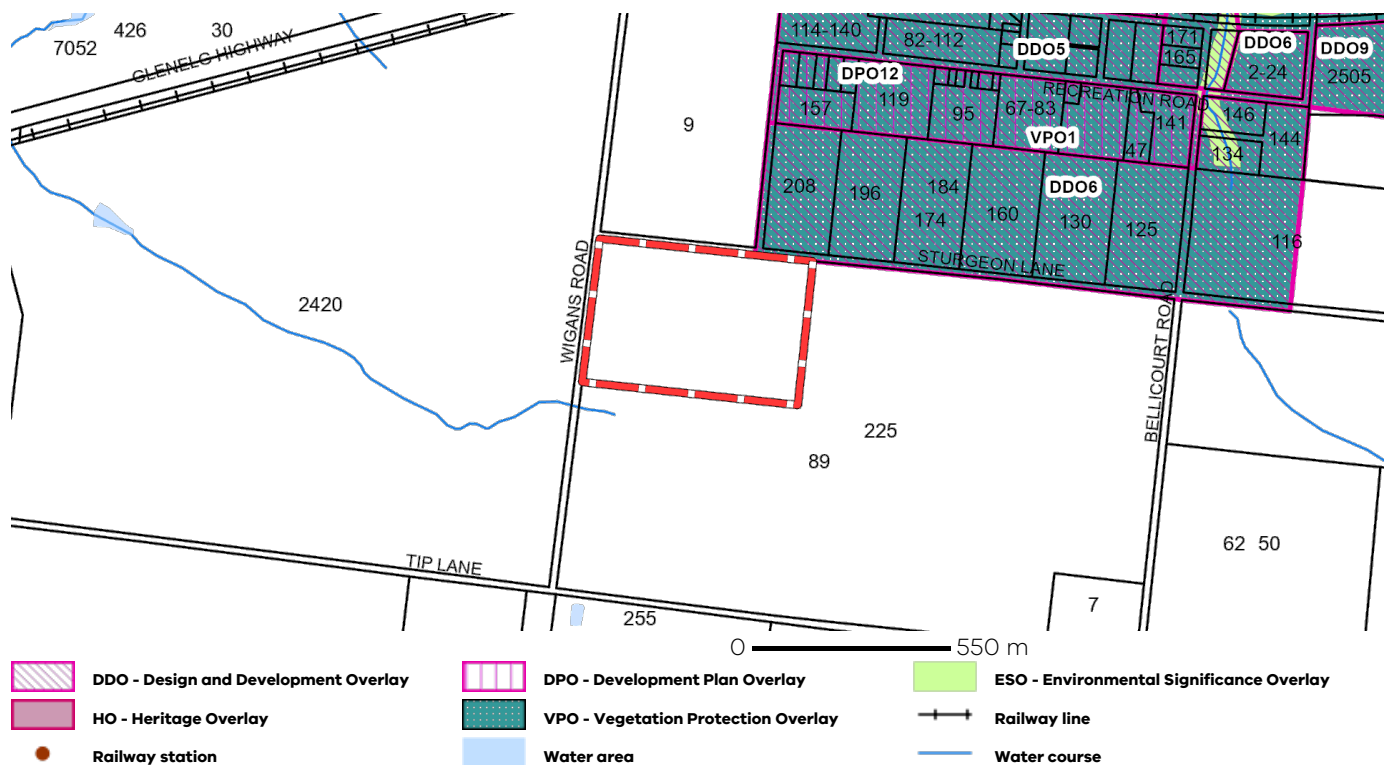
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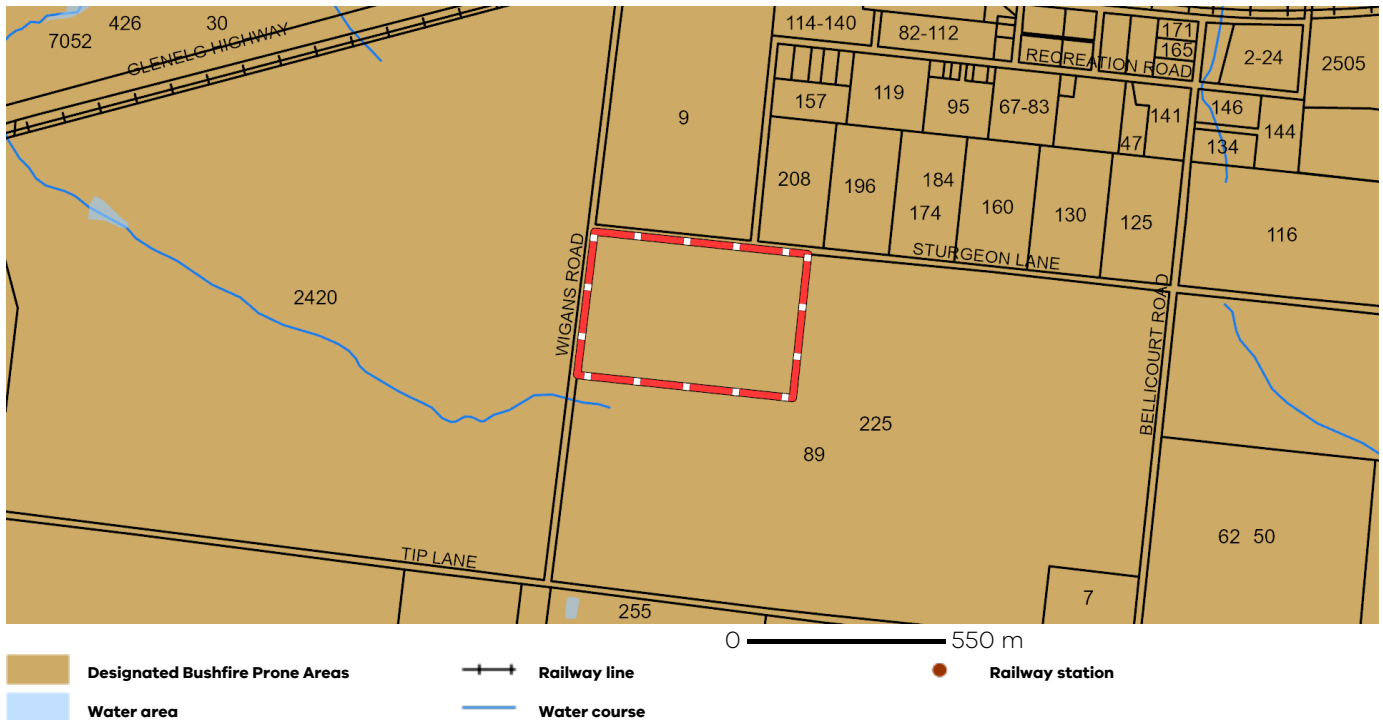
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Designated BPA are determined by the Minister for Planning following a detailed review process. The Building Regulations 2018, through adoption of the Building Code of Australia, apply bushfire protection standards for building works in designated BPA.

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

Create a BPA definition plan in [VicPlan](#) to measure the BPA.

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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 this 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 01 May 2024 03:20 PM

PROPERTY DETAILS

Crown Description: **Sub. B Allot. 49 PARISH OF DUNKELD**

Address: **225 STURGEON LANE DUNKELD 3294**

Standard Parcel Identifier (SPI): **B-49\PP2562**

Local Government Area (Council): **SOUTHERN GRAMPIANS** www.sthgrampians.vic.gov.au

Council Property Number: **8424 (Part)**

Planning Scheme: **Southern Grampians** [Planning Scheme - Southern Grampians](#)

Directory Reference: **Vicroads 73 G4**

This parcel is one of 8 parcels comprising the property. For full parcel details get the free Property report at [Property Reports](#)

UTILITIES

Rural Water Corporation: **Southern Rural Water**

Urban Water Corporation: **Wannon Water**

Melbourne Water: **Outside drainage boundary**

Power Distributor: **POWERCOR**

STATE ELECTORATES

Legislative Council: **WESTERN VICTORIA**

Legislative Assembly: **LOWAN**

OTHER

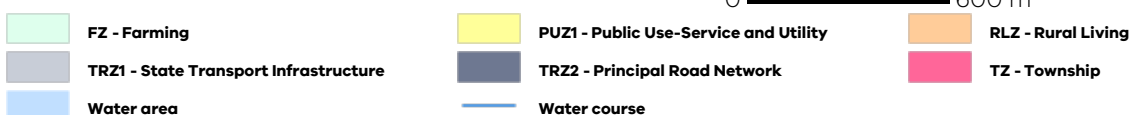
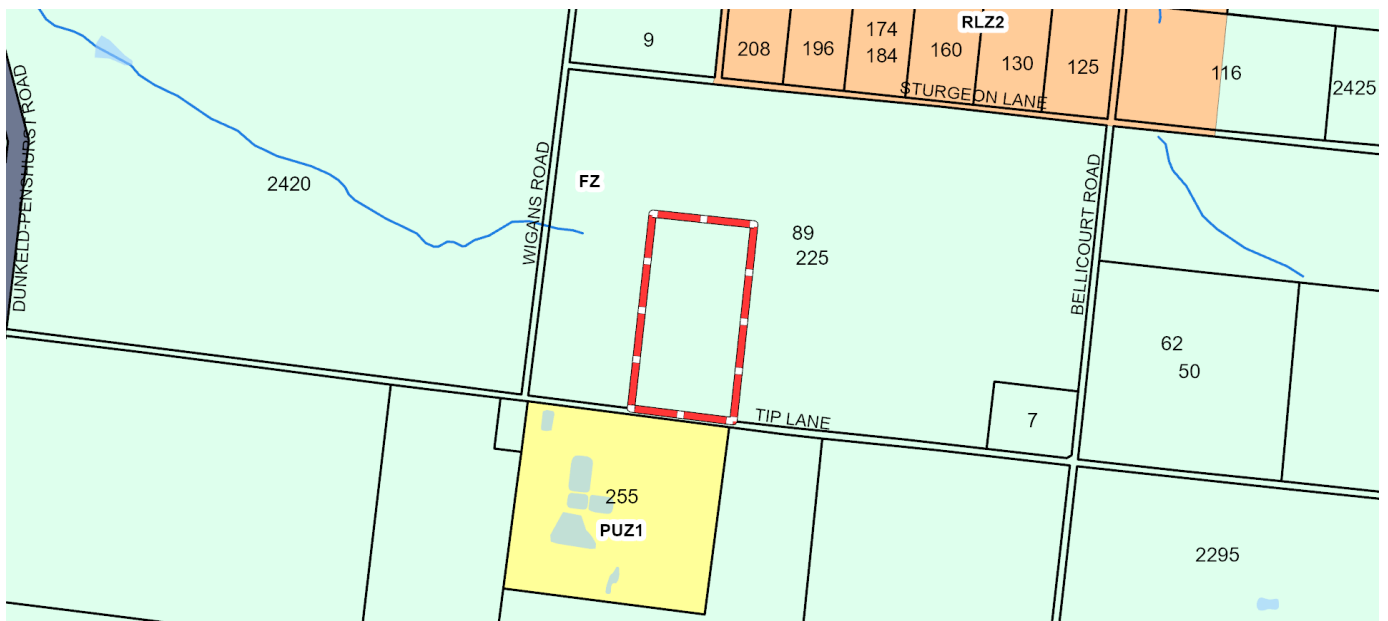
Registered Aboriginal Party: **Eastern Maar Aboriginal Corporation**

[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 Overlay

None affecting this land - there are overlays in the vicinity

OTHER OVERLAYS

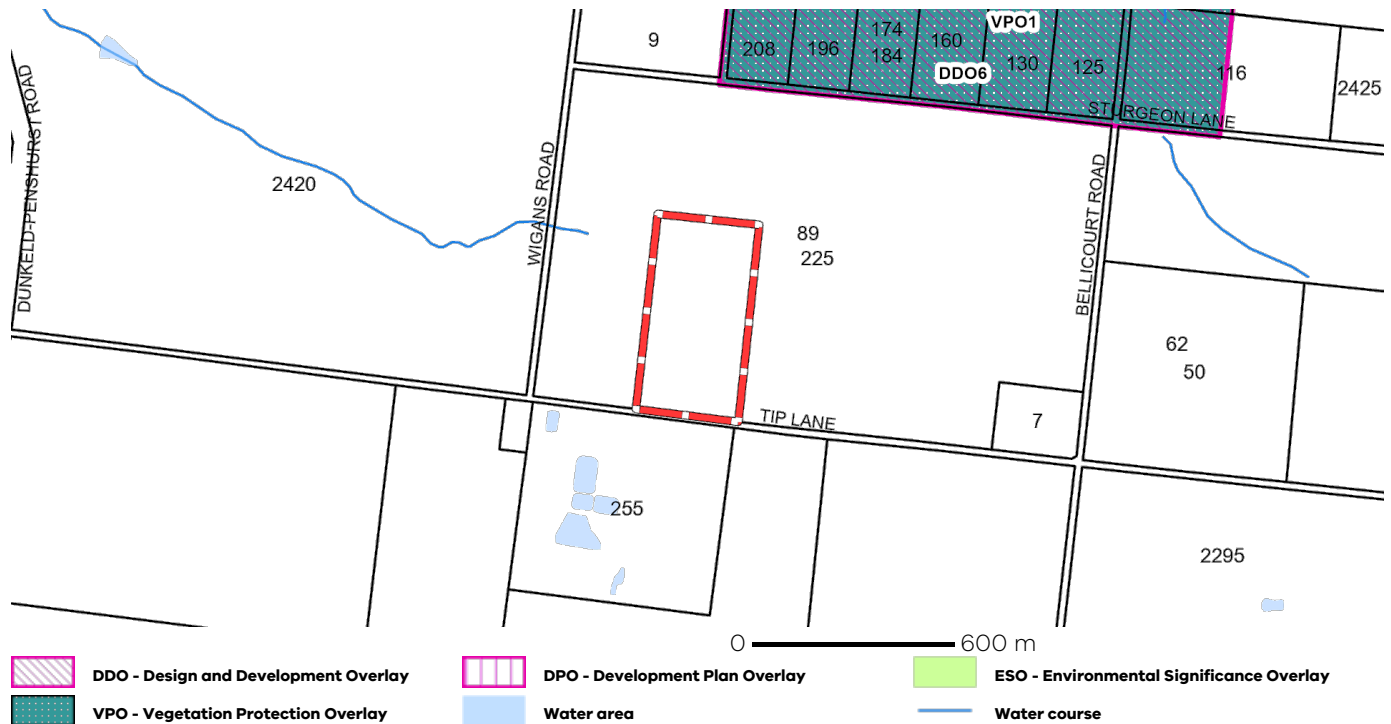
Other overlays in the vicinity not directly affecting this land

[DESIGN AND DEVELOPMENT OVERLAY \(DDO\)](#)

[DEVELOPMENT PLAN OVERLAY \(DPO\)](#)

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

[VEGETATION PROTECTION OVERLAY \(VPO\)](#)



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 7 December 2023.

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>

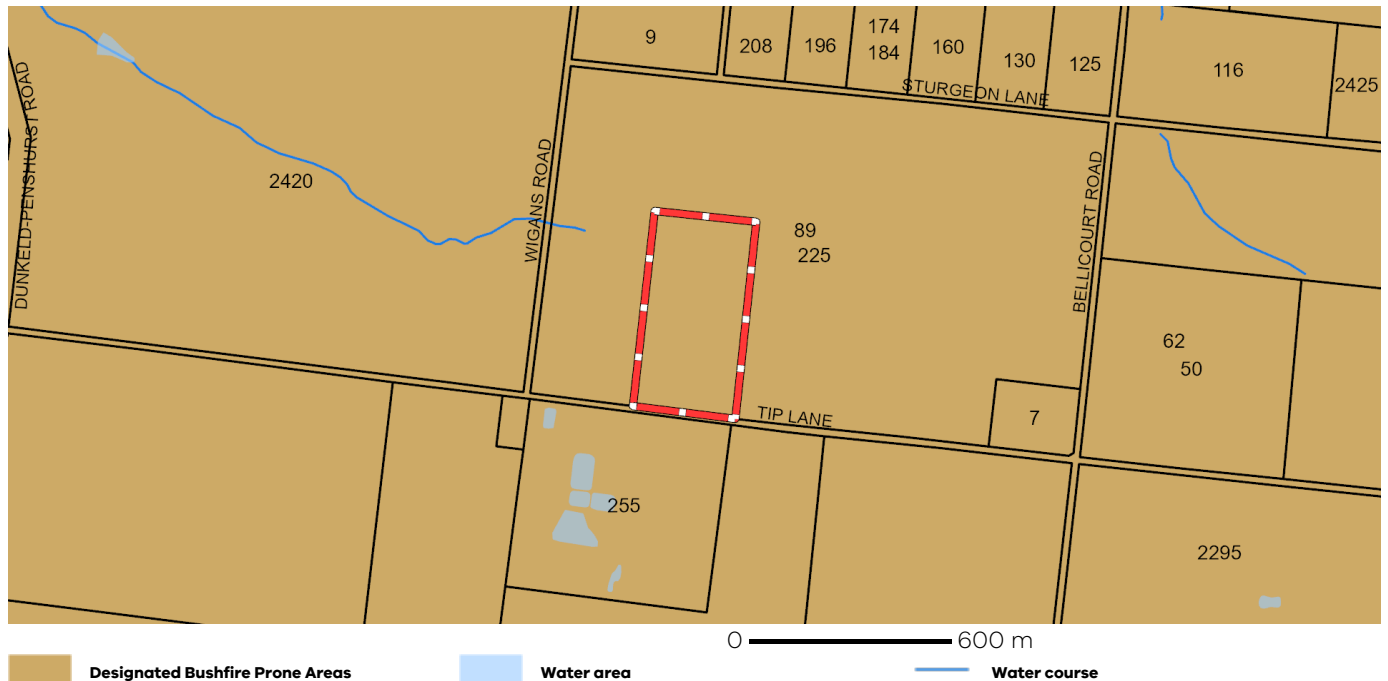
For other information about planning in Victoria visit <https://www.planning.vic.gov.au>

Designated Bushfire Prone Areas

This parcel is in a designated bushfire prone area. Special bushfire construction requirements apply to the part of the property mapped as a designated bushfire prone area (BPA). Planning provisions may apply.

Where part of the property is mapped as BPA, if no part of the building envelope or footprint falls within the BPA area, the BPA construction requirements do not apply.

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PLANNING ASSESSMENT REPORT

DELEGATE REPORT



Application Details

Application Reference:	TP-44-2024
Application Received:	17 June 2024
Applicant:	Pierrepoint Planning
Proposal:	Use and Development of the land for a Second Dwelling
Land / Address:	27 Dennerts Road Hamilton Vic 3300 Crown Allotment: 1 Section: E Parish: HAMILTON SOUTH
Title Restrictions:	None
Zoning:	Farming Zone
Overlays:	None
Under what clause(s) is a permit required?	Clause 35.07-1: Use of the land for Dwelling (other than Bed and breakfast) – if the Section 1 condition is not met. Clause 35.07-4: To construct a building or construct or carry out works associated with a Section 2 use
Current Use & Development:	Agriculture, Residential (single dwelling)

Proposal

The application proposes the use of the land for and construction of a second dwelling. The original dwelling is intended to be retained.

The proposed dwelling comprises three bedrooms and an additional office/guest room, along with a laundry, bathroom and separate powder room, linen room, pantry, kitchen, open plan meals and living area, outdoor living and kitchen, two porches and front verandah. The total floor area occupies a near-rectangular space of 361.31 square metres (sqm). The dwelling is single storey with a maximum height of 5.48m above ground level. The external walls are to be brick veneer and the roof metal sheeting. Annotations of other materials, such as that for verandah posts, are included on the elevations drawing (Sheet 03 prepared by Mackkcon Homes, 9 May 2024).

The proposed dwelling is situated on the western side of the subject site, setback 25 metres (m) east of Robsons Road and 230m north of Dennerts Road. An associated wastewater system is proposed to the north of the dwelling and comprises a septic tank and effluent disposal field with distribution pit and agricultural cut-off drain. Access to the dwelling is proposed from Robsons Road,

with a concrete apron proposed to the front of the built-in garage on the north-western side of the dwelling. A 22,500L water tank

Subject Site & Locality

The subject site is Crown Allotment 1 Section E Parish of Hamilton South, a 58.2 hectare lot located at the northeast corner of Dennerts Road and Robsons Road. The Grange Burn runs roughly east-west at the northern boundary and a tributary from the river is mapped running roughly south-southeast through the site in the north-eastern corner, as seen in the map below (blue line) –

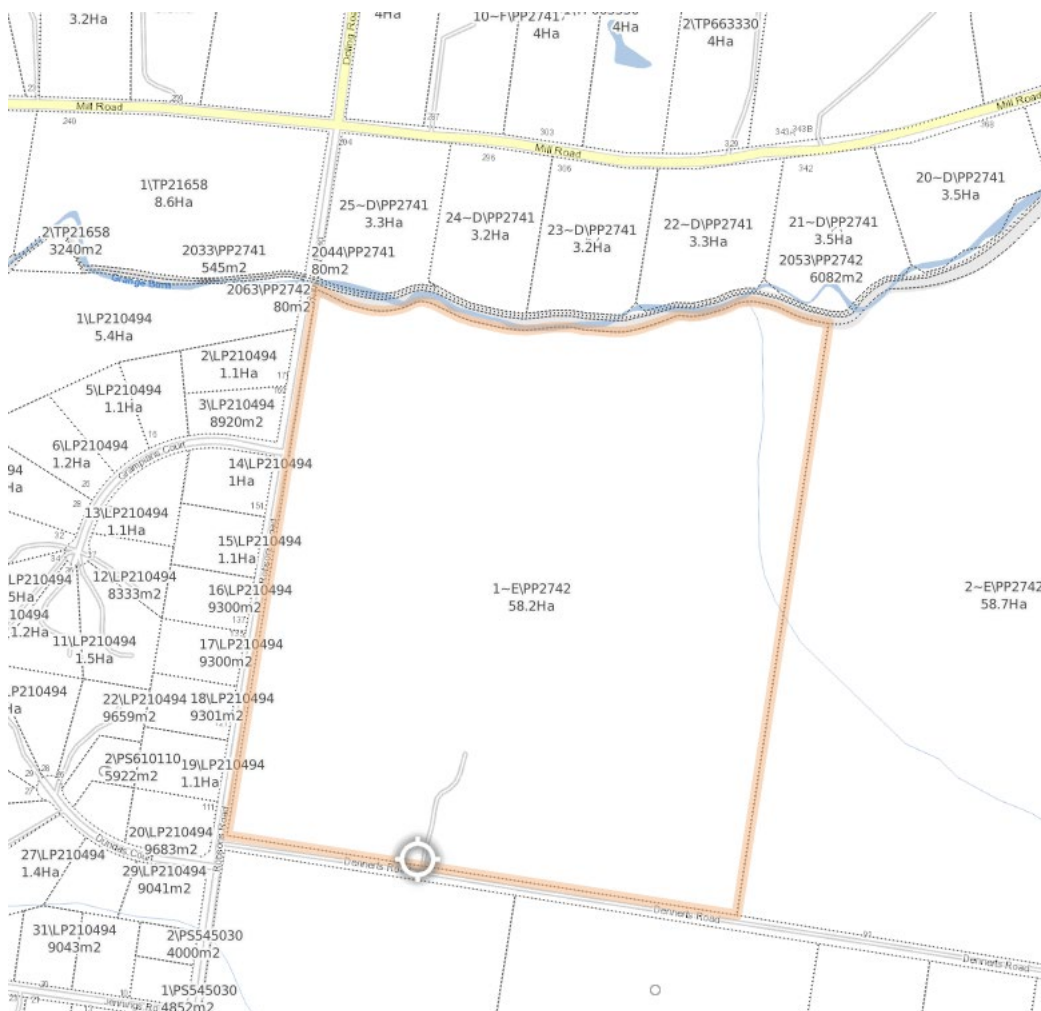


Figure 1 Site map with waterways shown in blue

The site is currently developed with a single dwelling to the south of the site, roughly central to the side boundaries. The subject site is mostly cleared of vegetation, with the aerial photo in Pozi currently showing scattered trees around the dwelling to the central south of the site and a row of trees along the western boundary in the northwest corner of the site.

The site is mapped within the Farming Zone and is, according to the application, used for agriculture (grazing) and a single dwelling. Surrounding properties to the north, east and south are mapped within the Farming Zone and a clear boundary is evident in the layout and use of the land and distribution of utilities between the neighbouring zones. Land to the west is zoned Low Density Residential and is developed with smaller residential lots. According to Pozi, reticulated water is provided to these lots via assets on Robsons Road. It appears the nearest sewer node is some 1.65 kilometre (km) to the southwest on Hamilton-Chatworth Road.

The size of lots in the surrounding area range from around 3ha to 75ha, with the smaller lots being found immediately adjoining Mill Road on the northern side of the Grange Burn and Glenelg Highway to the south.



Figure 2 Site context

Site History

No previous planning applications are recorded on file.

Public Notification

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

- Sending notices to the owners and occupiers of adjoining land.
- Placing (a) sign(s) on site, and
- SGSC website.

The notification has been carried out correctly.

No objections have been received to date.

Referrals

External

The planning scheme does not stipulate any external referral requirements for this application.

Internal

Department	Response
Environmental Health Department (EHO)	<p>Environmental Health Coordinator discussed Planning Application with Anita.</p> <p>Land Capability Assessment (LCA) report required prior to Environmental Health can assess Planning Permit application.</p> <p>LCA report requires to contain the land capability analysis for the proposed dwelling and existing dwelling onsite wastewater management.</p> <p>If the applicant considers keeping the existing dwelling onsite wastewater management system , a plumbing report required to determine whether the onsite wastewater management system been maintained and meet current standards.</p> <p>Environmental Health have been unable to locate any onsite wastewater management system information for the existing dwelling, including pump out and permit documentation. It should be noted that the dwellings onsite wastewater management system is likely to be more than 40 years old (life span of an onsite wastewater management system is around 30 years).</p> <p>The Grange Burn waterway run along the allotments northern boundary.</p>

Planner's note: A Land Capability Assessment (LCA) and related wastewater information was requested on 25 July 2024 and later waived on 13 August 2024. As such, no LCA has been submitted and the application has not been re-referred to Council's EHO.

Planning Framework

Clause 00 Purpose and Vision

Clause 00 Purpose and Vision

Clause 01 Purposes of this Planning Scheme

Clause 02 Municipal Planning Strategy

Clause 10 Planning Policy Framework

Clause 10 Planning Policy Framework

Clause 12 Environmental and Landscape Values

- Clause 12.01 Biodiversity

Clause 13 Environmental Risks and Amenity

- Clause 13.02 Bushfire Planning
- Clause 13.03 Floodplains

Clause 14 Natural Resource Management

- Clause 14.01 Agriculture

Clause 15 Built Form and Heritage

- Clause 15.01 Built Form

Clause 20

This section no longer exists in the Southern Grampians Planning Scheme following the gazettal of planning scheme amendment C59sgra on 16 July 2020.

Clause 30 Zones

Clause 35.07 Farming Zone

Pursuant to Clause 35.07-1 a permit is required to use the land for a dwelling when the conditions of Section 1 are not met.

Pursuant to Clause 35.07-4 a permit is required to construct a building and carry outworks associated with a Section 2 use (Dwelling).

Clause 40 Overlays

No overlays apply to the land.

Clause 50 Particular Provisions

Clause 52.06 Car Parking

Clause 52.06 applies to new land uses and extension or intensification of existing land uses.

Clause 52.06-5 sets out that a dwelling with three or more bedrooms requires two car parking spaces, one of which must be covered. Internal parking dimensions and access requirements are listed in the provision.

Clause 60 General Provisions

Clause 64 General Provisions for Use and Development of Land

Clause 64.01 sets out that if land is used for more than one use and one is not ancillary to the other, each use must comply with this scheme.

Clause 70 Operational Provisions

Clause 73.03 Land Use Terms

'Dwelling' is defined as:

A building used as a self-contained residence which must include:

- a) a kitchen sink;
- b) food preparation facilities;
- c) a bath or shower; and
- d) a toilet and wash basin.

It includes outbuildings and works normal to a dwelling.

Other Considerations

Bushfire Prone Area

The entire site and surrounding area are within the designated bushfire prone area.

Bushfire planning policy at Clause 13.02 must be applied to all planning and decision making under the *Planning and Environment Act 1987* relating to land that is (as applicable):

- Within a designated bushfire prone area.

Cultural Heritage

As per the Aboriginal Victoria map provided by the applicant dated 13 June 2024 (within Attachment 4), the northern section of the site which abuts the Grange Burn is subject to cultural heritage sensitivity. The proposed buildings and works are located outside of this area and a proposal for two dwellings is exempt from requiring a Cultural Heritage Management Plan under Regulation 9 of the *Aboriginal Heritage Regulations 2018*.

Other Policy Documents

Rural Land Use Strategy 2022 ('RLUS'), Southern Grampians Shire Council

The RLUS "aims to retain residential growth and rural living within established townships to create a network of integrated and prosperous settlements" (page 3). The Farming Zone (FZ) is primarily used for retaining productive agricultural land. Figure 2: Rural Zones on page eight of the RLUS shows the areas of the shire mapped within the FZ. Much of the shire is within the FZ, which is reflective of the leading primary production industry which is crucial to the shire's economy and that of Victoria more broadly.

Hamilton Structure Plan 2011, Hansen Partnership for Southern Grampians Shire Council

The subject site is clearly defined within farming land to the east of Hamilton and outside of identified residential growth and consolidation areas. The land use map found on page 12 of the structure plan is provided as Attachment 5.

Assessment

Land use

Section 2 of the table of uses in the zone identifies land uses that may be appropriate for the zone. The permit requirement is intended to ensure a full assessment of the use is conducted to determine the appropriateness of the use and any associated development. Assessments are site-specific and consider the context of the site and future land use conflicts that could amount.

The subject site is already used for a dwelling and the dwelling appears to date back seven decades (1950s). No records of planning, building or environmental health permits have been found in Council's electronic archive.

The land is also used for agriculture, though no additional information has been supplied with the applicant to detail the extent and spatial or other requirements of this use at the site. As such, the potential effects of the dwelling on this use is uncertain.

The site already has provision of one dwelling which is expected to be sufficient for the farm and overall landholding. The proposed dwelling is not proposed to support the ongoing use of land for agriculture, but rather to provide additional housing for the owners' extended family. While this is a legitimate desire for a family, it does not promote the purpose of the zone for retaining productive agricultural land and will, through the repurposing of space for the dwelling, accessway, on-site wastewater treatment field, septic tank and any future garden and outdoor living areas, reduce the land available for grazing or other agricultural use.

Page 5 of the Planning Report (Pierrepoint Planning, 2024) submitted with the application provides the following commentary around the current and potential use of the existing dwelling:

The land accommodates a habitable dwelling (currently occupied by extended family of the owners of the land), together with an array of outbuildings and rural infrastructure which are clustered around the existing dwelling, located centrally in the south segment of the application site.

In the longer term, if the existing dwelling is not required by family members it is intended to use the dwelling for short term tourism accommodation, for example Air B & B or Farm Stay accommodation, to complement the Millard's motel business.

The existing dwelling may also be used to accommodate staff associated with the Goldsmith Motel, as rental accommodation is difficult to secure within Hamilton.

Figure 3 Planning Report extract, Pierrepoint Planning 2024

From this commentary, it is apparent that the existing dwelling is habitable and can be retained and used. The necessity for a new dwelling is not justified and the potential for one of the two dwellings to be disused in future is possible, given no decisive plan is laid for the existing dwelling once the new dwelling is built (should a permit be granted). Consistent with the current use rights of the planning scheme (Clause 63 Existing Uses), should a dwelling not be used for two or more years the use rights will lapse and the building rendered unusable for that purpose until a new permit is granted to re-establish the use under the planning scheme (subject, of course, to any change to the planning scheme and/or zoning of the land).

While the dwelling is proposed close to Robsons Road (setback 25m) and near land zoned for rural residential purposes, the integrity and purposes of the Farming Zone should be prioritised. The

subject site is identified in the *Hamilton Structure Plan 2011* as being outside the urban boundary and the low-density residential zone to the west of the site is in place to protect existing agricultural land and provide the necessary transition from more intensive residential land within the township and provide for long-term future expansion opportunities on the periphery. The farming land is set aside for farming and should not be used for further residential development.

Consistent with the land use zoning, reticulated water and electricity are available to lots west of the subject but no sewer facility is established in the immediate area. The subject site is located outside of Wannan Water's sewer district, the boundary of which is Robsons Road. Expansion of sewer systems is greatly restrained due to current installation costs and therefore sewerage infrastructure may not be provided in this area for some time. Settlement land uses, such as residential accommodation, should not be encouraged outside of residential zones where they can be better serviced and connected to services and utilities.

Clause 35.07-2 requires that land used for a dwelling meet the requirements listed below –

- Access to the dwelling, small second dwelling or rural worker accommodation must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- Each dwelling, small second dwelling or rural worker accommodation must be connected to reticulated sewerage, if available. If reticulated sewerage is not available all wastewater from each dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017* for an on-site wastewater management system.
- The dwelling, small second dwelling or rural worker accommodation must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- The dwelling, small second dwelling or rural worker accommodation must be connected to a reticulated electricity supply or have an alternative energy source.

Access can be provided to the dwelling from Robsons Road and therefore no new roads are required to be constructed. A new driveway must be designed to meet the requirements of Clause 52.06-9 if the proposal is supported.

No sewer is available and therefore the dwelling, if approved, must have its own wastewater treatment system.

According to the mapping in Pozi, water is provided via a reticulated pipeline on Robsons Road. It is assumed the development would be able to connect to that source of reticulated water. A water tank is also proposed, as shown on the site plan.

Pozi also shows that power poles are located along Robsons Road and therefore it is assumed the development would be able to connect to that source of reticulated electricity.

Each of these requirements, therefore, can be met. Relevant permit conditions should be included on any permit issued to ensure the requirements are fulfilled by the developer before the dwelling is occupied.

Development

The decision guidelines of Clause 35.07-6 seek to cluster buildings in one area of the site to avoid any adverse impacts on surrounding agricultural uses and minimise loss of productive agricultural land. The proposed dwelling is sited away from the existing buildings and would have its own access from Robsons Road and is therefore quite separate from the existing dwelling and other buildings.

The proposed development is sited 25m from the nearest road which provides a suitable buffer to the roadway whilst also making a convenient distance for residents and guests to access the dwelling. The accessway dimensions and materials are not noted on the site plans (save for the concrete garage apron) but it is anticipated all-weather access with a minimum width of 3.0m (required by Clause 52.06-9, Design standard 1) can be constructed, due to the lot size.

The land undulates but is not particularly steep and minimal earthworks are required to accommodate the dwelling foundation and a practical driveway gradient.

The dwelling itself is of a modest size and scale and would not be overwhelming on the rural landscape. Noting the arguments mentioned above around the intended use and loss of agricultural land, the site has sufficient space to accommodate the dwelling and its services. The dwelling is well setback from the nearest waterway and sufficient setbacks are maintained for the proposed wastewater disposal field.

Should a permit be granted for the proposal, permit conditions should be included to require access details which meet Clause 52.06-9 and more information to demonstrate compliance with current wastewater treatment requirements. A permit will also be required from Council's Environmental Health department for the new wastewater treatment system. A building permit will also be required for the dwelling.

Wastewater treatment for the existing dwelling

Given no records are available for the site, it is assumed the existing on-site wastewater treatment system for the existing dwelling – whatever it might be – is non-compliant with current requirements and in need of upgrading. Typically, on-site wastewater treatment systems have a lifespan of up to 30 years. The existing dwelling is apparently a 1950s build and as such it is likely the wastewater treatment system is as or nearly as old.

Should a permit be granted for the second dwelling, it is recommended that a permit condition be included to require the upgrade of the wastewater treatment system for the existing dwelling to bring it into compliance.

Conclusion

The application proposes the intensification of the existing use of the land for a dwelling by introducing a second, single storey dwelling to the site. The dwelling proposed is setback a considerable distance from other buildings on the site and will have separate access from Robsons Road and therefore appears to be quite detached from the current dwelling.

A clear plan for the use of the proposed and existing dwellings is not provided in the application, with the submitted planning report presenting some options, such as tourist accommodation, for the existing dwelling if it is no longer wanted by the family. The application presents little justification for

the dwelling or evidence to show the dwelling is necessary or beneficial to the running of the agricultural activities of the site.

Additionally, no evidence is provided to show what the needs of the farm are or whether the dwelling would impede the success or productivity of the farm. The application fails to demonstrate the use and construction of a second dwelling will have negligible impact on existing agricultural use of the site and surrounding farmland and fails to demonstrate why a permit should be granted.

It is therefore recommended that the application be refused.

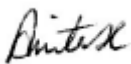
Recommendation

Refusal

That Council's delegate, having given notice of planning application TP-44-2024 under section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Act*, resolves to Refuse to Grant a Permit under the provisions and Clause 35.07 of the Southern Grampians Planning Scheme in respect of the land known and described as 27 Dennerts Road Hamilton, Victoria 3300 Crown Allotment: 1 Section: E Parish: HAMILTON SOUTH for Use and Development of the land for a Second Dwelling, with application dated 17 June 2024. Grounds for refusal are listed as follows:

1. The application provides insufficient justification for the use and construction of a second dwelling on the land and does not demonstrate the proposed dwelling will have an acceptable impact on the existing use for agriculture.
2. The application is inconsistent with the purpose and decision guidelines of Clause 35.07 of the Southern Grampians Planning Scheme.
3. The application does not have regard to Clause 65 of the Southern Grampians Planning Scheme which seeks to achieve orderly planning outcomes.

Prepared By



Anita Collingwood
Senior Statutory Planner

Date: 09 September 2024

PPP Ref: 2024 -016

12 June 2024

Mr. Andrew Nield
Planning Coordinator
Southern Grampians Shire
Locked Bag 685
HAMILTON VIC 3300

Dear Andrew,

**PLANNING APPLICATION
SECOND DWELLING
27 DENNERTS ROAD HAMILTON**

Please find attached the following documentation associated with the planning application for the two (2) lot subdivision of the above property.

1. Current Certificate of Title
2. Planning Report prepared by Pierrepoint Planning
3. Cultural Heritage Management Plan Form, AAV Process List and Cultural Heritage Sensitivity Map
4. Dwelling plans prepared by Mackkcon Homes

Please email Pierrepoint Planning an invoice for the planning application fee.

Please contact me if you have any questions in relation to the above or if you require any further information.

Yours sincerely



**ANDREW LACEY
PRINCIPAL**

Encl.

Providing Planning Services throughout South West Victoria Since 2006



Planning Enquiries
Phone: (03) 5573 0444
Web:
www.sthgrampians.vic.gov.au

Office Use Only

VicSmart:

No

Specify class of VicSmart application:

Application No:

Date Lodged: 13/06/2024

Application for Planning Permit

If you need help to complete this form, read [How to complete the Application for Planning Permit form](#).

⚠ 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 as part of a planning process under the *Planning and Environment Act 1987*. If you have any concerns, please contact Council's planning department.

⚠ Questions marked with an asterisk (*) are mandatory and must be completed.

⚠ If the space provided on the form is insufficient, attach a separate sheet.

Application type

Is this a VicSmart Application?*

No

If yes, please specify which VicSmart class or classes:

⚠ If the application falls into one of the classes listed under Clause 92 or the schedule to Clause 94, it is a VicSmart application

Pre-application meeting

Has there been a pre-application meeting with a Council planning officer?

If 'yes', with whom?:

Date:

day / month / year

The Land

Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address*

Unit No:	St. No: 27	St. Name: Dennerts Road
Suburb/Locality: Hamilton		Postcode: 3300

Formal Land Description*


Complete either A or B

⚠ This information can be found on the certificate of title.

A	Lot No:	<input type="radio"/> Lodged Plan	<input type="radio"/> Title Plan	<input type="radio"/> Plan of Subdivision	No:
OR					
B	Crown Allotment No: 1	Section No: E			
Parish/Township Name: HAMILTON SOUTH					


If this application relates to more than one address, please attach details.

The Proposal

 You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application.


① For what use, development or other matter do you require a permit?*

Use and Development of a Second Dwelling

 Provide additional information on the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

① Estimated cost of development for which the permit is required*

Cost **\$800,000.00**

 You may be required to verify this estimate
Insert '0' if no development is proposed


Insert '0' if no development is proposed (eg. change of use, subdivision, removal of covenant, liquor licence)

Existing Conditions **①**

Describe how the land is used and developed now*

Eg. vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

Dwelling and associated outbuildings and agriculture (extensive animal husbandry)

 Provide a plan of the existing conditions. Photos are also helpful.


Title Information **①**

Encumbrances on title*

If you need help about the title, read: [How to complete the Application for Planning Permit form](#)

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

- Yes. (if 'yes' contact Council for advice on how to proceed before continuing with this application.)
- No
- Not applicable (no such encumbrance applies).

 Provide a full, current copy of the title for each individual parcel of land forming the subject site. (The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments' eg restrictive covenants.)

Applicant and Owner Details **①**

Provide details of the applicant and the owner of the land.

Applicant *

The person who wants the permit

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

Name:			
Title:	First Name: Andrew	Surname: Lacey	
Organisation (if applicable): Pierrepoint Planning			
Postal Address		If it is a PO Box, enter the details here:	
Unit No:	St. No:	St. Name: PO Box 5003	
Suburb/Locality: Tarrington		State: VIC	Postcode: 3301
Contact person's details*		Same as applicant (if so, go to 'contact information')	
Name:			
Title:	First Name: Andrew	Surname: Lacey	
Organisation (if applicable): Pierrepoint Planning			

Postal Address		If it is a PO Box, enter the details here:	
Unit No.:	St. No.:	St. Name: PO Box 5003	
Suburb/Locality: Tarrington		State: VIC	Postcode: 3301

Please provide at least one contact phone number *

Contact Information	
Business Phone: +61429439083	Email: alacey@pierrepointplanning.com
Mobile Phone: +61429439083	Fax:

Owner *

The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

Name:		
Title: Mr & Mrs	First Name: Kaine and Kelly	Surname: Millard
Organisation (if applicable):		
Postal Address		If it is a PO Box, enter the details here:
Unit No.:	St. No.: 28	St. Name: Goldsmith Street
Suburb/Locality: Hamilton		State: Vic
		Postcode: 3300
Owner's Signature (optional):		Date:
		day / month / year

Information Requirements


Contact Council's planning department to discuss the specific requirements for this application and obtain a planning permit checklist.

Is the required information provided?

Yes
 No

Declaration

This form must be signed by the applicant*

 Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit

I declare that I am the applicant; and that all the information in this application is true and correct and the owner (if not myself) has been notified of the permit application.

Signature:
Electronically Signed.



Date: 13 June 2024

day / month / year

This application has been lodged online. The declaration has been electronically signed.

Checklist

Have you:

<input type="checkbox"/>	Filled in the form completely?	 Most applications require a fee to be paid. Contact Council to determine the appropriate fee.
<input type="checkbox"/>	Paid or included the application fee?	
	Provided all necessary supporting information and document?	

- A full and current copy of the information for each individual parcel of land forming the subject site.
- A plan of existing conditions.
- Plans showing the layout and details of the proposal.
- Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.
- If required, a description of the likely effect of the proposal (eg traffic, noise, environmental impacts).

Lodgement

Lodge the completed and signed form and all documents with:

Southern Grampians Shire Council
111 Brown St, Hamilton VIC 3300
Telephone: (03) 5573 0444

Contact information:
Telephone: (03) 5573 0444
Email: council@sthgrampians.vic.gov.au



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TITLE PLAN	EDITION 1	TP 359593C
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Location of Land

Parish: HAMILTON SOUTH
 Township:
 Section: E
 Crown Allotment: 1
 Crown Portion:

Last Plan Reference:
 Derived From: VOL 5809 FOL 681
 Depth Limitation: 50 FEET

Notations

SUBJECT TO THE RESERVATIONS EXCEPTIONS CONDITIONS AND POWERS CONTAINED IN CROWN GRANT VOL. 5809 FOL. 681 AND NOTED ON SHEET 2 OF THIS PLAN

WATERWAY NOTATION: LAND IN THIS PLAN MAY ABUT CROWN LAND THAT MAY BE SUBJECT TO A CROWN LICENCE TO USE

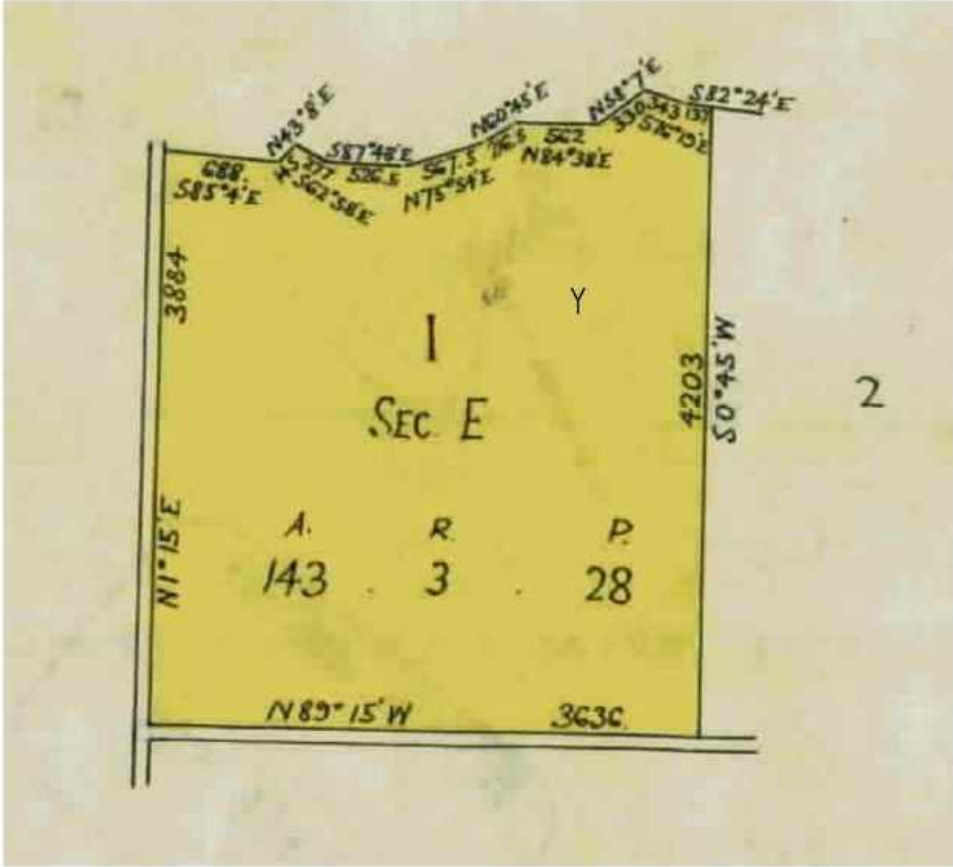
ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN

Description of Land / Easement Information

THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT

COMPILED: 20/03/2000
 VERIFIED: BH

COLOUR CODE
 Y = YELLOW



TITLE PLAN

TP 359593C

LAND DESCRIPTION INCLUDING RESERVATIONS EXCEPTIONS
 CONDITIONS AND POWERS SHOWN ON THE CROWN GRANT

containing *one hundred and forty three acres three roods and twenty eight perches more or less being Allotment* **All THAT PIECE OF LAND in the said State**
one of Section E in the Parish of South Hamilton County of Newbury

delimited with the measurements and abutments thereof in the map drawn in the margin of these presents and therein colored yellow PROVIDED nevertheless that the grantee shall be entitled to sink wells for water and to the use and enjoyment of any wells or springs of water upon or within the boundaries of the said land for any and for all purposes as though he held the land without limitation as to depth EXCEPTING nevertheless unto Us Our heirs and successors all gold and silver and minerals as defined in the *Mines Act 1928* in upon or under or within the boundaries of the land hereby granted AND ALSO reserving to Us Our heirs and successors free liberty and authority for Us Our heirs and successors and Our and their licensees agents and servants at any time or times hereafter to enter upon the said land and to search and mine therein for gold silver and minerals as aforesaid and to extract and remove therefrom any such gold silver and minerals and to search for and work dispose of and carry away the said gold silver and minerals lying in upon or under the land hereby granted and for the purposes aforesaid to sink shafts make drives erect machinery and to carry on any works and do any other things which may be necessary or usual in mining and with all other incidents that are necessary to be used for the getting of the said gold silver and minerals and the working of all mines seams lodes and deposits containing such gold silver and minerals in upon or under the land hereby granted

PROVIDED ALWAYS that the said land is and shall be subject to be resumed for mining purposes under Section 168 of the *Land Act 1928*.
 AND PROVIDED ALSO that the said land is and shall be subject to the right of any person being the holder of a miner's right or of a mining lease or mineral lease under the *Mines Act 1928* or any corresponding previous enactment to enter therein and to mine for gold silver or minerals within the meaning of the said Act and to erect and occupy mining plant or machinery thereon in the same manner and under the same conditions and provisions as those to which such person would for the time being be entitled to mine for gold and silver in and upon Crown lands. PROVIDED that compensation shall be paid to the said GRANTEE

his heirs executors administrators assigns or transferees by such person for surface damage to be done to such land by reason of mining thereon such compensation to be determined as provided for the time being by law and the payment thereof to be a condition precedent to such right of entry.

LENGTHS ARE IN
LINKS

Metres = 0.3048 x Feet
 Metres = 0.201168 x Links

Sheet 2 of 2 sheets

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

VOLUME 05809 FOLIO 681

Security no : 124115110630D
Produced 20/05/2024 12:47 PM

CROWN GRANT

LAND DESCRIPTION

Crown Allotment 1 Section E Parish of Hamilton South.

REGISTERED PROPRIETOR

Estate Fee Simple

Joint Proprietors

KAINE ANDREW MILLARD

KELLY ANNE MILLARD both of 1 RIVERSIDE DRIVE ROBINVALE VIC 3549

AM439946M 29/12/2015

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AM439947K 29/12/2015

AUSTRALIA AND NEW ZEALAND BANKING GROUP LTD

Any crown grant reservations exceptions conditions limitations and powers noted on the plan or imaged folio set out under DIAGRAM LOCATION below.

For details of any other encumbrances see the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP359593C 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: 27 DENNERTS ROAD HAMILTON VIC 3300

ADMINISTRATIVE NOTICES

NIL

eCT Control 16165A AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED

Effective from 22/10/2016

DOCUMENT END

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

VOLUME 05809 FOLIO 681

Security no : 124115110630D
Produced 20/05/2024 12:47 PM

CROWN GRANT

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Crown Allotment 1 Section E Parish of Hamilton South.

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DIAGRAM LOCATION

SEE TP359593C 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: 27 DENNERTS ROAD HAMILTON VIC 3300

ADMINISTRATIVE NOTICES

NIL

eCT Control 16165A AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED

Effective from 22/10/2016

DOCUMENT END

PLANNING REPORT USE AND DEVELOPMENT OF A SECOND DWELLING 27 DENNERTS ROAD HAMILTON



Prepared by:
ANDREW LACEY
B.App. Sci (Planning) Grad. Dip. U & R Planning
M.P.I.A.

Client: K and K Millard

PPP 2024-016
June 2024

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Appendices

Appendix A – Certificate of Title

Appendix B – Second Dwelling Plans

1 Introduction

This planning report has been prepared to accompany a planning application to use and develop land known as 27 Dennerts Road Hamilton, being Crown Allotment 1 Section E Parish of Hamilton South, for the purposes of a second dwelling.

The application is made on behalf of Kaine and Kelly Millard, who are the proprietors of the Aat 28 Goldsmith Motel, located at 28-30 Goldsmith Street Hamiton.

The Millard's extended family reside in the existing 1950's brick dwelling, located on the application site.

It is intended to retain the existing dwelling, as detailed in Section 3 of this report and to develop a contemporary single storey second dwelling on the property.

The application site has an area of 58.24 hectares and is used for modest agricultural purposes, together with land on the south side of Dennerts Road, being Crown Allotment 7 Sec 5, which has an area of 19.31 hectares. That land is also owned by the Millard's. Millard's overall land holding has an area of 77.55ha.

The use of the property for agricultural purposes will continue.

The application is made having regard to the provisions of the Farming Zone within the Southern Grampians Planning Scheme. Pursuant to the Table of Uses at Clause 35.07-1, the use of land for a second dwelling is a Section 2 permit required use, and pursuant to Clause a permit is required for building and works associated with a Section 2 Use.

2 Description of the Land

The application site is contained within Certificate of Title Volume 05809 Folio 681, being Crown Allotment 1, Section E, Parish of Hamilton South.

The land has an area of 58.24ha, approximately 143 acres.

The southern boundary of the property has an abuttal to Dennerts Road of 2090.47metres, and the east boundary has an abuttal to Robsons Road of 535.1 metres.

The north boundary of the application site is defined by the Grange Burn.

A copy of title plan follows:

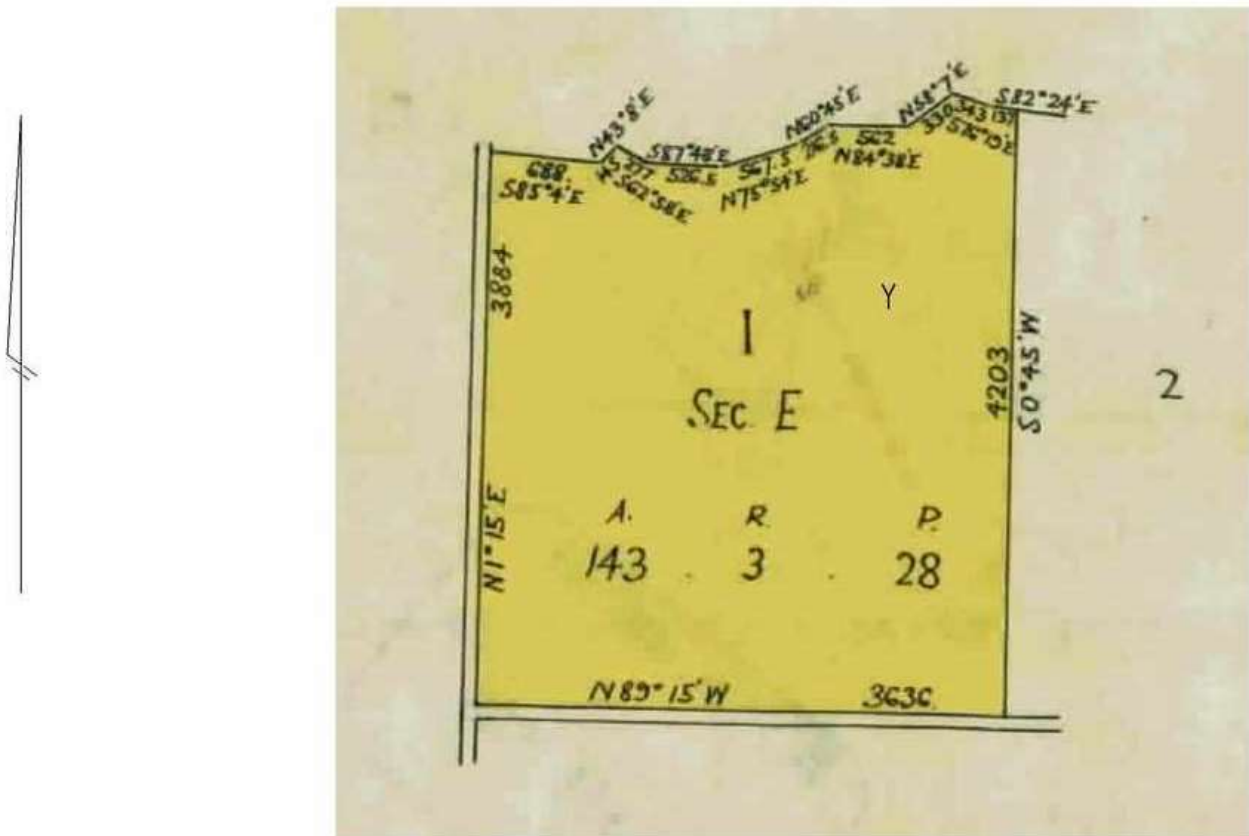


Figure 1 - Title Plan

A copy of the certificate of Title is attached. **Refer to Appendix A.**

3 The Proposal

The application seeks approval to use and develop the land for a second dwelling.

The land accommodates a habitable dwelling (currently occupied by extended family of the owners of the land), together with an array of outbuildings and rural infrastructure which are clustered around the existing dwelling, located centrally in the south segment of the application site.

In the longer term, if the existing dwelling is not required by family members it is intended to use the dwelling for short term tourism accommodation, for example Air B & B or Farm Stay accommodation, to complement the Millard's motel business.

The existing dwelling may also be used to accommodate staff associated with the Goldsmith Motel, as rental accommodation is difficult to secure within Hamilton.

The Southern Grampians Planning Scheme's definition of dwelling is as follows:

A building used as a self-contained residence which must include:

- a) a kitchen sink;*
- b) food preparation facilities;*
- c) a bath or shower; and*
- d) a closet pan and wash basin.*

It includes out-buildings and works normal to a dwelling.

The land is zoned Farming Zone.

A permit is required to use the land for a second dwelling pursuant to the Table of Uses within the Farming Zone. A dwelling is a Section 2 permit required use if there is more than one dwelling on the land. (See Clause 35.07-1).

Pursuant to Clause 35.07-4 a permit is required for building and works associated with a use in Section 2 of the Table of Uses of Clause 35.07-1.

3.1 Description of the Proposed Second Dwelling

The dwelling is single storey and comprises of the following rooms:

- Meals/living/Kitchen/Pantry
- Family
- Master bedroom (Ensuite and WIR)
- Bedroom 2 and 3 (with WIRs)
- Office/Guest Room
- Bathroom
- Powder
- Linen
- Laundry
- Entry
- Double Garage
- Outdoor Living/Outdoor Kitchen

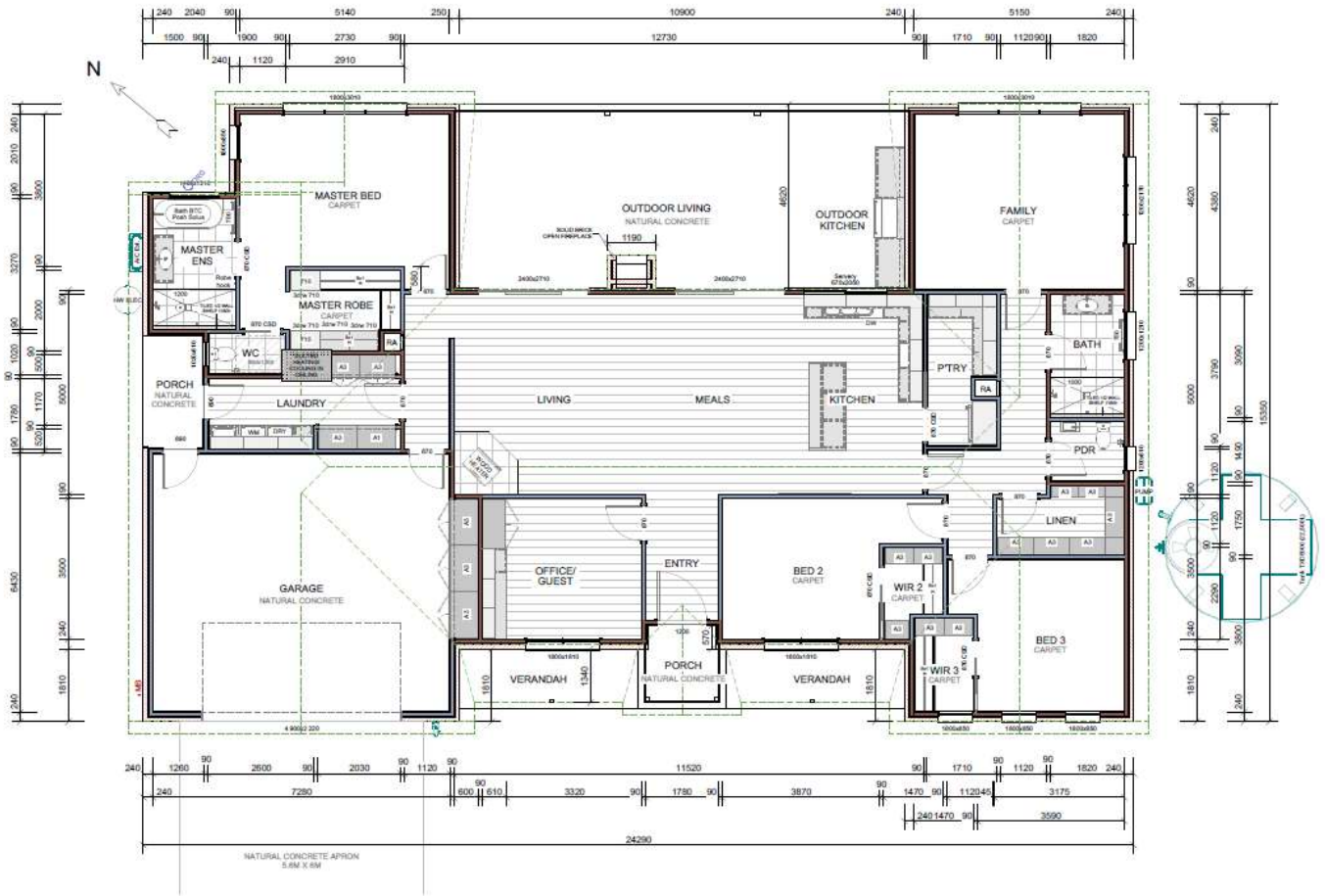
The dwelling comprises of the following areas:

- Living area 239.23 sqm
- Outdoor living 48.73 sqm
- Garages 53.51 sqm
- Porches 7.94 sqm
- Verandah 12.10 sqm

Total 364.01 sqm

An extract of the floor plan and elevations follows:

Proposed Second Dwelling – 27 Dennerts Road Hamilton



FLOOR PLAN
SCALE 1:100

Figure 2: Floor Plan



Figure 3: South West Elevation

Proposed Second Dwelling – 27 Dennerts Road Hamilton

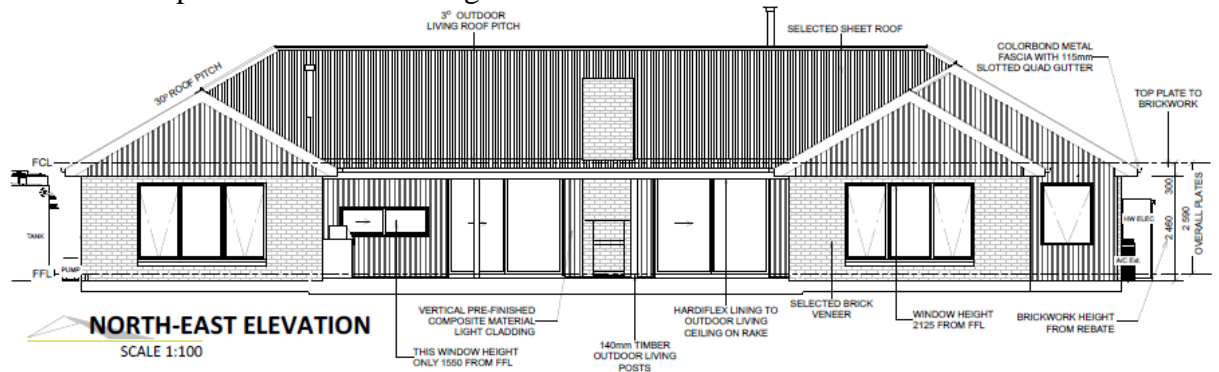


Figure 4: North East Elevation

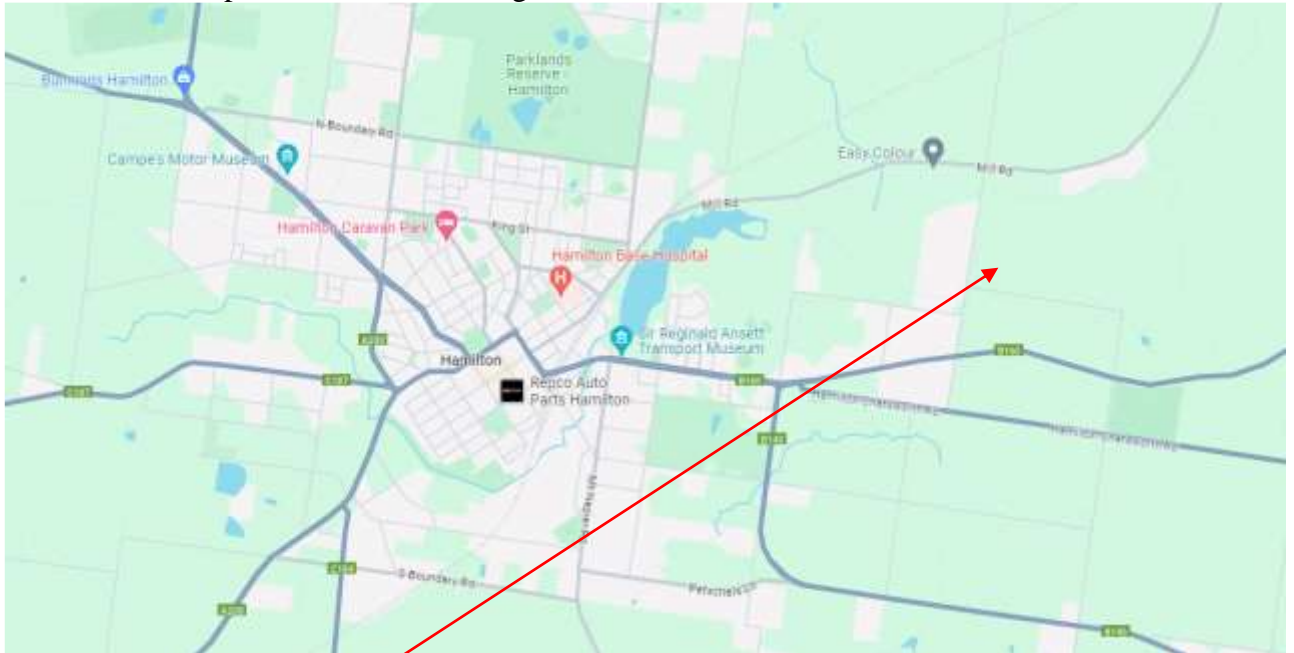
The suite of the second dwelling plans are attached. Refer to **Appendix B**.

4 Site Location

The application site is located on the north east corner of Dennerts Road and Robsons Road, 530 metres south of the Glenelg Highway (Ballarat Road), on the eastern fringe of the Hamilton township.

The application site is located 5km (via road) east of the Hamilton Post Office via Ballarat Road Highway.

Proposed Second Dwelling – 27 Dennerts Road Hamilton



Application Site:

Figure 5: Site Context Plan

5 Site Description

The southern part of the application site is developed with an existing dwelling and associated outbuildings and established landscaping. A dam is located within the garden setting on the south side of the existing dwelling.



Photograph 2: Existing Dwelling

Vehicle access to the dwelling is gained from Dennerts Road, 275 metres east of the intersection of Dennerts Road and Robsons Road.



Photograph 3: Existing Vehicle Entrance from Dennerts Road

The application site, together with the family's broader landholding on the southern side of Dennerts Road land is used for modest agriculture purposes, being the grazing of lamb by cattle and cross bred sheep. From time to time, seasonally dependant, hay is cut and baled from parts of the property. The existing agricultural use of the property is proposed to continue.

A farm dam is located towards the southern boundary of the application site, between the eastern boundary of the application site and the dwelling and associated outbuildings.

A natural drainage line traverses the north east corner of the application site and feeds into the Grange Burn.

An aerial photograph of the application site follows:



Figure 6: Aerial of the Application Site

Siting of Proposed Second Dwelling Site

The proposed second dwelling is setback 25 metres from the Robsons Road frontage of the property (i.e., west boundary) and 230 metres north of the south boundary (i.e., Dennerts Road).

It is proposed to fence the proposed second dwelling, associated outdoor living area or garden area (incorporating the proposed effluent envelope) and the vehicle accessway, from the balance of the open paddocks to the north.

An extract of the site plan follows, which shows the location of the existing dwelling and proposed second dwelling.

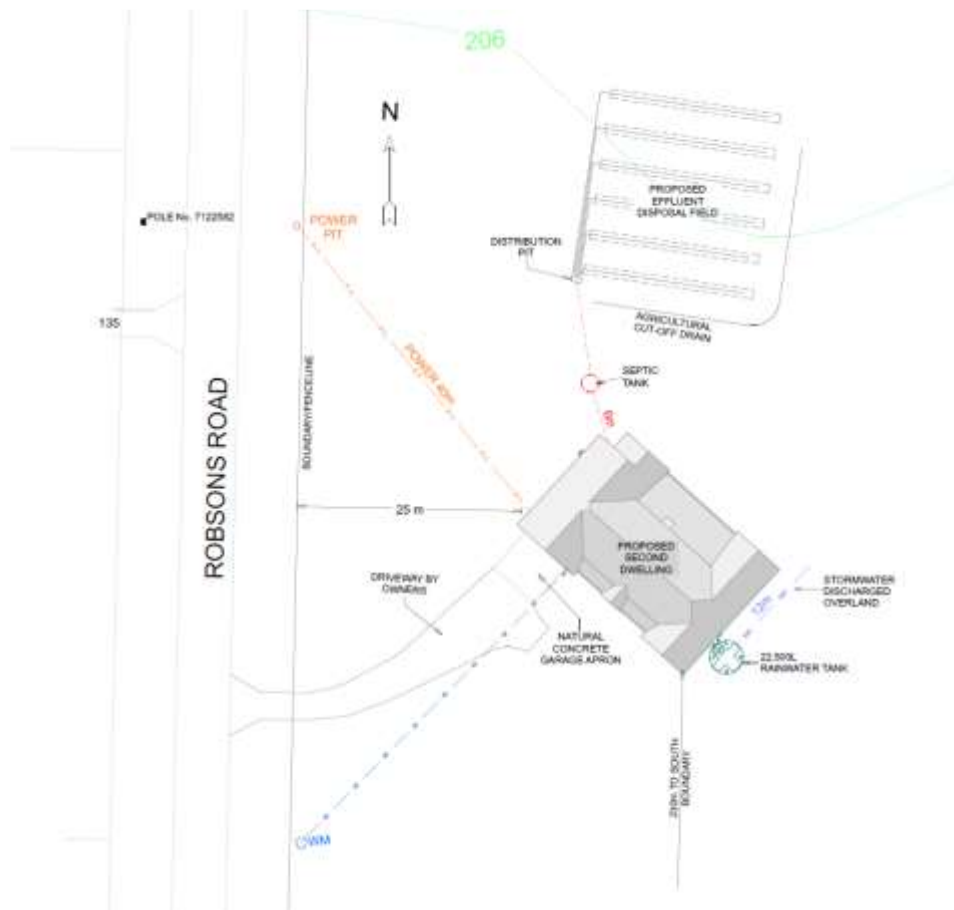


Figure 7 Extract of Site Plan of Proposed Second Dwelling



Photograph 2: Proposed Dwelling Site viewed from Robsons Road

An overall site plan follows, which shows the relationship between the existing dwelling and the proposed dwelling.

Proposed Second Dwelling – 27 Dennerts Road Hamilton

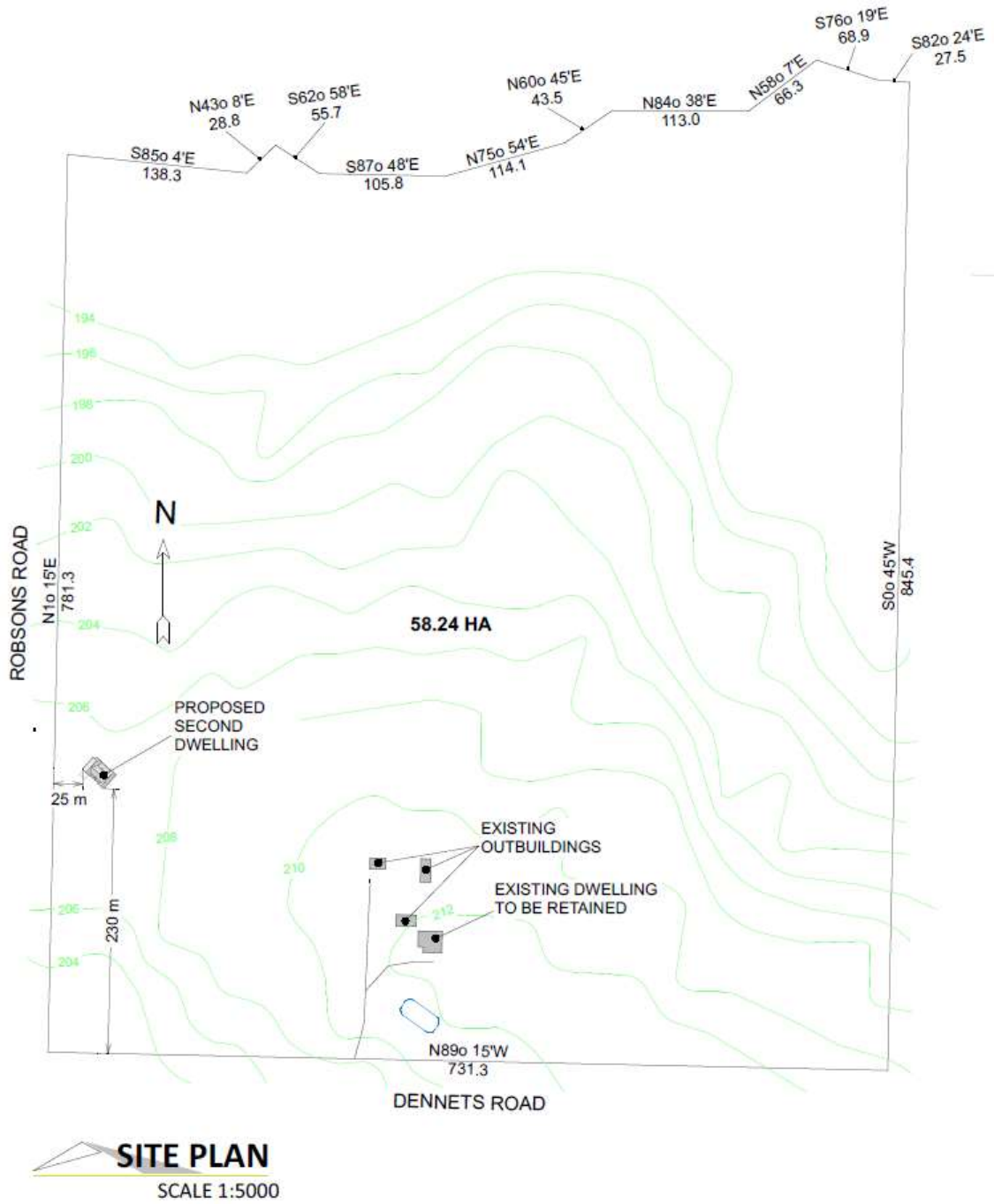


Figure 8: Overall Site Plan

Contours

The application falls from Dennerts Road to the north to the Grange Burn.

The highest part of the site is the along the eastern part of the southern boundary, having a height of 212m ahd.

The land falls to 186m ahd along the northern (Grange Burn) boundary.

The overall fall across the site is 26 metres from south to north.

The existing dwelling and associated outbuildings are located on almost the highest part of the property, sited between 210m ahd and 212m ahd.

The proposed second dwelling is site on the western part of the property having a frontage to Robsons Road. The dwelling is sited 300 metres north of Robsons Road and is setback 25 metres from Robsons Road. The proposed dwelling site is opposite 135 Robsons Road.

The second dwelling site is a relatively level part of the property, between 206m ahd and 208m ahd.

A contour plan of the application site follows:

Proposed Second Dwelling – 27 Dennerts Road Hamilton



Figure 9 : Contour Plan Plan

6 Surrounding Land Use

Land east of Robsons Road and north of the Glenelg Highway extending to Mill Road and beyond, including the application site falls, within the Farming Zone.

Land west of Robsons Road, between the Glenelg Highway and the Grange Burn falls predominantly in the Low Density Residential Zone and partly within the Rural Living Zone.

Land immediately east of the application site is used for broad acre agriculture.

Land adjoining the application site to the north, having a frontage to Mill Road, is used and developed for rural living purposes, albeit that the land in this precinct also falls within the Farming Zone.

Land known as 306 Mill Road adjoins the application site to the north.

Council at its Planning Committee meeting resolved to grant a permit for the use and development of that property for a second dwelling. It is noted that 306 Mill Road also falls within the Farming Zone and has a site area of 3.2 hectares.

Land to the west of the application site, (west side of Robsons Road) is used and developed for low density residential purposes and includes Grampians Court and Dundas Court.

Land south of the application site, between Dennerts Road and the Glenelg Highway, east to Callows Road, is used and developed for rural living purposes.

Proposed Second Dwelling – 27 Dennerts Road Hamilton

An aerial photo of the site within the context of immediately surrounding land use and the surrounding road network pattern follows.



Application Site

Figure 10 Aerial of Surrounding Land Use

7 Clause 2.0 Municipal Planning Strategy

Clause 02.03 Strategic Directions

Clause 02.03-1 Settlement

Hamilton (pop 8,888 (ABS, 2017)) is the major urban centre in the Shire. It contains a strong service sector, including health, education and administrative services, as well as an established and thriving central business district serving a regional and local role.

Housing consists predominantly of conventional detached dwellings. Hamilton has two key areas of industrial land: to the south-west and to the north-east, around Coleraine Road.

The landscape and environment in and around Hamilton exerts a strong influence on the city. It has a wealth of heritage buildings and precincts, including numerous churches, and 19th century civic, commercial and residential buildings.

Clause 02.03-4 Natural Resource Management

Agriculture

The Shire's economy is primarily built upon the agricultural sector. Fertile and arable soils, together with a very reliable rainfall, provide a natural advantage. The Shire is renowned for producing fine wool; however, through diversification into meat production, the Hamilton Regional Livestock Exchange (saleyards) has risen to become Victoria's third largest. The Shire's agricultural base also includes large-scale cropping, hay production and horticulture.

Significant growth is expected in agro-forestry, together with mining and renewable energy. Newer industries such as viticulture and olives, and value adding of primary produce, provide significant potential.

Agriculture is supported by established infrastructure and services, scientific research and development, and training and professional services.

Dwellings and small lot subdivision in the Farming Zone can impact detrimentally on agriculture and the rural character of an area.

In supporting agriculture, Council will:

- Support use and development that maintains the significance of agriculture and protects the Shire's agricultural capacity.
- Protect agriculture from use and development that is inconsistent with farming practices, recognising the 'right to farm'.

Proposed Second Dwelling – 27 Dennerts Road Hamilton

- Minimise the impact and area of any non-agricultural development in agricultural areas. Minimise the impacts of dwellings and small lot subdivisions in farming areas.
- Support use and development that efficiently use and manage land, water and other finite resources.
- Encourage agricultural diversity, particularly adding value to primary products through processing, distribution, research and marketing, and new agricultural industries like horticulture and timber.
- Protect natural resources important to agriculture from soil decline, dryland salinity, water quality decline, erosion, pest plants and animals, loss of native vegetation and inappropriate land management practices.
- Manage timber production to maximise the economic and environmental benefits and minimise negative impacts.

Assessment :

The proposal is for the use and development of a contemporary second dwelling on the land, whilst maintaining the original dwelling which is occupied by extended family members..

In the longer term the original dwelling is intended to be used to provide tourism accommodation (e.g., Air BB or Farm Stay) or staff accommodation in association with the owners Hamilton motel business.

The proposed second dwelling, on an existing very modest sized allotment within the Farming zone, will have no impact on the Shires agricultural productivity.

The land is not proposed to be subdivided.

The agriculture potential of the land is somewhat restricted as the land is directly opposite nine (9) residential properties which have frontages to the west side of Robsons Road, directly opposite the application site.

However, it is intended the use of the land for modest agricultural purposes will continue unchanged.

8 Planning Policy Framework

The Planning Policy Framework includes the following relevant clauses;

Clause 11.01-1S Settlement seeks to facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

Clause 11.03-6S Regional and Local Places seeks to facilitate integrated place based planning.

Clause 11.03-6L Hamilton This policy applies to all land shown in the Hamilton Structure Plan and Hamilton City Centre Urban Design Framework maps (Hansen Partnership, 2011). The application site is simply shown on the Hamilton Structure Plan as “Farming Land”.

Clause 14 Natural Resource Management

Planning is to assist in the conservation and wise use of natural resources including energy, water, land, stone and minerals to support both environmental quality and sustainable development.

Planning should ensure agricultural land is managed sustainably, while acknowledging the economic importance of agricultural production.

Clause 14.01-1S Protection of Agricultural Land seeks to protect the state’s agricultural base by preserving productive farmland.

Strategies to preserve productive farmland include:

- Identify areas of productive agricultural land, including land for primary production and intensive agriculture.
- Consider state, regional and local, issues and characteristics when assessing agricultural quality and productivity.
- Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.
- Protect productive farmland that is of strategic significance in the local or regional context.
- Protect productive agricultural land from unplanned loss due to permanent changes in land use.
- Prevent inappropriately dispersed urban activities in rural areas.

Proposed Second Dwelling – 27 Dennerts Road Hamilton

- Protect strategically important agricultural and primary production land from incompatible uses.
- Limit new housing development in rural areas by:
 - Directing housing growth into existing settlements.
 - Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.
 - Encouraging consolidation of existing isolated small lots in rural zones.
- Identify areas of productive agricultural land by consulting with the Department of Economic Development, Jobs, Transport and Resources and using available information.
- In considering a proposal to use, subdivide or develop agricultural land, consider the:
 - Desirability and impacts of removing the land from primary production, given its agricultural productivity.
 - Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.
 - Compatibility between the proposed or likely development and the existing use of the surrounding land.
 - The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.
 - Land capability.
- Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.
- Give priority to the re-structure of inappropriate subdivisions where they exist on productive agricultural land.
- Balance the potential off-site effects of a use or development proposal (such as degradation of soil or water quality and land salinization) against the benefits of the proposal.

Assessment of Clause 14.01-1S Protection of Agricultural Land

The application site is located on the periphery of the urban area of Hamilton. The zone boundary between the Low Density Residential Zone and Farming Zone is defined by Robsons Road.

The application site is not considered to be productive farmland that is of strategic significance in the local or regional context, given the surrounding residential land use, including residential development within the Farming zone on small allotments along the southern side of Mill Road, which abut the northern boundary of the application site.

The application seeks to use and develop a second dwelling on the land, however does not seek to subdivide the land.

Aside from the footprint of the dwelling and associated garden and effluent treatment area, the majority of the application site will continue to be used for agricultural purposes.

Clause 14.01-2s Sustainable Agricultural land uses

Objective

To encourage sustainable agricultural land use

Assessment of Clause 14.01-2s Sustainable Agricultural land uses

Strategies to achieve the above objective relate to the agricultural land use activities, including intensive animal husbandry, the application site is used for very modest agricultural purposes (which will continue) , and given the size of the property it is unlikely that the agricultural use of the land is not sustainable or profitable.

Clause 14.01-2L Sustainable agricultural land use

Strategies

- Support intensive and productive use of rural land for higher value products, including timber plantations, horticulture, intensive animal industries and agro-forestry.
- Encourage use and development that value adds to local produce and creates local employment opportunities.

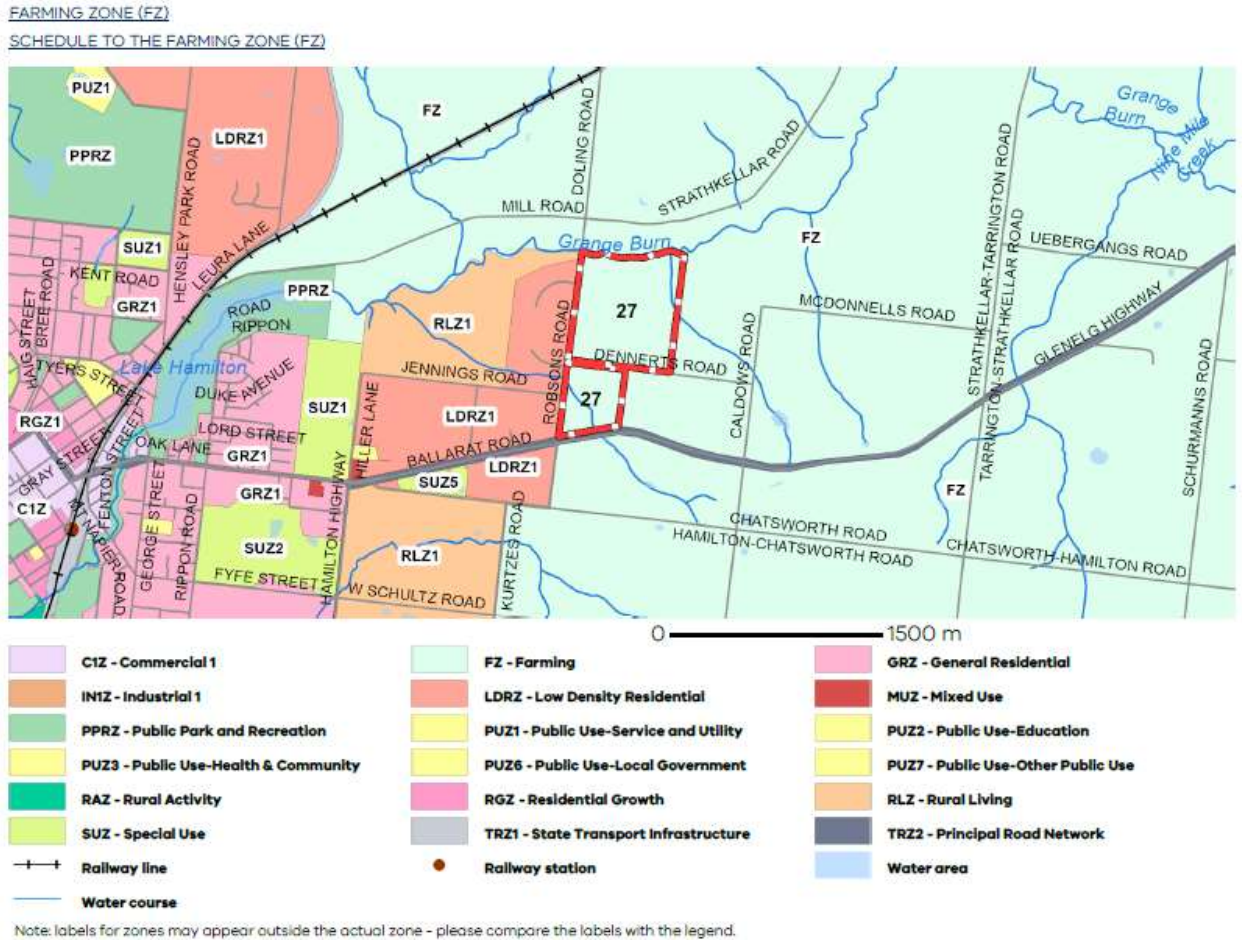
Assessment of Clause 14.01-2L Sustainable Agricultural land uses

The modest agricultural use of the land is not proposed to change. It is not proposed to use the land for higher value agriculture. The proposed second dwelling will not change local employment opportunities in agriculture.

However, the use of the second dwelling for tourism accommodation in the longer term will make a contribution to local employment in the hospitality/accommodation sector.

9 Zoning

The subject land falls within the Farming Zone.



Application Site - Farming Zone (FZ)

Figure 11: Zoning Map

9.1 Purpose of the Zone

The purposes of the Farming zone (Clause 35.07) are as follows:

- 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.

Proposed Second Dwelling – 27 Dennerts Road Hamilton

- To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

Use of land for a dwelling (Clause 35.07-2)

A lot used for a dwelling must meet the following requirements:

- Access to the dwelling, small second dwelling or rural worker accommodation must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.

Assessment

Access to the proposed second dwelling is proposed to be via an all-weather access track serviced from the Robsons Road, which is a sealed road.

- Each dwelling, small second dwelling or rural worker accommodation must be connected to reticulated sewerage, if available. If reticulated sewerage is not available all wastewater from each dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017* for an on-site wastewater management system.

Assessment

A reticulated sewer system is not available to the land, and it is therefore proposed that waste water will be treated and retained on site in accordance with the State Environment Protection Policy. The site plan details the location of the proposed septic tank and incorporates an effluent field, however an LCA has not been undertaken to date.

- The dwelling, small second dwelling or rural worker accommodation must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.

Assessment

The proposed dwelling will be connected to reticulated water supply from Wannan Waters water mains located in Robsons Road. The site plan indicates the location of the proposed water meter.

- The dwelling, small second dwelling or rural worker accommodation must be connected to a reticulated electricity supply or have an alternative energy source.

Assessment

Reticulated electricity is available to the property, from Powercor' s electricity assets within Robsons Road. The site plan indicates the route of the proposed underground power supply from Robsons Rod to the proposed second dwelling.

9.2 How the proposed dwelling responds to the decision guidelines for dwellings in the zone (Clause 35.07-6)

The following guidelines must be considered, as appropriate:

General issues

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- How the use and development makes use of existing infrastructure and services.

Assessment

The Municipal Planning Strategy and the Planning Policy Framework have been addressed in Sections 7 and 8 of this report. The Glenelg Hopkins Regional Catchment Strategy 2021-2027 is applicable to the application site, in so far as the northern boundary of the site is defined by the Grange Burn.

The strategy does not contain policy or recommendations of direct relevance to this proposal. *The proposed second dwelling is setback approximately 530 metres from the Grange Burn.*

The land can capably accommodate a second dwelling and associated effluent disposal. The land can continue to be used for modest agricultural purposes, The use of the land for a second dwelling makes use of existing infrastructure, including Robsons Road, reticulated water and reticulated power.

Agricultural issues

- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.

Proposed Second Dwelling – 27 Dennerts Road Hamilton

- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use.
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.
- Any integrated land management plan prepared for the site.
- Whether Rural worker accommodation is necessary having regard to:
 - The nature and scale of the agricultural use.
 - The accessibility to residential areas and existing accommodation, and the remoteness of the location.
- The duration of the use of the land for Rural worker accommodation.

Assessment

The proposed second dwelling will not cause any impediment towards the continued modest use of the land for agriculture. The land will continue to be used for extensive animal husbandry, being the grazing of cattle and cross bred sheep; and from time to time the pasture will be cut for hay.

The proposed dwelling will not remove land from agricultural production.

No formal integrated land management plan has been prepared for the site.

Accommodation issues

- Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.
- 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.
- The potential for accommodation to be adversely affected by noise and shadow flicker impacts if it is located within one kilometre from the nearest title boundary of land subject to:
 - A permit for a wind energy facility; or
 - An application for a permit for a wind energy facility; or
 - An incorporated document approving a wind energy facility; or
 - A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the *Environment Effects Act 1978*.
- The potential for accommodation to be adversely affected by vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

Assessment

The proposed second dwelling will not result in a significant loss of productive agricultural land. The majority of the site will continue to be used for agricultural purposes,

The proposed dwelling will not result in the loss or fragmentation of farming land.

The dwelling will not be affected by farming activities on adjacent land, as the proposed dwelling is sited on the Robsons Road boundary of the site directly opposite land on the west side of Robsons Road which has been used and developed for Low Density housing.

The proposed dwelling will have no impact on other nearby agriculture uses, as the dwelling is located on the western side of the application site immediately opposite existing housing on the west side of Robsons Road, whereas broad acre agriculture occurs to the east of the application site.

The proposed second dwelling will not create a proliferation of dwellings in the area. The second dwelling is proposed on a title having an area of 58 hectares, and no subdivision of the land is 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.
- The impact of the use or development on the flora and fauna on the site and its surrounds.
- 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.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

Assessment

The proposed dwelling will not have a detrimental impact on the natural physical features and resources of the area.

Effluent disposal can comfortably be achieved on site without impacting on waterways or native vegetation. The site plan indicates the location of the proposed effluent disposal field immediately north of the proposed dwelling site.

The overall application site is predominantly clear of native vegetation. No vegetation is proposed to be removed as a result of the proposed second dwelling.

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.
- 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.
- 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.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the use and development will require traffic management measures.
- The need to locate and design buildings used for accommodation to avoid or reduce noise and shadow flicker impacts from the operation of a wind energy facility if it is located within one kilometre from the nearest title boundary of land subject to:
 - A permit for a wind energy facility; or
 - An application for a permit for a wind energy facility; or
 - An incorporated document approving a wind energy facility; or
 - A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the *Environment Effects Act 1978*
- The need to locate and design buildings used for accommodation to avoid or reduce the impact from vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

Assessment

The proposed second dwelling is located on the western side of the application site, to take advantage of the availability of reticulated services within Robsons Road; and also to provide separation from broad acre agricultural activities to the east of the application site.

The dwelling will have no impact on the natural environment, major roads, vistas and water features.

No traffic management measures will be required.

There is no wind energy facility within one kilometre of the application site and there is no extractive industry operation within 500 metres of the site.

10 Overlays

The application site is not affected by any planning overlays.

11 Conclusion

This report addresses the Municipal Planning Strategy and the Planning Policy Framework and the provisions of the Farming Zone and finds that the use of the land for a second dwelling is justified having regard to the relevant planning controls.

The proposed second dwelling is to be occupied by the registered proprietors of the land, and the existing dwelling will continue to be occupied by extended family members. In the longer term, if the existing dwelling is not required by family members it is intended to use the dwelling for short term tourism accommodation to complement the owners motel business, and may also be used to accommodate staff associated with the owners motel business.

The use of land for agricultural purposes will not change.

APPENDIX A – CERTIFICATE OF TITLE

Proposed Second Dwelling – 27 Dennerts Road Hamilton



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

Page 1 of 1

VOLUME 05809 FOLIO 681

Security no : 124115110630D
Produced 20/05/2024 12:47 PM

CROWN GRANT

LAND DESCRIPTION

Crown Allotment 1 Section E Parish of Hamilton South.

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
KAINE ANDREW MILLARD
KELLY ANNE MILLARD both of 1 RIVERSIDE DRIVE ROBINVALE VIC 3549
AM439946M 29/12/2015

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AM439947K 29/12/2015
AUSTRALIA AND NEW ZEALAND BANKING GROUP LTD

Any crown grant reservations exceptions conditions limitations and powers noted on the plan or imaged folio set out under DIAGRAM LOCATION below. For details of any other encumbrances see the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP359593C 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: 27 DENNERTS ROAD HAMILTON VIC 3300

ADMINISTRATIVE NOTICES

NIL

eCT Control 16165A AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED
Effective from 22/10/2016

DOCUMENT END



Imaged Document Cover Sheet

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Document Type	Plan
Document Identification	TP359593C
Number of Pages (excluding this cover sheet)	2
Document Assembled	20/05/2024 12:47

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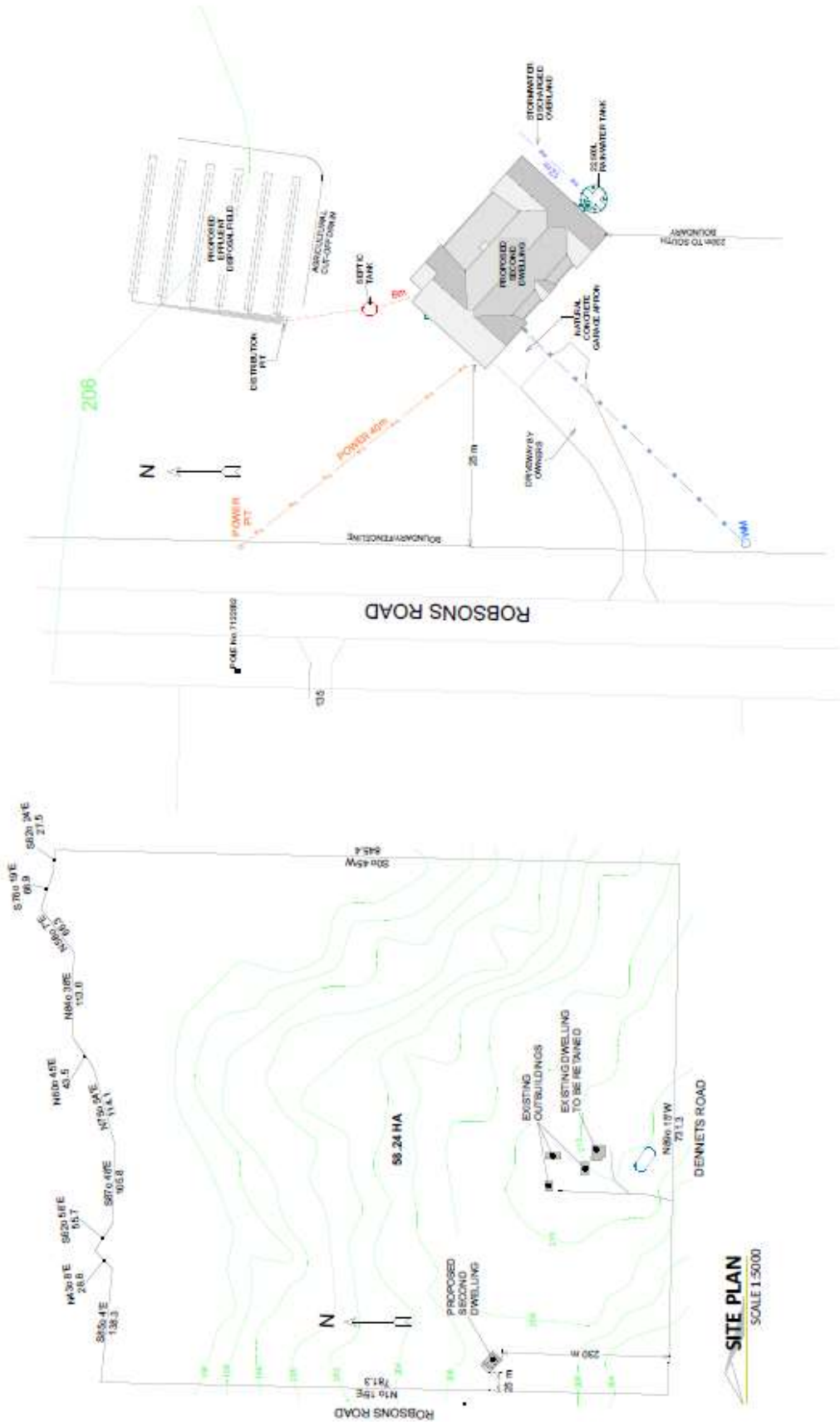
Proposed Second Dwelling – 27 Dennerts Road Hamilton

TITLE PLAN		EDITION 1	TP 359593C
Location of Land Parish: HAMILTON SOUTH Township: Section: E Crown Allotment: 1 Crown Portion: Last Plan Reference: Derived From: VOL 5809 FOL 681 Depth Limitation: 50 FEET		Notations SUBJECT TO THE RESERVATIONS EXCEPTIONS CONDITIONS AND POWERS CONTAINED IN CROWN GRANT VOL. 5809 FOL. 681 AND NOTED ON SHEET 2 OF THIS PLAN WATERWAY NOTATION: LAND IN THIS PLAN MAY ABUT CROWN LAND THAT MAY BE SUBJECT TO A CROWN LICENCE TO USE ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN	
Description of Land / Easement Information		THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 20/03/2000 VERIFIED: BH	
COLOUR CODE Y = YELLOW			
LENGTHS ARE IN LINKS	Metres = 0.3048 x Feet Metres = 0.201168 x Links	Sheet 1 of 2 sheets	

TITLE PLAN	TP 359593C
<p>LAND DESCRIPTION INCLUDING RESERVATIONS EXCEPTIONS CONDITIONS AND POWERS SHOWN ON THE CROWN GRANT</p>	
<div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p>containing <i>one hundred and forty three acres three roods and twenty eight perches more or less being Allotment one of Block E in the District of South Hamilton County of Newbury</i> SII THAT PIECE OF LAND in the said State</p> </div> <p>delimited with the measurements and abutments thereof in the map drawn in the margin of these presents and therein colored yellow. PROVIDED nevertheless that the grantee shall be entitled to sink wells for water and to the use and enjoyment of any wells or springs of water upon or within the boundaries of the said land for any and for all purposes as though he held the land without limitation as to depth. EXCEPTING nevertheless unto Us Our heirs and successors all gold and silver and minerals as defined in the Mines Act 1928 in upon or under or within the boundaries of the land hereby granted. AND also reserving to Us Our heirs and successors free liberty and authority for Us Our heirs and successors and Our and their Heirs agents and servants at any time or times hereafter to enter upon the said land and to search and mine therein for gold silver and minerals as aforesaid and to extract and remove therefrom any such gold silver and minerals and to search for and work dispose of and carry away the said gold silver and minerals lying in upon or under the land hereby granted and for the purposes aforesaid to sink shafts make drives erect machinery and to carry on any works and do any other things which may be necessary or usual in mining and with all other incidents that are necessary to be used for the getting of the said gold silver and minerals and the working of all mines seams lodes and deposits containing such gold silver and minerals in upon or under the land hereby granted.</p> <p>PROVIDED ALWAYS that the said land is and shall be subject to be resumed for mining purposes under Section 196 of the Land Act 1928.</p> <p>AND PROVIDED ALSO that the said land is and shall be subject to the right of any person being the holder of a miner's right or of a mining lease or mineral lease under the Mines Act 1928 or any corresponding previous enactment to enter therein and to mine for gold silver or minerals within the meaning of the said Act and to erect and occupy mining plant or machinery thereon in the same manner and under the same conditions and provisions as those to which such person would for the time being be entitled to mine for gold and silver in and upon Crown lands. PROVIDED that compensation shall be paid to the said GRANTEE</p> <p>his heirs executors administrators assigns or transferees by such person for surface damage to be done to such land by reason of mining thereon such compensation to be determined as provided for the time being by law and the payment thereof to be a condition precedent to such right of entry.</p>	
LENGTHS ARE IN LINKS	<p>Metres = 0.3048 x Feet Metres = 0.201168 x Links</p>
Sheet 2 of 2 sheets	

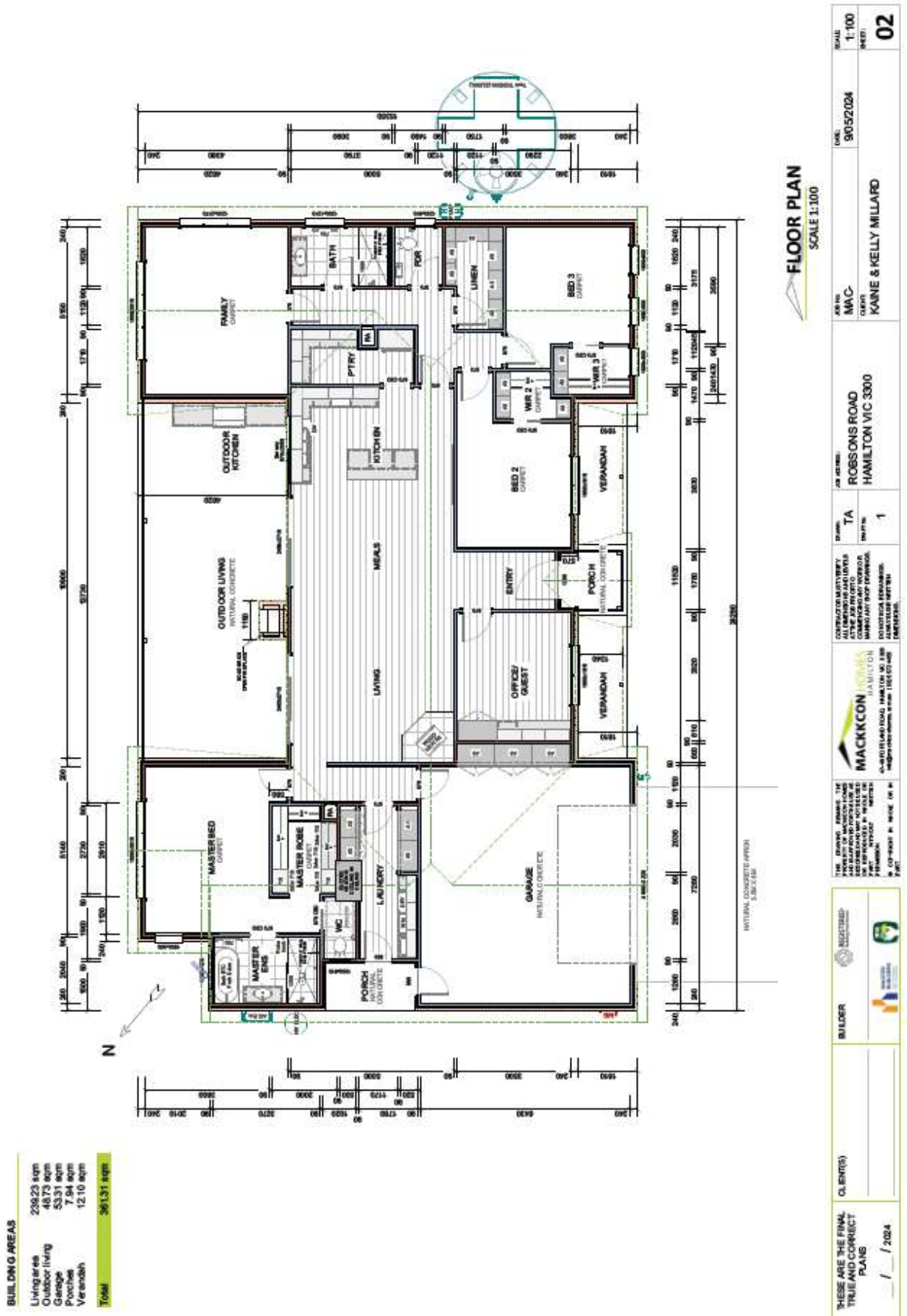
APPENDIX B – SECOND DWELLING PLANS

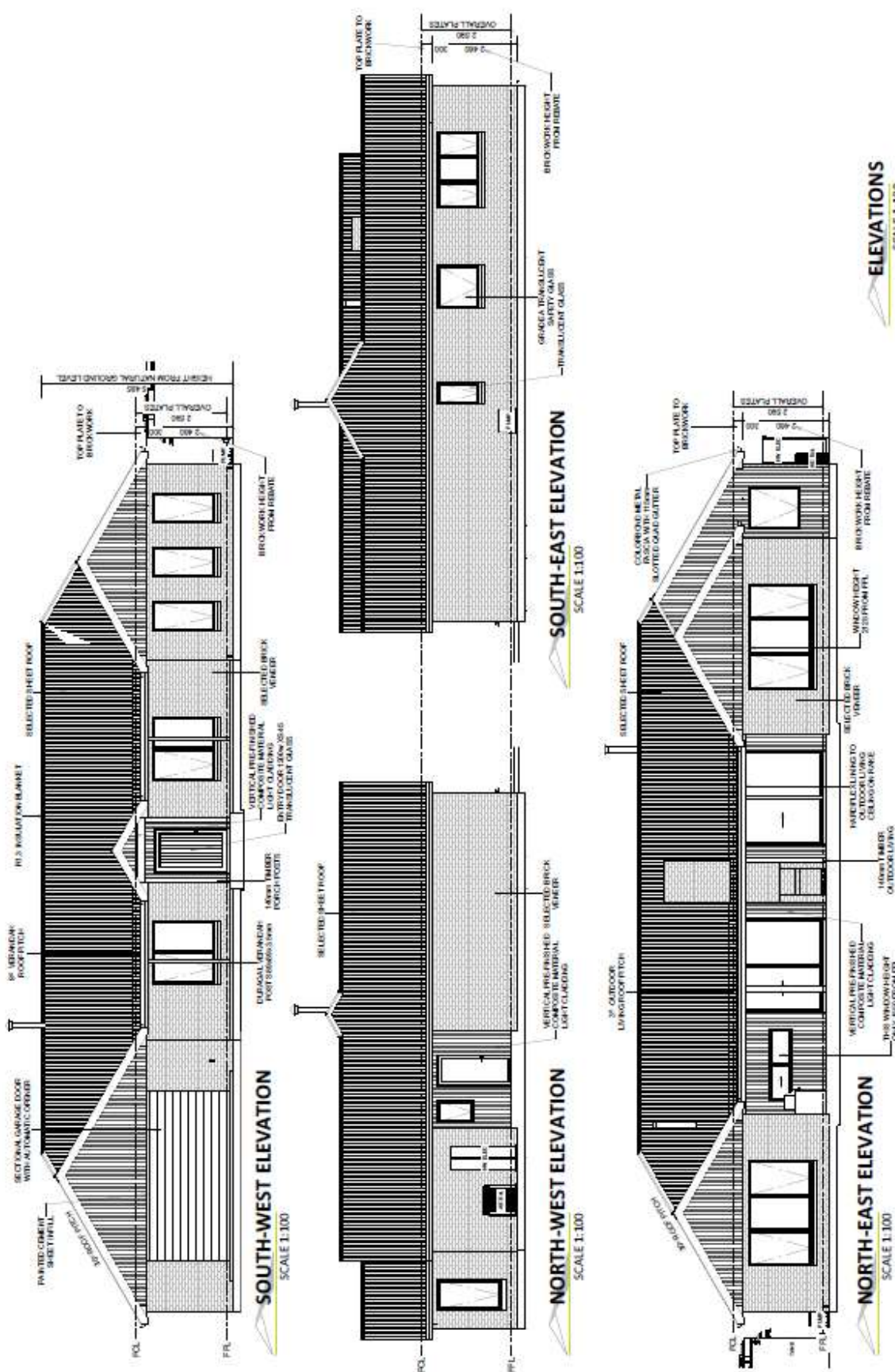
Proposed Second Dwelling – 27 Dennerts Road Hamilton



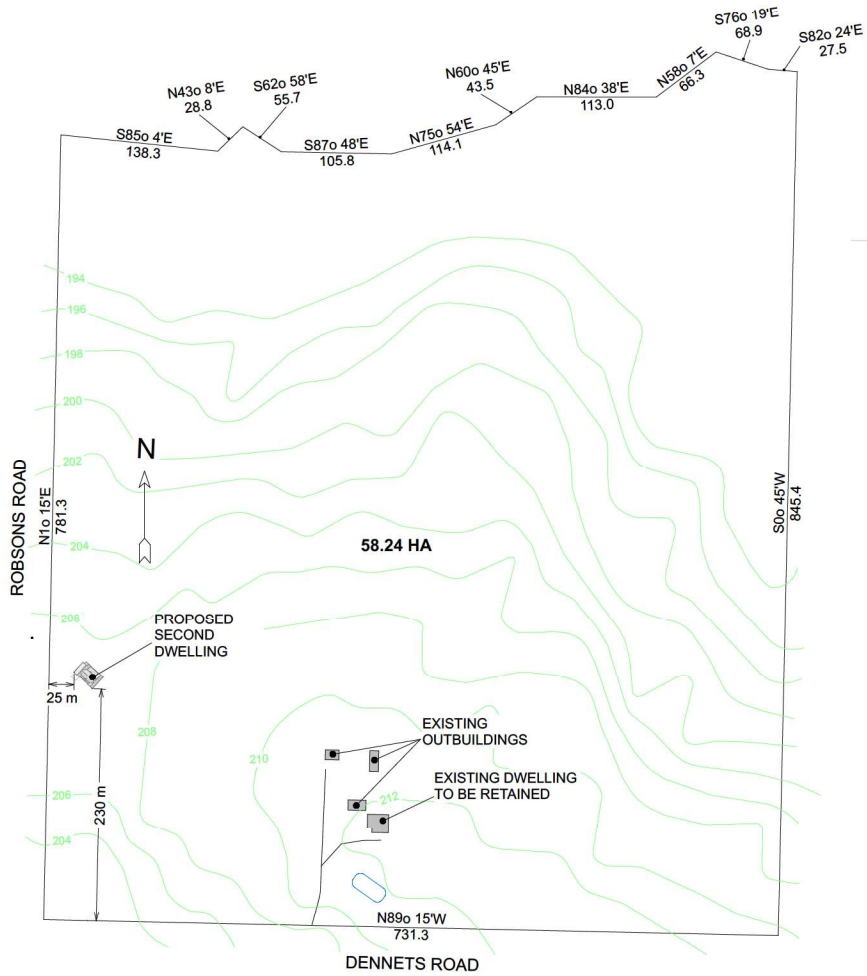
SITE PLAN DETAIL
SCALE 1:2000

<p>THESE ARE THE FINAL TRUE AND CORRECT PLANS DATE: 1 / 2024</p>	<p>CLIENT(S) MACK</p>	<p>BUILDER MACKICON</p>	<p>REGULATORY APPROVALS MACKICON</p>	<p>PROPOSED DEVELOPMENT AT THE ADDRESS MACKICON</p>	<p>TA 2</p>	<p>OR RESIDENT ROBSONS ROAD HAMILTON VIC 3300</p>	<p>DATE 20/05/2024</p>	<p>SCALE 1:5,000</p>	<p>PROJECT NO. 01</p>
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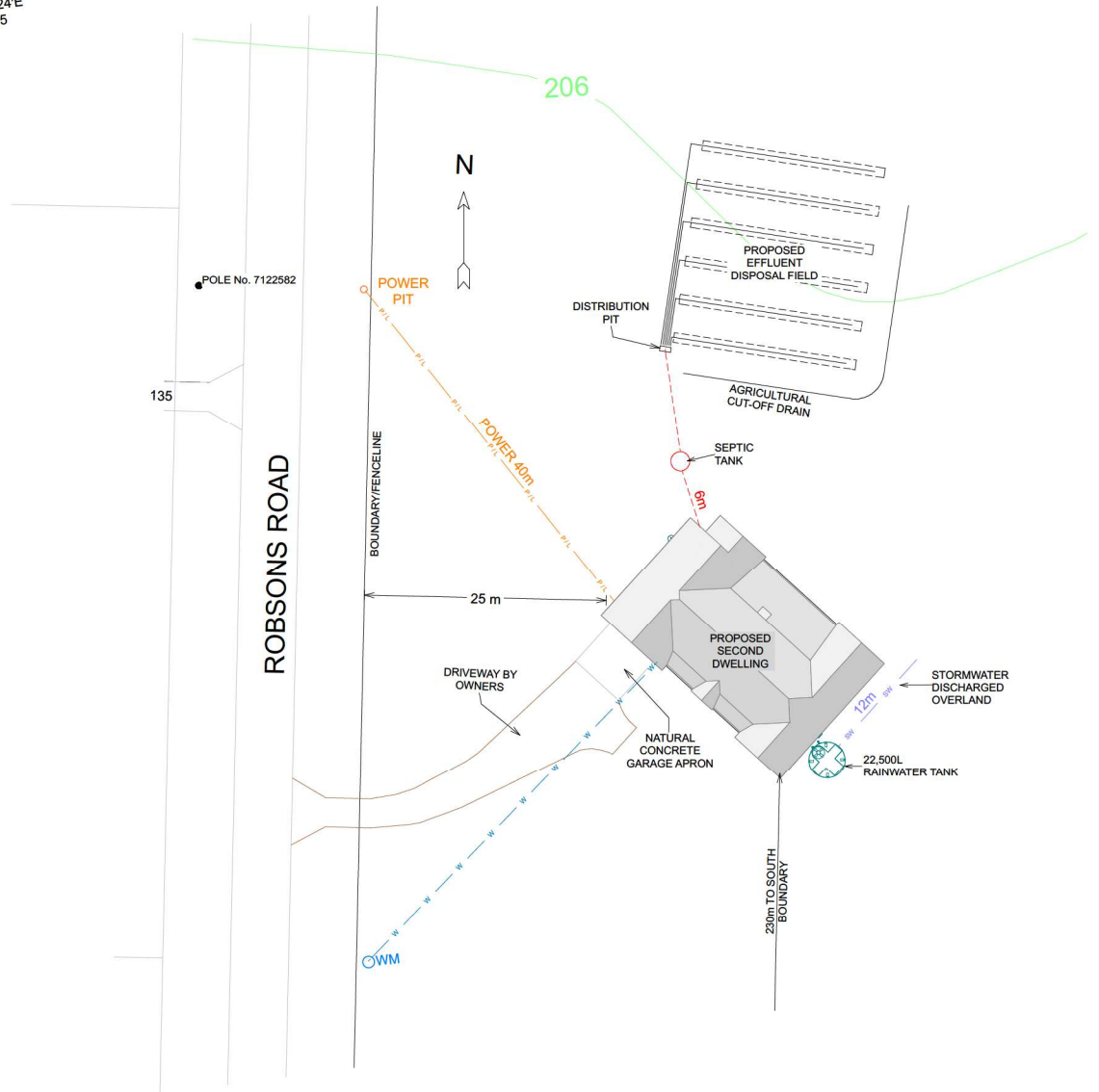




<p>THESE ARE THE FINAL TRUE AND CORRECT PLANS</p> <p>DATE: 1 / 2024</p>	<p>CLIENT(S)</p> <p>BAUER</p>	<p>REGISTERED ARCHITECT</p> <p>REGISTERED ARCHITECT</p>	<p>DATE: 9/05/2024</p> <p>SCALE: 1:100</p>	<p>PROJECT: ROBSONS ROAD HAMILTON VIC 3300</p> <p>DATE: 1</p> <p>SCALE: 1:100</p>
<p>PROJECT: ROBSONS ROAD HAMILTON VIC 3300</p> <p>DATE: 1</p>	<p>REGISTERED ARCHITECT</p> <p>REGISTERED ARCHITECT</p>	<p>DATE: 9/05/2024</p> <p>SCALE: 1:100</p>	<p>PROJECT: ROBSONS ROAD HAMILTON VIC 3300</p> <p>DATE: 1</p>	<p>PROJECT: ROBSONS ROAD HAMILTON VIC 3300</p> <p>DATE: 1</p>



SITE PLAN
SCALE 1:5,000



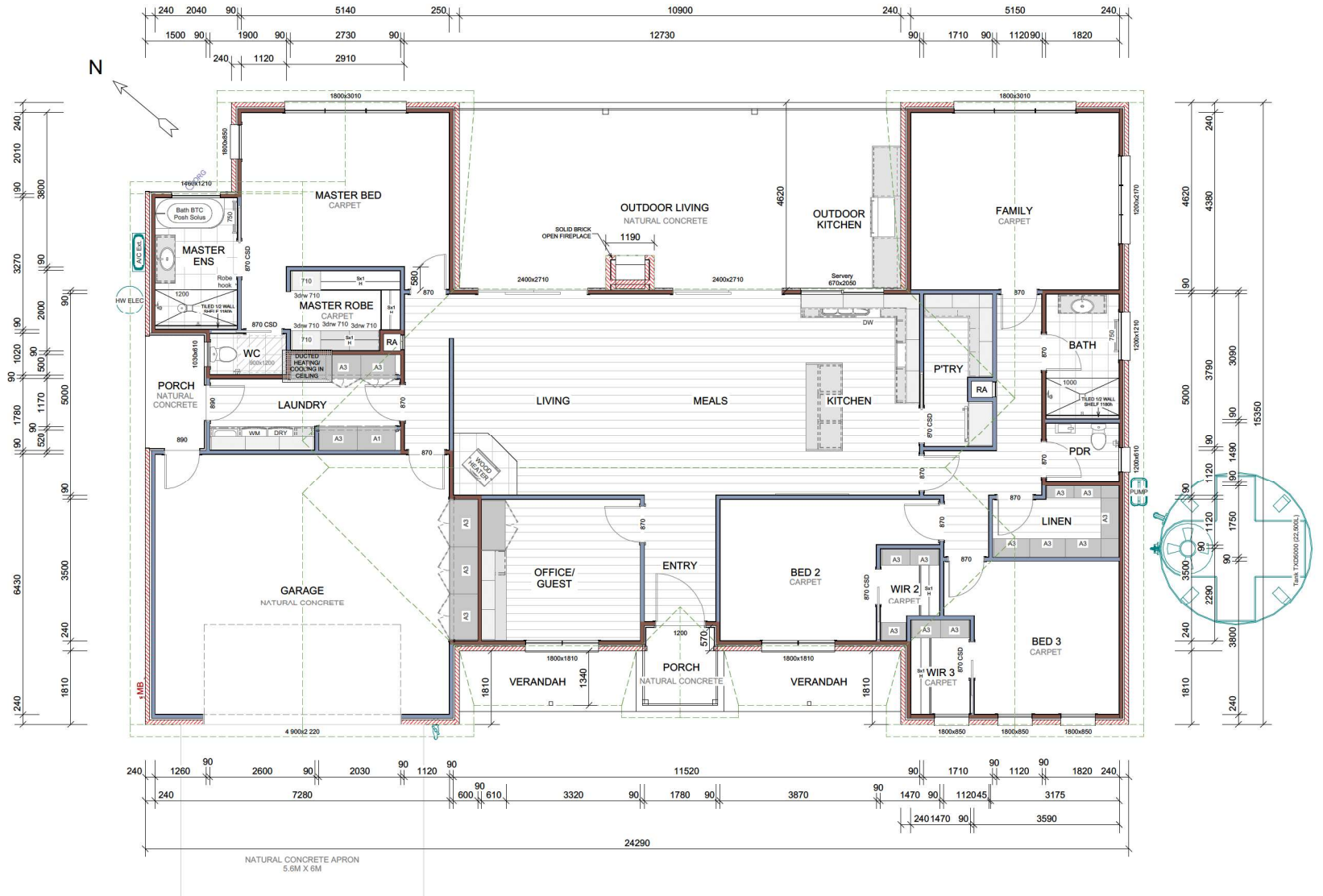
SITE PLAN DETAIL
SCALE 1:2,000

THESE ARE THE FINAL TRUE AND CORRECT PLANS / / 2024	CLIENT(S) 	BUILDER 		THIS DRAWING REMAINS THE PROPERTY OF MACKKCON HOMES AND IS APPROVED FOR THE USE AS DESCRIBED AND MAY NOT BE USED OR REPRODUCED IN WHOLE OR PART WITHOUT WRITTEN PERMISSION © COPYRIGHT IN WHOLE OR IN PART	 47-49 PORTLAND ROAD, HAMILTON VIC 3300 info@mackkconhomes.com.au (03) 5572 4455	CONTRACTOR MUST VERIFY ALL DIMENSIONS AND LEVELS AT THE JOB PRIOR TO COMMENCING ANY WORK OR MAKING ANY SHOP DRAWINGS. DO NOT SCALE DRAWINGS. ALWAYS USE WRITTEN DIMENSIONS.	DRAWN: TA DRAFT No: 2	JOB ADDRESS: ROBSONS ROAD HAMILTON VIC 3300	JUR. No: MAC- CLIENT: KAINE & KELLY MILLARD	DATE: 20/05/2024	SCALE: 1:5,000 SHEET: 01
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BUILDING AREAS

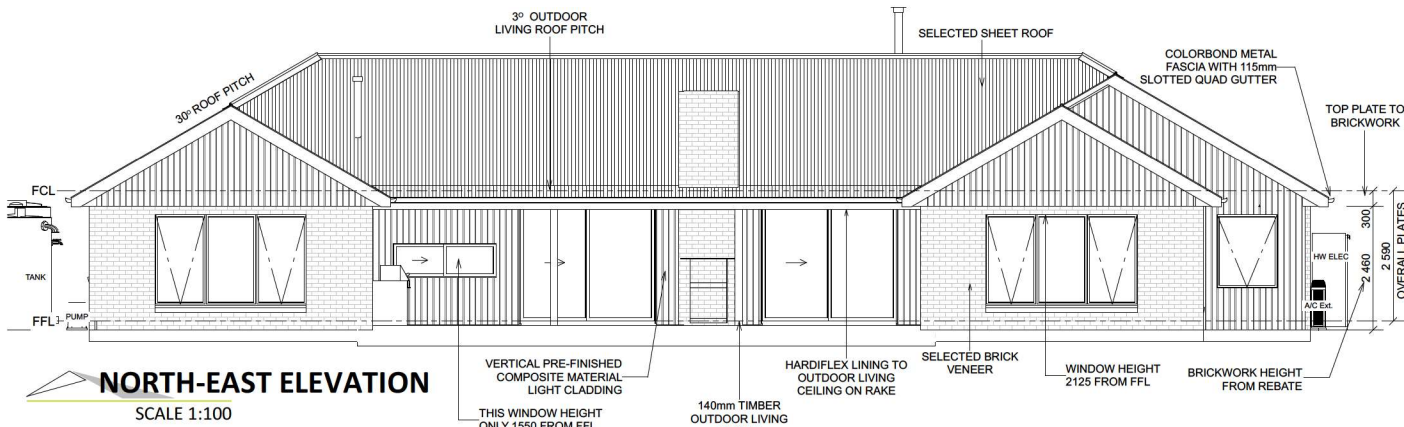
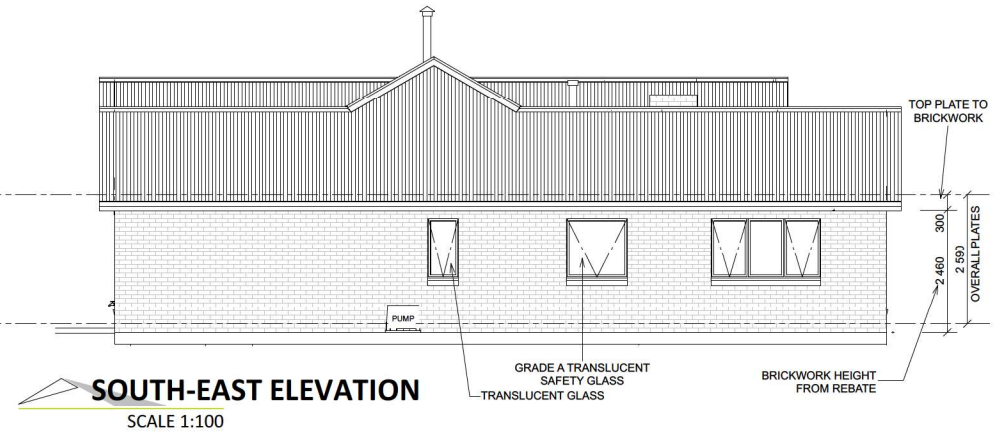
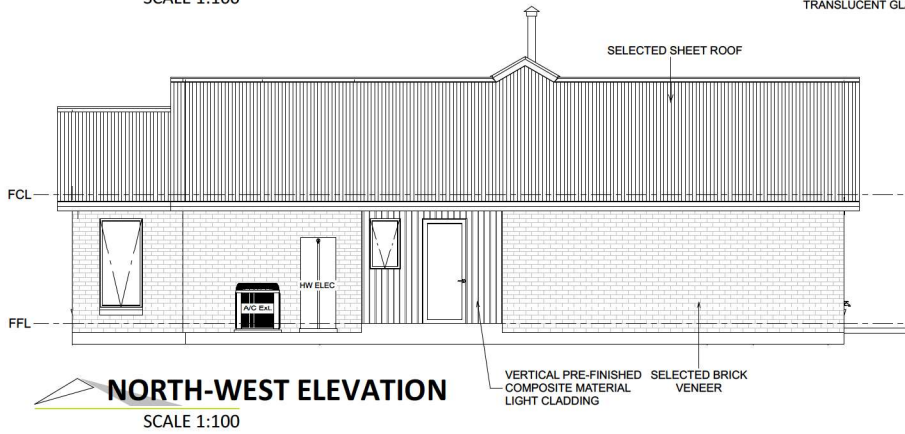
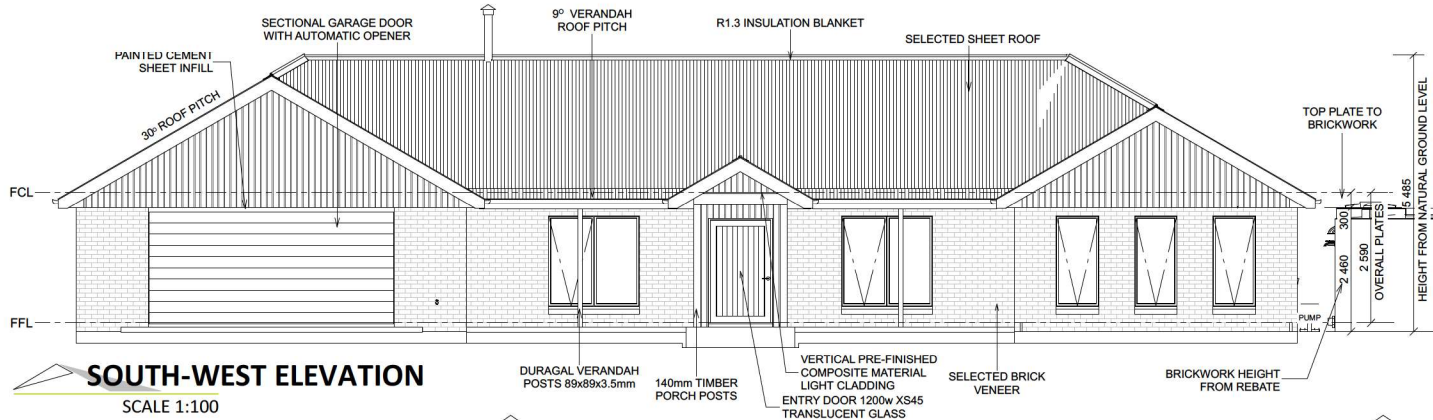
Living area	239.23 sqm
Outdoor living	48.73 sqm
Garage	53.31 sqm
Porches	7.94 sqm
Verandah	12.10 sqm

Total 361.31 sqm



FLOOR PLAN
SCALE 1:100

<p>THESE ARE THE FINAL TRUE AND CORRECT PLANS</p> <p>___ / ___ / 2024</p>	<p>CLIENT(S)</p>	<p>BUILDER</p> <p>REGISTERED Building Practitioner</p> <p>MASTER BUILDERS VIC. TORIA</p>	<p>THIS DRAWING REMAINS THE PROPERTY OF MACKKCON HOMES AND IS APPROVED FOR THE USE AS DESCRIBED AND MAY NOT BE USED OR REPRODUCED IN WHOLE OR PART WITHOUT WRITTEN PERMISSION</p> <p>© COPYRIGHT IN WHOLE OR IN PART</p>	<p>MACKKCON HOMES HAMILTON</p> <p>47-49 PORTLAND ROAD, HAMILTON VIC 3300 info@mackkconhomes.com.au (03) 5572 4455</p>	<p>CONTRACTOR MUST VERIFY ALL DIMENSIONS AND LEVELS AT THE JOB PRIOR TO COMMENCING ANY WORK OR MAKING ANY SHOP DRAWINGS.</p> <p>DO NOT SCALE DRAWINGS. ALWAYS USE WRITTEN DIMENSIONS.</p>	<p>DRAWN: TA</p> <p>DRAFT No: 1</p>	<p>JOB ADDRESS:</p> <p>ROBSONS ROAD HAMILTON VIC 3300</p>	<p>JUR. NO: MAC-</p> <p>CLIENT: KAINE & KELLY MILLARD</p>	<p>UR. 11: 9/05/2024</p>	<p>SCALE: 1:100</p> <p>SHEET: 02</p>
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ELEVATIONS
SCALE 1:100

THESE ARE THE FINAL TRUE AND CORRECT PLANS

CLIENT(S)

BUILDER

REGISTERED Building Practitioner

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DRAWN: TA
DRAFT No: 1

JOB ADDRESS:
ROBSONS ROAD
HAMILTON VIC 3300

JOB No: MAC-
CLIENT: KAINE & KELLY MILLARD

DATE: 9/05/2024

SCALE: 1:100

SHEET: 03

Aboriginal Heritage Act 2006
Cultural Heritage Management Plan

- Changes to the Aboriginal Heritage Act 2006 were introduced on 28 May 2007
- The purpose of the Act is to provide for the protection of Aboriginal Cultural Heritage in Victoria
- You must find out if a CHMP is required under the Aboriginal Heritage Act.
- Information in relation to the Aboriginal Heritage Act and requirements can be found at www1.dvc.vic.gov.au/heritage and CHMP self assessment at www.aav.nrms.net.au/aavQuestion1.aspx

Information to be submitted with an application

The following information must be provided when lodging a planning application.

It is the responsibility of the applicant as the proponent of the activity requiring approval to determine if a Cultural Heritage Management Plan is required

Please advise which is applicable to your planning application:

A Cultural Heritage Management Plan is **NOT** required:
(a copy of the cultural heritage self assessment is attached)

An **approved** Cultural Heritage Management Plan IS attached:

A Cultural Heritage Management Plan is required and has **NOT** been approved. Refer note 1.

Note 1. Under Section 52 (1) of the Aboriginal Heritage Act 2006 the responsible authority must not grant a planning permit without an approved CHMP.

Under Section 52 (4) of the Aboriginal Heritage Act 2006 until the responsible authority has received a copy of the approved CHMP the time required for the responsible authority to make a decision is deemed **NOT** to have commenced.

<p>This form must be signed</p> <p>Remember it is against the law to provide false or misleading information which could result in the planning permit being invalid.</p>	<p>I declare that the above information is true and correct and the owner (if not myself) has been advised.</p> <p>Name <input type="text" value="Andrew Lacey - Pierrepoint Planning"/></p> <p>I am the: (tick all that apply) <input type="checkbox"/> Owner <input checked="" type="checkbox"/> Applicant</p> <p>Signature <input type="text" value="Andrew Lacey"/></p> <p>Date <input type="text" value="12 June 2024"/></p>
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- SUBMIT THIS COMPLETED FORM TO COUNCIL ALONG WITH YOUR PLANNING PERMIT APPLICATION -



Process List

Project Name: PPP 2024-016

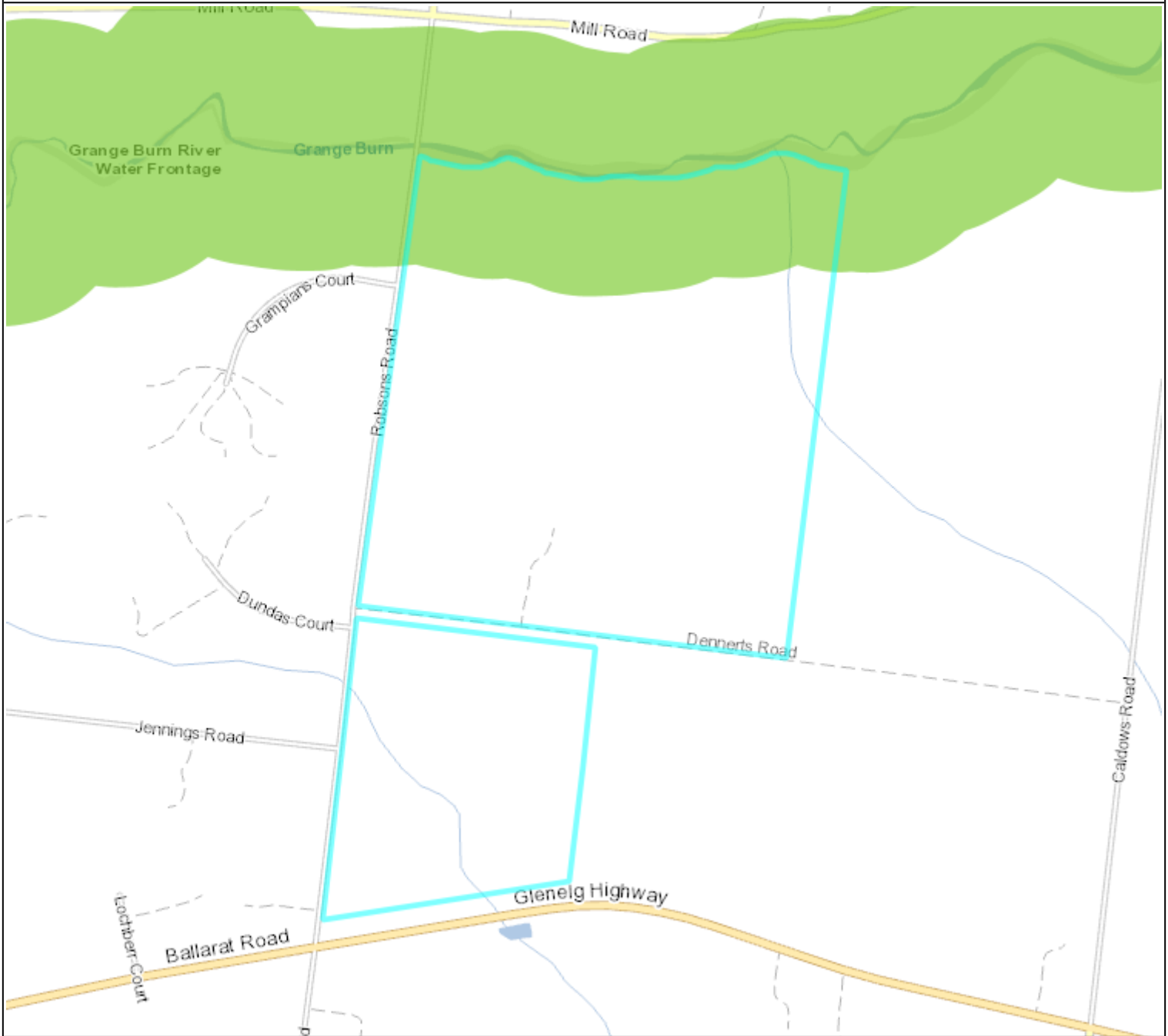
Project Location: 27 Dennerts Road Hamilton

Date: 13-Jun-2024

	QUESTION	ANSWER
Question 1	Is the proposed activity , or all the proposed activities, exempt?	Yes
Answer:	<u>ON THE BASIS OF THE ANSWERS YOU HAVE ENTERED</u> YOU ARE NOT REQUIRED BY THE REGULATIONS TO PREPARE A CULTURAL HERITAGE MANAGEMENT PLAN <u>FOR THIS PROJECT</u>	
	This process list is for information purposes only; the result must not be relied upon by a statutory authority in deciding whether a cultural heritage management plan is required for a proposed activity.	

Aboriginal Victoria

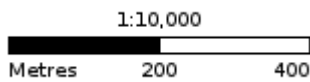
7943 Hamilton Highway Tarrington



 Areas of Cultural Heritage Sensitivity



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Pierpoint Panning

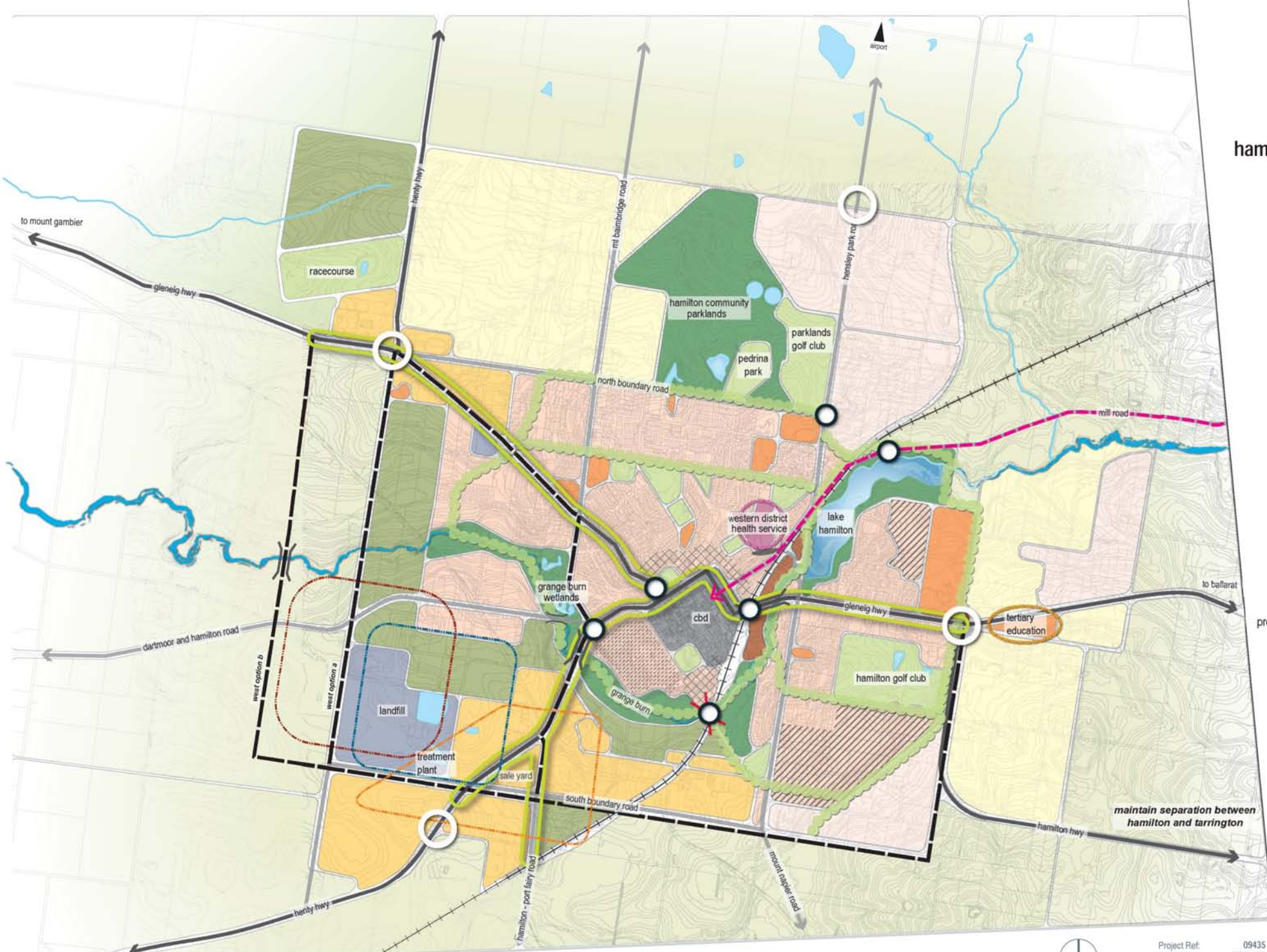


Date: 13 June 2024

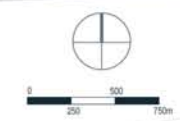


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hamilton structure plan



- central business district
- residential
- low density residential
- rural living areas
- short to medium term growth areas
- industrial land
- mixed use areas
- rural activity
- farming land
- education
- health
- public use
- open space
- natural open space
- encourage residential consolidation
- protect church hill character
- health precinct
- education precinct
- 'green loops'
- entry avenues
- alternate heavy vehicle route
- new tourist route
- industrial buffers
- outer gateways
- inner gateways



Project Ref: 09435
 Dwg No.: UDD-003
 Scale: 1:1,000@A1
 1:30,000@A3
 Date: 12.10.11
 Revision: A

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maintain separation between hamilton and tarrington