

PERMIT APPLICATION

BOUNDARY RE-ALIGNMENT (SUBDIVISION)

**85 TREASES LANE
70 PINCINIS LANE
MIRBOO NORTH**



Applicant: Minns Consulting

Owner: G and R Trease

Date: 16/03/2017



Surveytech p/l

ABN 84 007 322 947

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Engineering, Surveying and Development
Associating MJW Surveys

Office Use Only

Application No.:

2017/78

Date Lodged:

/ /

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.

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

☐ No ☐ Yes

The Land 1

- ① Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address *

Unit No.:	St. No.: 85	St. Name: Treases Lane
Suburb/Locality: Mirboo North		Postcode:

Formal Land Description *
Complete either A or B.

- ▲ This information can be
found on the certificate of
title.

A Lot No.: 1 ☐ Lodged Plan ☒ Title Plan ☐ Plan of Subdivision No.: 680233R
680003K

OR

B Crown Allotment No.: Section No.:

Parish/Township Name:

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.

- ② For what use, development
or other matter do you
require a permit? *

If you need help about
the proposal, read:
[How to Complete the
Application for Planning
Permit Form](#)

Boundary Re-alignment

- 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.

- ③ Estimated cost of
development for which the
permit is required *

Cost \$

- ▲ You may be required to verify this estimate.

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

Existing Conditions 1

- ④ Describe how the land is
used and developed now *

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

organic farm

PAID 29 MAR 2017
BY: 1017791 \$1241.00
DB #11600

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

Title Information **I**

5 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 **I**

6 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.

Please provide at least one contact phone number *

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:

First Name:

Surname:

Organisation (if applicable):

Postal Address:

Unit No.:

St. No.: 17

If it is a P.O. Box, enter the details here:

St. Name: Mine Rd

Suburb/Locality: Korumburra

State: VIC

Postcode: 3950

Contact person's details *

Name:

Same as applicant (if so, go to 'contact information') ☐

Title:

First Name: Lee

Surname: Minns

Organisation (if applicable):

Postal Address:

Unit No.:

St. No.:

If it is a P.O. Box, enter the details here:

St. Name:

Suburb/Locality:

State:

Postcode:

Contact information

Business Phone:

Email:

Mobile Phone: 0400 893737

Fax:

Name:

Same as applicant ☐

Title:

First Name: Rosemary

Surname: Trease

Organisation (if applicable):

Postal Address:

Unit No.:

St. No.: 85

If it is a P.O. Box, enter the details here:

St. Name: Treases Rd

Suburb/Locality: Mirboo North

State:

Postcode:

Owner's Signature (Optional):

Date:

day / month / year

Declaration **I**

7 This form must be signed by the applicant *

A 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:

Date: 24/3/2017

day / month / year

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Attachment C: Locality Plan

Attachment D: Aerial Image/Photographs

Attachment E: Proposed Subdivision Plan

Attachment F: Profitability Report



1. INTRODUCTION

Owners / Registered Proprietors

GD and RL Trease of Treases Lane, Mirboo North are the registered Proprietors of:

- Lot 1 Title Plan TP680233R
- Lot 1 Title Plan TP680003K

Applicant

Minns Consulting, on behalf of Graeme and Rosemary Trease, is making an application to South Gippsland Shire Council for planning approval to realign the boundaries/subdivide the land mentioned above.

This report provides an assessment of the proposal having regard to the provisions of the South Gippsland Shire Council Planning Scheme.

2. SITE & SURROUNDS

2.1 SUBJECT SITE

The subject sites are located at 85 Treases Lane and 70 Pincinis Lane, Mirboo North and are more particularly described as:-

- Lot 1 on Title Plan TP680233R - Certificate of Title 04518 Folio 491
- Lot 1 on Title Plan TP680003K - Certificate of Title 04518 Folio 490

85 Treases Lane, Mirboo North, at 62.7 ha (155 acres) currently comprises of the existing dwelling, old disused dairy, shedding, dams, waterways, mature trees and established gardens.

70 Pincinis Lane, Mirboo North, at 65.9 ha (163 acres) currently comprises of an existing dwelling, dairy, feed pad, silos, extensive shedding, dams, waterways, mature trees and established gardens.

This property was an active dairy farm until approximately 2 years ago and is now used for grazing dairy cattle, sheep for prime lamb production and the production of free range pork. There is a fully functioning dairy that is not currently in use, large hay and machinery shed, calf shedding, two dwellings, feed pad, effluent system and pumps, irrigation infrastructure and extensive tracks and laneways on the property.

The farm was (and the house paddock of the farm still is) operating as a certified organic dairy farm, before the owners retired from dairying for age (77 and 63) and health reasons. They are still actively involved in farming, grazing and managing their own cattle, Wiltshire horn sheep for prime lamb production, free range pigs for meat production and poultry for egg production.



The owners have worked the property for a long time but their age and their desire to exit the dairy industry doesn't mean they wish to leave the land. They would like to scale back their workload and so aim to reduce their involvement in active farming to a manageable size.

Mr and Mrs Trease have planted over 100,000 trees in steep slopes, gullies and waterways with indigenous vegetation which is now well matured. The biodiversity of this property that has been created with the birds and animals enhances the farming enterprise. These plantations now provide a high level of environmental benefit as well as benefits to stock for shade and shelter to the pastures from wind and sun protection.

There are extensive water reserves on the farm, some under an irrigation allocation and a significant amount remaining for the watering of stock but also for the environment. Mr and Mrs Trease are very mindful of using resources for production but also in having an allocation of resources for the environment.

The subject land has been in the Trease family since 1884 and there are no plans to sell the home paddocks of approximately 12 ha (30 acres) of the property. The farm succession plan is for the daughter of Mr and Mrs Trease (who currently lives overseas) to eventually move home to help and operate, and eventually own the home paddocks of the property. Enclosed is a document for the profitability of this area.

Lot 1 on Title Plan TP680233R has no Section 173 Agreements or Covenants on title.

Lot 1 on Title Plan TP680003K has no Section 173 Agreements or Covenants on title.

Access to both properties will remain unchanged.

Copies of the certificate of title and title plan are contained in **Attachment A**.

2.2 SURROUNDING AREA

The area is predominately rural in character and surrounded by many small and large mixed use properties, mainly involving mixed grazing enterprises, ie, dairy farming, beef grazing and small hobby farms.

A Locality Plan is contained in **Attachment B**.

3. THE PROPOSAL

It is proposed to realign the boundaries of Lot 1 TP680233R and Lot 1 TP680003K, as follows:

- Lot 1 Will be approximately 12 ha (30 acres) and will contain the existing dwelling, old disused dairy, machinery shedding, sheep and pig grazing pens and paddocks.

By retaining this area of the farm as certified organic, the produce will continue to be sold as being organically produced and provide an income for the owners in their retirement.

- Lot 2 Will be approximately 116 ha (288 acres), will contain the balance of both titles and the existing dwelling, dairy, feed pad, hay shed, machinery shed, calf shed, all the irrigation infrastructure and irrigation water, tracks and laneways.

This will ensure that the majority of the productive land will be devoted to milk production.

The proposal allows the majority of the land for milk production, and the removal of a title of 12 ha in the far corner of the farm with associated dwelling and infrastructure, which contains considerable treed areas. The smaller 12 ha title is still a viable, small scale entity producing organic food, whilst the larger title can be sold as a prime dairy farm and large scale commercial activity. This allows the owners to remain active in a reduced capacity and retains a parcel of agricultural land with high biodiversity value in the dairy industry.

The 12 ha area has always been used separately from the rest of the main dairy enterprise and has not been used for dairy cows. The property current contains all the relevant infrastructure and paddocks and pen subdivision used only for pigs, sheep, beef calves, poultry and any cows that needed to be milked separately (in the single milking setup in the old dairy) for the organic status. This area is the furthest point from the working dairy and there is no access to this area for the cows from the rest of the farm. Some of the paddocks in this area are also used for hay production for the small enterprise (See attached Profitability Report for breakdown on lamb, pork and egg production).

The owners have been farming organically for over 15 years and their organic products are sold successfully. This area has also always been used to produce the owner's meat, ie., sheep, pigs and beef, as well as eggs, poultry, fruit and vegetables. The owners are fully sustainable and wish to remain that way. They are making a huge decision to sell the larger area of the farm but wish to be able to continue to live there and make an income, so that future generations have the ability to continue to live and work on the smaller farm without a huge debt.



There is a strong demand for organically produced food. This is highly sought after at Farmers Markets as well as through food outlets. The Treases have established clients and outlets for their produce. This is not a new business enterprise. Any produce grown is easily sold.

All water for this section of the farm is set up to come from the house paddocks. The water supply for the house and organic farming area on the house paddocks comes from the water tanks that catch all the rainwater from the house, old disused dairy and extensive shedding. The dam on this area is only used for back up if the tanks run out and this has never happened.

The Trease family has been here since 1884 and are fully aware of any implications on the water supply. The abundance of water that is collected on this property has not and will not impede the Tarwin drinking water. There is an irrigation licence on the property for 179 megalitres which Southern Rural Water manage.

The owners have won a number of awards in sustainability and landcare and are very proud of what they have achieved. The farm is in pristine condition and they have worked hard to keep it this way so would like to see it worked and kept in this condition by another dedicated dairy farmer.

With the 2 titles, the owners could sell off the title of 65.9 ha (155 acres) with access from Pincinis Lane, but there would be issues with this as the main water supply, tracks and pipework infrastructure come from the other title. There is minimal water supply on this title. The 2 titles have been farmed as one large property except for the portion (12 ha) that has been used as the house paddocks where the organic products have been produced.

This proposal represents a plan to create a title for a dairy business that will be efficient and viable in the short, medium and longer term. The splitting of the farm into two separate titles will not deliver a sufficient and positive outcome.

The owners currently have a prospective purchaser for the property, who is happy for the owners to continue with their application to subdivide the 12 ha off, as they do not require this portion of the property, whilst purchasing the balance.

3.1 BOUNDARY LAYOUT

Proposed Lot 1 will contain the existing dwelling, old disused dairy, shedding, house paddocks, treed areas and some water supply.

Proposed Lot 2 will contain the existing dwelling, working dairy, extensive shedding, treed area, main water supply and balance of the 2 titles.

A plan of the proposed subdivision is submitted in **Attachment E**.

4. PLANNING CONTROLS

4.1 ZONING AND OVERLAYS

The subject land is zoned **Farming Zone** under the South Gippsland Planning Scheme. An extract of the zoning and overlay maps for the subject land and surrounding area forms **Attachment B**.

The purpose of the Farming Zone is:

- 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, 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.

RESPONSE

Response to the matters raised in the Purpose of the Farming Zone as they apply to this proposed subdivision:

The use of the land will not change. This is the retention of productive agricultural land to continue being used as it is currently on Lot 1, with the possibility that Lot 2 will be sold for a dairying enterprise. No further dwellings are being proposed as part of this application.

The productivity of the land is not affected by this proposal. Lot 1, which will be the smaller lot, will contain the existing dwelling, sheds, old dairy and will continue to be used as it currently is for the production of organic products. Lot 2, which will be the larger lot, will be sold, hopefully to be used again as a productive dairy. The main agricultural benefit of this proposal is that the dairy production which was previously on this property could be being carried out again.

No non-agricultural uses are sought. The placement of the proposed boundaries is explained as per the information provided above in 3.1 Boundary Layout.

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 provisions of this clause have been complied with as this application seeks a permit on the basis of the subdivision the re-subdivision of existing lots/titles and the number of lots is not increased.

Refer to **Attachment E** for the Proposed Plan of Subdivision.

35.07-6 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.

RESPONSE

Complied with

Any Regional Catchment Strategy and associated plan applying to the land.

RESPONSE

It is understood that no such strategy applies to the land. Further advice from WGCMA may be required.

The capability of the land to accommodate the proposed use or development, including the disposal of effluent.

RESPONSE

The question of effluent is not an issue as the existing effluent systems will be wholly contained within the lots in proximity to the existing dwellings.

How the use or development relates to sustainable land management.

RESPONSE

It is anticipated that the matter of sustainable land management deals with many matters not limited to dairy operations and to the grazing of animals but also to the stewardship of the property. The aerial photograph shows that the current owners have maintained and preserved vegetation and streams by means of fencing it off from stock.

The current owners have spent many years keeping this farm in the pristine condition it is in and have planted/preserved vegetation and maintained the many dams and waterways.

Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.

RESPONSE

The site is suitable for the use and development proposed on both Lots 1 and 2 as explained in Point 3.

The pattern of the surrounding lots that are near to or abut the subject land, shows there are lots all of sizes that are much the same as those proposed. The surrounding properties are used for dairy farms, the grazing of cattle or small rural lots.

How the use and development makes use of existing infrastructure and services.

RESPONSE

The property contains extensive infrastructure which has been maintained in good condition and could continue to be used for any proposed activities. The existing dwellings and some of the shedding have power connected. Water will be collected from the roof of the dwellings and sheds into tanks.

Agricultural issues

Whether the use or development will support and enhance agricultural production.

RESPONSE

The subdivision will continue to support the agricultural production from the subject land as the smaller lot will continue to be used for organic certified products and the larger lot will hopefully be sold to continue to be used for the dairying operation.

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

RESPONSE

No land will be removed from agricultural production as a consequence of this proposal. Lot 1 will continue to be used for the production of lamb, pig and egg produce and Lot 2 will return to dairying operation. Soil quality will not change as part of this proposal.

The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.

RESPONSE

The proposed subdivision and subsequent use of the land will not limit the operation and expansion of adjoin and nearby agricultural uses. No land will be removed from agricultural production as a consequence of this proposal.

The capacity of the site to sustain the agricultural use.

RESPONSE

The site has the capacity to sustain the agricultural uses that have been active on the property since 1884. There is adequate land to sustain the two proposed uses on this property as the current owners have been doing for many years.

As evidenced by the aerial photograph there is a predominance of pastoral areas within the proposed Lots 1 and 2 and areas of water supply which will provide for continuance of the certified organic production and dairy operations.













The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.

RESPONSE

The following image is an extract from the "Assessment of Agricultural Quality of Land in Gippsland" undertaken by IR Swan and AG Volum for the Department of Agriculture in August 1984. This study places the land in category 2/3 which is highly versatile land very good for dairy operations, grazing and farming enterprise.



A small part of the Swan and Volum study 1984 of Agricultural Land in Gippsland as it applies to the subject land. The table following shows the land classifications

CLASSES OF AGRICULTURAL QUALITY.		
CLASS 1 (Highest Quality)		Class 1 land is the most versatile with the highest inherent productivity. It is capable of the majority of agricultural uses or is very highly productive pasture land under flood irrigation. The growing season is 12 months or 11 months with readily utilized underground water.
CLASS 2		Class 2 land is highly versatile but has a lower level of inherent productivity than Class 1. It is capable of the majority of agricultural uses but requires greater inputs than Class 1 land to achieve high production. The growing season is at least 11 months or 10 months with readily utilized underground water.
CLASS 3		Class 3 land generally is of limited versatility but is very good dairying and grazing land. It is sometimes suitable for orchards and extensive area cropping but not suitable for intensive uses such as vegetable growing. Sub-class 3a is suitable for more intensive uses providing particular care is taken to prevent soil erosion, or supplementary irrigation overcomes moisture limitations in the summer. The growing season is at least 10 months or 9 months with readily utilized underground water.
CLASS 3a		
CLASS 4		Class 4 land is capable of extensive grazing but is generally unsuitable for cropping. Sub-class 4a land is suitable for intensive market gardening but supplementary irrigation, high levels of fertilizer and erosion prevention measures are necessary. The growing season is at least 9 months or 8 months with readily utilized underground water.
CLASS 4a		
CLASS 5 (Lowest Quality)		Class 5 land is marginal agricultural land either because of steep slopes and thin skeletal soils, very steep slopes or a growing season of less than 9 months.
CLASS 6 (Non-agricultural)		Extractive Industry
		Freehold Forestry
		Public Land
		Urban Areas
		Swamps

Class 6 land is non-agricultural land because it is unavailable for agriculture.

Any integrated land management plan prepared for the site.

A management plan has not been prepared for the site.

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 are two existing dwellings on this property and no further dwellings are proposed as part of this application.

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.

RESPONSE

There will not be any impact on the matters covered by this clause. The boundaries have been located to preserve and enhance existing vegetation corridors.

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.

RESPONSE

The matters raised in this clause do not apply to this proposal. There are no traffic issues as the proposed lots have frontage and access to Treases Lane and Pincinis Lane.

65 DECISION GUIDELINES

It is noted in clause 35.07-6 a decision by Council takes into account the matters raised in Clause 65 of the South Gippsland Shire Planning Scheme. Responses to Clause 65 follow. To avoid repetition, where the matter raised is relevant to this application it has been addressed, if there is no response following a sub clause this indicates that it is anticipated that the matter has been dealt with above or that it was not a matter that is relevant to this application.

65.01 Approval of an application or plan

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

The matters set out in Section 60 of the Act.

The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

The purpose of the zone, overlay or other provision.

RESPONSE

The purpose of the zone is for the land to be used for agriculture, this will continue. There are two Environmental Significance Overlays (ESO2 & ESO5). These overlays are addressed later in this document.

Any matter required to be considered in the zone, overlay or other provision.

The orderly planning of the area.

The effect on the amenity of the area.

RESPONSE

Attachment C shows the pattern of properties in the area, the proposal complies with the orderly planning of the area and the amenity of the area is not affected by the proposal.

The proximity of the land to any public land.

RESPONSE

Other than roads, there is no public land in the close proximity to this property.

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

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

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

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

RESPONSE

The four sub clauses can be dealt with as one. The boundaries of the lots do not interfere with any existing drainage lines and as such any native vegetation along these drainage lines will be maintained. The subdivision will not lead to any loss in soil or water quality. The subdivision will not affect the existing stands of vegetation that have been fenced to exclude livestock. The current status will continue.

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

RESPONSE

There are designated waterways running through what will be proposed Lots 1 and 2 of this subdivision. There are also significant dams on the property however the land does not flood.

65.02 Approval of an application to subdivide land

Before deciding on an application to subdivide land, the responsible authority must also consider, as appropriate:

The suitability of the land for subdivision.

RESPONSE

Given the access that is provided by the surrounding existing roads and the undulation on the land, the land is suitable for subdivision. The proposal is the re-subdivision of the two titles with the uses already currently existing on the property. There will be no impact on this property or the adjoining properties.

The existing use and possible future development of the land and nearby land.

RESPONSE

The existing uses of the nearby land are compatible with the proposed subdivision and intended use of the land for continued dairy operations, grazing and certified organic farming enterprise.

The availability of subdivided land in the locality, and the need for the creation of further lots.

RESPONSE

No additional parcels are being created as part of this proposal. The intended purpose of the subdivision and the main agricultural benefit of this proposal is to continue to use the property as it is currently being used for the certified organic enterprise and the balance of the land will be sold to hopefully continue to be used for dairying operations.

The effect of development on the use or development of other land which has a common means of drainage.

RESPONSE

Drainage is not affected by this proposal.

The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.

RESPONSE

The subdivision has been specifically designed to take these matters into account.

The density of the proposed development.

RESPONSE

The density remains unchanged

The area and dimensions of each lot in the subdivision.

RESPONSE

Proposed Lot 1 will be 12 ha and Proposed Lot 2 will be 116 ha. See Attachment E.

The layout of roads having regard to their function and relationship to existing roads.

The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.

The provision and location of reserves for public open space and other community facilities.

The staging of the subdivision.

The design and siting of buildings having regard to safety and the risk of spread of fire.

The provision of off-street parking.

The provision and location of common property.

The functions of any body corporate.

RESPONSE

The previous 8 matters do not apply.

The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.

RESPONSE

The only service in the proximity is electricity. Provision of power to the lots is in place. It is not anticipated that there will be a need to change the existing service in the foreseeable future. There are water tanks at each dwelling for water supply and dams for back up, if required.

If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.

RESPONSE

Not applicable

Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.

RESPONSE

This matter has been considered in the layout of the proposed boundaries.

22.06 RURAL SUBDIVISION

Objectives

- To limit the further fragmentation of rural land by subdivision.
- To ensure that lots resulting from subdivision are of a sufficient size to be of benefit to agricultural production.
- To encourage the consolidation of rural lots.
- To limit the cumulative impact of house lot excisions, including serial small lot subdivisions.
- To ensure that house lot excisions are undertaken for legitimate reasons relating to agriculture.
- To provide a consistent basis for considering planning permit applications for the subdivision of rural land.

Policy

The following policy identifies that the excision of a dwelling through subdivision can take place by either of two methods. Firstly, through the re-subdivision of existing lots such that the number of lots does not increase, or secondly through the creation of an additional lot on the land such that the number of lots is increased.

It is policy that:

- Any proposal for the subdivision of land to accommodate an existing dwelling must demonstrate that:
 - The existing dwelling is no longer reasonably required for the carrying out of agricultural activities in the long term.
 - There are beneficial agricultural outcomes for the land by excising the dwelling.
 - The excision of the dwelling is compatible with and will not reduce the potential for farming or other legitimate rural land uses on the land, adjoining land and the general area.
- Any proposal for the excision of an existing dwelling must be undertaken by the re-subdivision of existing land titles where that potential exists. Former road reserves, lots under 49 hectares created by consolidation or other subdivision process not requiring a planning permit, and historic lots on former inappropriate Crown settlements and townships, may not be used for this purpose.

A permit that approves the excision of an existing dwelling by re-subdivision where the balance (remaining) lot is less than 40 hectares will contain a condition requiring that the land owner enter into an agreement under section 173 of the Act that prevents the development of any additional dwelling on the balance lot.

- Where the application seeks to excise a dwelling by increasing the number of lots:
 - There must be no opportunity available for re-subdivision of the balance lot(s).



- The subject dwelling proposed for excision must have existed on the land on or before 16 December 1999.
- The balance (remaining) lot must be greater than 40 hectares in area.
- Where a dwelling has been excised from the land since 29 May 2009, further subdivision (by any method) to accommodate another dwelling from that land will be strongly discouraged.
- An application proposing an area of greater than 2 hectares for the dwelling lot will be strongly discouraged.
- Excisions that result in 'axe-handle' or island style lots will be strongly discouraged.
- A house lot excision that is likely to lead to a concentration of lots that would change the general use and character of the rural area will be strongly discouraged.
- An adequate distance must be maintained around dwellings to limit impacts on agricultural activities.

RESPONSE

The proposal put forward by the owners of this property is not a house lot excision as both dwellings are required for the running of the activities proposed on Lots 1 and 2. It is the re-subdivision of 2 titles resulting in one smaller title and one larger title where the current farming enterprises can continue.

The existing density of dwellings does not alter and no additional buildings or works are being proposed. The proposed subdivision will have no impact on adjoining properties.

There will be no opportunity for re-subdivision as the proposed Lot 2 at 116 ha is under the 160 hectare requirement for subdivision in the Farming Zone.

42.01 Environmental Significance Overlay

Purpose

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To identify areas where the development of land may be affected by environmental constraints.
- To ensure development is compatible with identified environmental values.

42.01-4 Decision Guidelines

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The statement of environmental significance and the environmental objective contained in a schedule to this overlay.
- The need to remove, destroy or lop vegetation to create defensible space to reduce the risk of bushfire to life and property.

- Any other matters in a schedule to this overlay.

RESPONSE

Complies.

42.01 Environmental Significance Overlay (ESO2)**SCHEDULE 2 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY (ESO2) – SPECIAL WATER SUPPLY CATCHMENT AREAS****1.0 Statement of environmental significance**

Approximately 30 percent of land in South Gippsland Shire is located in a water catchment that are used to provide water for human consumption, domestic use, agriculture and industrial activities. These catchments are declared as 'Special Water Supply Catchment Areas' as defined in the *Catchment and Land Protection Act 1994*.

Special Water Supply Catchments cover large areas with water take-off points occurring in the lower parts of catchments. Land use or development with Special Water Supply Catchments and in close proximity of the water take-off points should be managed carefully to minimise the impact on water quality.

Cumulative use or development in catchments over extended time periods has the potential to gradually diminish water quality and increase risk to human health. The management of use or development in catchments must focus on the long term protection of the natural asset and strongly encourage the implementation of measures to avoid detrimental impacts on water quality and quantity.

2.0 Environmental objectives to be achieved

To protect and maintain water quality and quantity in Special Water Supply Catchment areas used for human consumption, domestic, industrial and rural water supply.

To ensure that development activity and land management practices are consistent with environmental values and the long term conservation of potable water supply resources.

To minimise the impact of residential development and intensive farming activity in Special Water Supply Catchment areas, particularly near water supply take-off points and storage reservoirs.

To encourage retention of native vegetation and the establishment of new vegetation cover, particularly within 30 metres of a waterway.

To consider the cumulative impact of use and development on Special Water Supply Catchments over an extended time period having regard to both climate variability and anticipated reduced inflows in catchments.

To minimise the impact of development in townships without reticulated sewerage, particularly having regard to small lot sizes, existing water contamination levels and the long term expectation that small towns will remain unsewered.

To ensure new development proposals meet best practice guidelines for agricultural, domestic, commercial and industrial wastewater treatment which result in reduced nutrient, pathogenic and sediment flows.

To protect public health from the risk of waterborne diseases.

4.0 Decision Guidelines

Before deciding on an application, the responsible authority must consider:

- The likely impacts of the proposed development on water quality and quantity in the water supply catchment.
- The potential cumulative impact of development on the quality and quantity of water in the water supply catchment over extended periods of time.
- Whether new development proposals will lead to an increase in the amount of nutrients, pathogens or other pollutants reaching streams, surface water bodies and groundwater.
- Whether subdivision and intensive farming activities in water supply catchments, especially in the lower areas of water supply catchments near take-off points are appropriate.
- Any relevant catchment management plan, policy, strategy or Ministerial Direction, including the Ministerial Guideline for Planning Permit Applications in Open Potable Water Supply Catchment Areas or any superseding document.

RESPONSE

The proposed subdivision is unlikely to impact on the water quality or quantity in the water supply catchment, lead to an increase in the amount of nutrients, pathogens or other pollutants reaching streams, surface water bodies or groundwater as the existing dwellings on proposed Lots 1 and 2 have been there for a long time without any impact.

42.01 Environmental Significance Overlay (ESO5)

SCHEDULE 5 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY (ESO5) - AREAS SUSCEPTIBLE TO EROSION

1.0 Statement of environmental significance

Areas susceptible to flooding are recognized as a land management concern with risks to both rural and non-urban areas throughout the municipality. It is necessary to ensure that any development maintains a free passage and temporary storage of floodwater, minimizes flood damage, soil erosion, sedimentation, silting and is compatible with local drainage conditions. However, the identification of waterways, major flood paths, drainage depressions and high hazard areas throughout the Shire has not been completed. Therefore, as an interim measure it is necessary to identify those areas throughout the Shire that may be susceptible to flooding, pending the completion of extensive flood path mapping of the entire Shire.

2.0 Environmental objective to be achieved

To identify waterways, major flood paths, drainage depressions and high hazard areas in rural and non-urban areas which have the greatest risk and frequency of being affected by flooding.

To ensure that any development maintains the free passage and temporary storage of floodwater, minimizes flood damage, soil erosion, sedimentation, silting and is compatible with local drainage conditions.

To reflect any declarations under Division 4 of Part 10 of the Water Act, 1989, if such have been made.

To protect water quality and waterways as natural resources in accordance with the provisions of relevant State Environment Protection Policies, and particularly in accordance with Clauses 34 and 35 of the State Environment Protection Policy (Waters of Victoria).

4.0 Decision Guidelines

- The purpose of the overlay
- The following publications:
 - Environmental Guidelines for Major Construction Sites, Environment Protection Authority, February 1996.
 - Construction Techniques for Sediment Pollution Control, Environment Protection Authority, May 1991.
 - Control of Erosion on Construction Sites, Soil Conservation Authority.
 - Your Dam, an Asset or a Liability, Department of Conservation and Natural Resources.
- Any proposed measures to minimize the extent of stream bank disturbance and runoff.
- The need to stabilize disturbed areas by engineering works or vegetation.
- Whether the land is capable of providing a building envelope, which is not prone to flooding.
- Whether the proposed buildings or works are likely to be subject to flooding.
- Whether the proposed access and servicing of the site or the building envelope is likely to be affected by seasonal flooding.
- The views of the relevant catchment management authority.
- The views of the Department of Natural Resources and Environment in respect to:
 - Subdivision applications of greater than four lots or any subdivision applications which may have adverse environmental effects.
 - Applications, which immediately abut Crown Land and which in the opinion of the responsible authority, may have an adverse impact on flooding.

RESPONSE

The aerial image shown as Attachment D identifies the location of waterways, drainage lines and streams. Vegetation is also evident from the image. No vegetation is to be removed or cleared as part of this application. No building or works are proposed as part of this application.

CONCLUSION

This proposal represents a protection of dairy land within the shire. This is a desirable outcome. The owners are intent on maintaining the small title as a viable farm business, but are now unable to operate a dairying enterprise. The creation of a 116 ha title represents an economically justifiable property size, which can become a business unit large enough to be sustainable. This will help to ensure the farm remains operational and productive as a dairy farm business.

The formation of a 116 ha and 12 ha titles creates an economically justifiable dairying business and a smaller organically certified niche enterprise business. This will enhance economic activity through the production of food stuffs that are in high demand, protect prime dairy land and keep appropriate land devoted to dairying.

The proposal is in line with the farm being able to operate as an active and productive dairy farm, that the subdivision and relocation of the title boundaries is conducive to the farm becoming more productive, sustainable and offering a greater economic contribution to the shire and local economy than the farm in its current state.

South Gippsland Shire Council is asked to support this application for the boundary re-alignment/subdivision at 85 Treases Lane and 70 Pincinis Lane, Mirboo North in accordance with the proposed plans shown in **Attachment E**.



PLANNING PERMIT APPLICATION: SUBDIVISION

ZONING: FARMING ZONE (FZ)

PROJECT ADDRESS: 85 Treases Lane/70 Pincinis Lane, Mirboo North

ATTACHMENT A

CERTIFICATES OF TITLE

TITLE PLANS

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

Page 1 of 1

VOLUME 04518 FOLIO 491

Security no : 124064841682P
Produced 03/03/2017 01:10 pm

LAND DESCRIPTION

Lot 1 on Title Plan 680233R (formerly known as part of Crown Allotment 52
Parish of Mardan).
PARENT TITLES :
Volume 03545 Folio 990 to Volume 03545 Folio 991
Created by instrument 1024406 06/12/1921

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
GRAEME DAVID TREASE
ROSEMARY LORRAINE TREASE both of TREASE'S LA MIRBOO NORTH 3871
S696086Y 17/09/1993

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AJ509240T 23/02/2012
BENDIGO AND ADELAIDE BANK LTD

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

DIAGRAM LOCATION

SEE TP680233R FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

DOCUMENT END



Imaged Document Cover Sheet

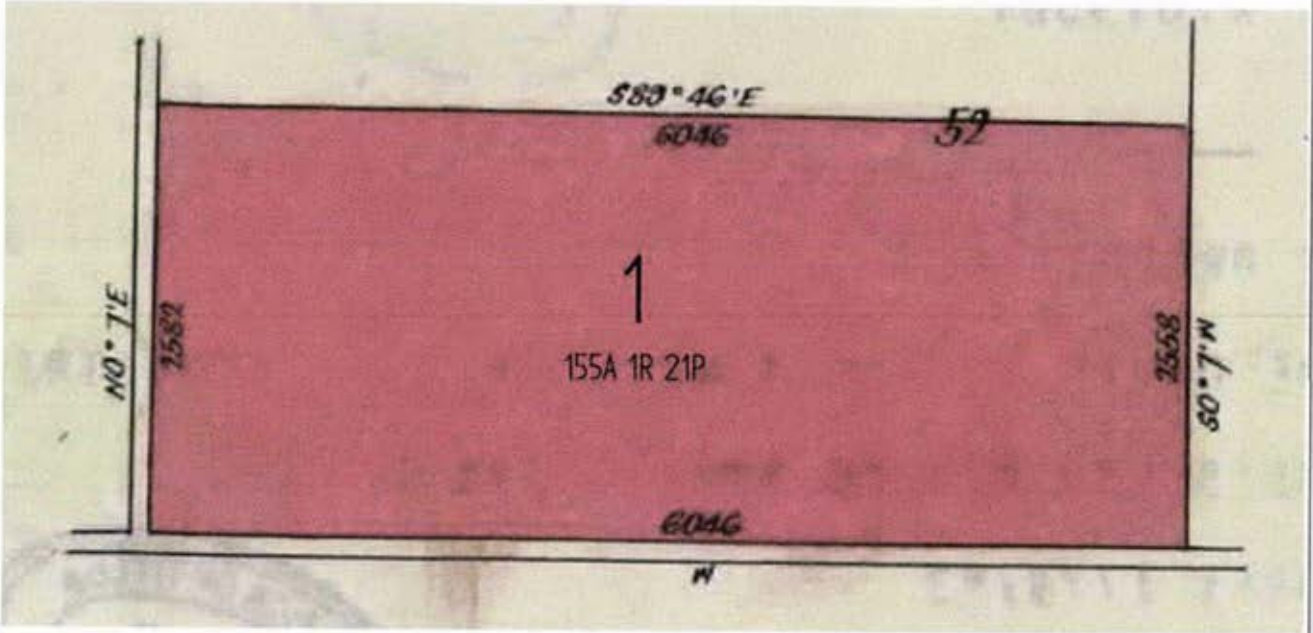
The document following this cover sheet is an imaged document supplied by LANDATA®, Land Victoria.

Document Type	plan
Document Identification	TP680233R
Number of Pages (excluding this cover sheet)	1
Document Assembled	03/03/2017 13:11

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TITLE PLAN		EDITION 1	TP 680233R						
Location of Land Parish: MARDAN Township: Section: Crown Allotment: 52(PT) Crown Portion: Last Plan Reference: Derived From: VOL 4518 FOL 491 Depth Limitation: NIL		Notations 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: 08/11/2000 VERIFIED: G.B.							
									
<table border="1" style="margin: auto;"> <tr> <th colspan="2">TABLE OF PARCEL IDENTIFIERS</th> </tr> <tr> <td colspan="2">WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962</td> </tr> <tr> <td colspan="2">PARCEL 1 = CA 52 (PT)</td> </tr> </table>				TABLE OF PARCEL IDENTIFIERS		WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962		PARCEL 1 = CA 52 (PT)	
TABLE OF PARCEL IDENTIFIERS									
WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962									
PARCEL 1 = CA 52 (PT)									
LENGTHS ARE IN LINKS Metres = 0.3048 x Feet Metres = 0.201168 x Links		Sheet 1 of 1 sheets							

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

Page 1 of 1

VOLUME 04518 FOLIO 490

Security no : 124064841925A
Produced 03/03/2017 01:19 pm

LAND DESCRIPTION

Lot 1 on Title Plan 680003K (formerly known as part of Crown Allotment 52
Parish of Mardan).
PARENT TITLES :
Volume 03545 Folio 990 to Volume 03545 Folio 991
Created by instrument 1024405 06/12/1921

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
GRAEME DAVID TREASE
ROSEMARY LORRAINE TREASE both of TREASE'S LA MIRBOO NORTH 3871
S696086Y 17/09/1993

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AJ509240T 23/02/2012
BENDIGO AND ADELAIDE BANK LTD

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

DIAGRAM LOCATION

SEE TP680003K 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: 70 PINCINIS LANE MIRBOO NORTH VIC 3871

DOCUMENT END



Imaged Document Cover Sheet

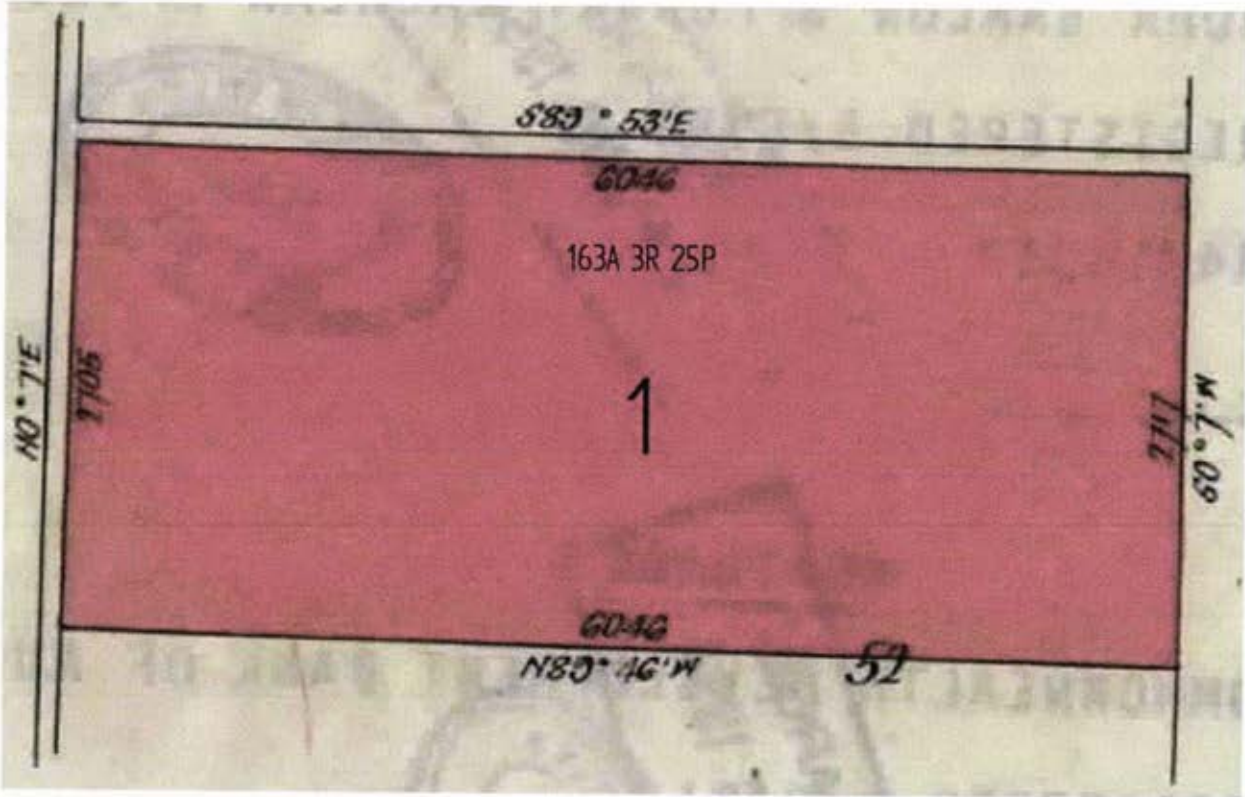
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Document Type	plan
Document Identification	TP680003K
Number of Pages (excluding this cover sheet)	1
Document Assembled	03/03/2017 13:20

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TITLE PLAN	EDITION 1	TP 680003K						
Location of Land Parish: MARDAN Township: Section: Crown Allotment: 52 (PT) Crown Portion: Last Plan Reference: Derived From: VOL 4518 FOL 490 Depth Limitation: NIL		Notations 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: 06/11/2000 VERIFIED: MP						
								
<table border="1" style="margin: auto;"> <tr> <th colspan="2">TABLE OF PARCEL IDENTIFIERS</th> </tr> <tr> <td colspan="2">WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962</td> </tr> <tr> <td colspan="2">PARCEL 1 = CA 52 (PT)</td> </tr> </table>			TABLE OF PARCEL IDENTIFIERS		WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962		PARCEL 1 = CA 52 (PT)	
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PARCEL 1 = CA 52 (PT)								
LENGTHS ARE IN LINKS	Metres = 0.3048 x Feet Metres = 0.201168 x Links	Sheet 1 of 1 sheets						

ATTACHMENT B

COPY OF ZONING MAP

Department of
Environment, Land,
Water and Planning

Planning Property Report

From www.delwp.vic.gov.au/planning on 14 March 2017 11:15 AM

Address: 85 TREASES LANE MIRBOO NORTH 3871

Lot / Plan: Lot 1 TP680233

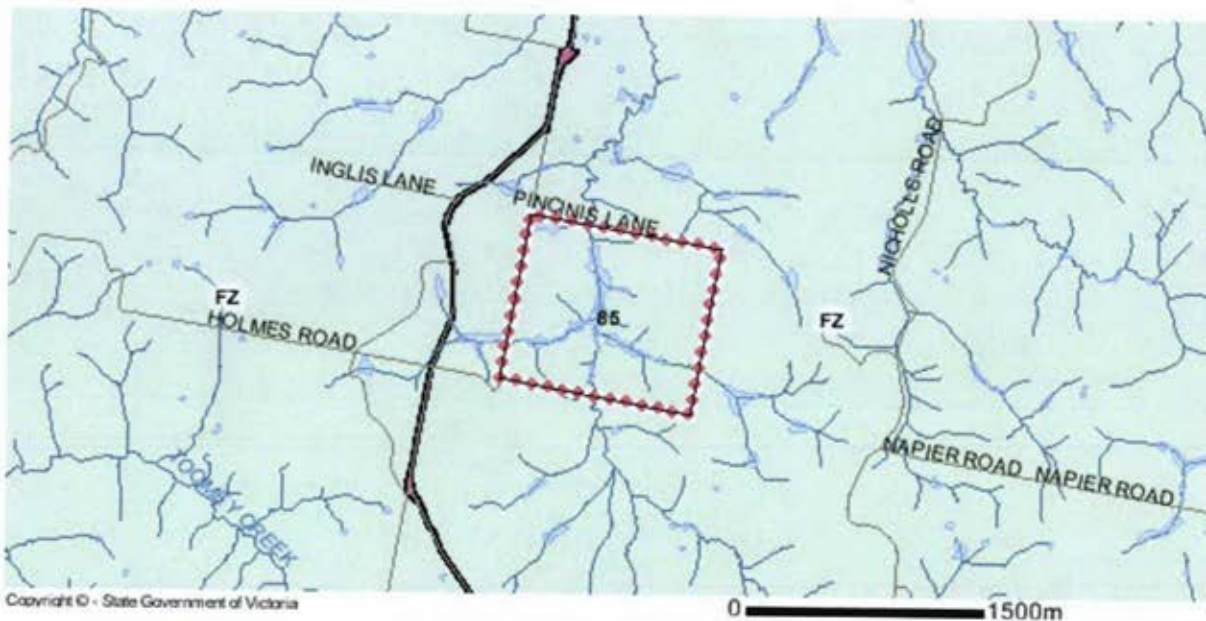
Local Government (Council): SOUTH GIPPSLAND **Council Property Number:** 187483

Directory Reference: VicRoads 97 D9

Planning Zone

FARMING ZONE (FZ)

SCHEDULE TO THE FARMING ZONE



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

<http://services.land.vic.gov.au/landchannel/content/propertyReport?reportNo=3&reportht...> 14-Mar-17

Zones Legend

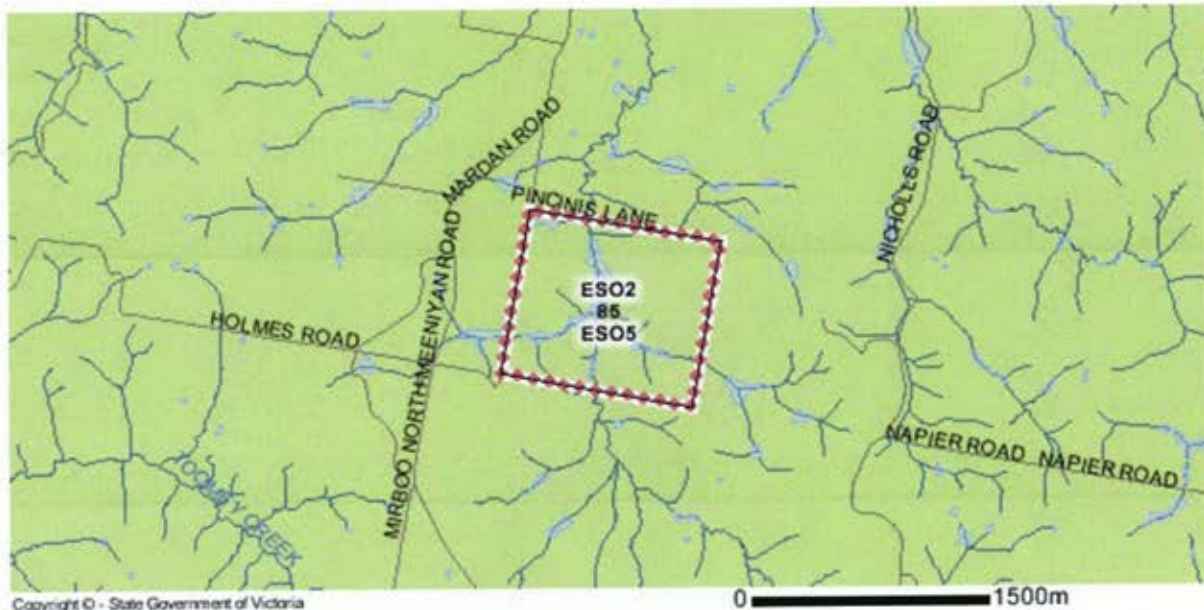
ACZ - Activity Centre	IN1Z - Industrial 1	R1Z - General Residential
B1Z - Commercial 1	IN2Z - Industrial 2	R2Z - General Residential
B2Z - Commercial 1	IN3Z - Industrial 3	R3Z - General Residential
B3Z - Commercial 2	LDRZ - Low Density Residential	RAZ - Rural Activity
B4Z - Commercial 2	MUZ - Mixed Use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

Planning Overlays

ENVIRONMENTAL SIGNIFICANCE OVERLAY (ESO)

ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 2 (ESO2)

ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 5 (ESO5)



Overlays Legend

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

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

Further Planning Information

Planning scheme data last updated on 9 March 2017.

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

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

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For details of surrounding [properties](#), use this service to get the Reports for properties of [interest](#)

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

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

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Department of
Environment, Land,
Water and Planning

Planning Property Report

From www.delwp.vic.gov.au/planning on 14 March 2017 11:16 AM

Address: 70 PINCINIS LANE MIRBOO NORTH 3871

Lot / Plan: Lot 1 TP680003

This property has a total of 2 [parcels](#).

For full parcel details go to [Property Reports](#) and get a free Basic Property Report

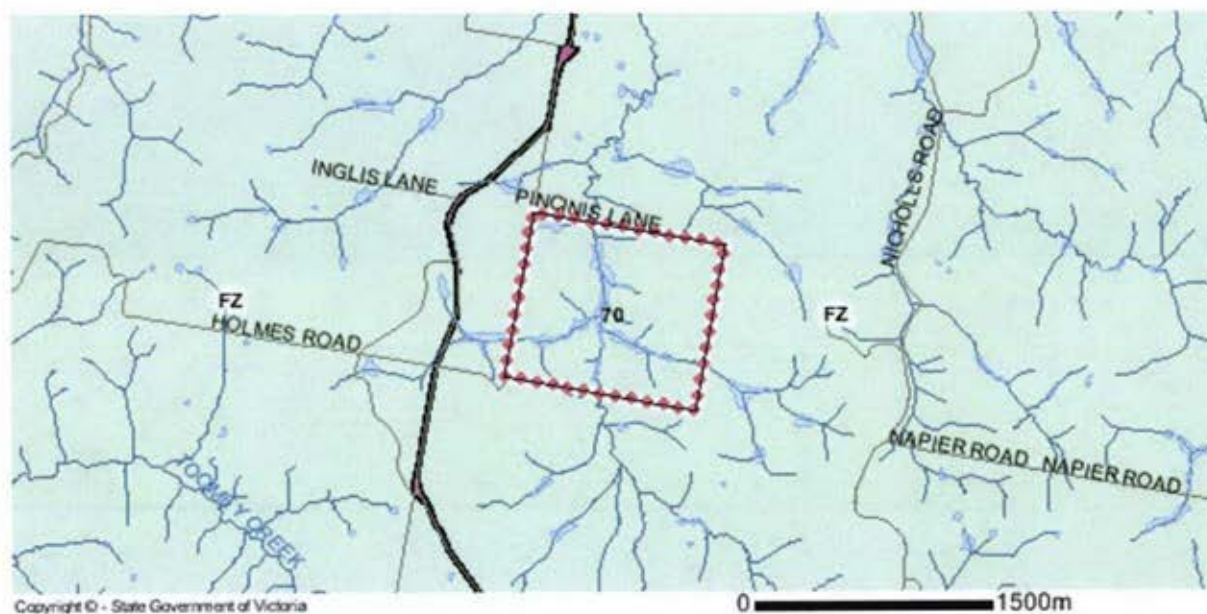
Local Government (Council): SOUTH GIPPSLAND **Council Property Number:** 187484

Directory Reference: VicRoads 97 D9

Planning Zone

FARMING ZONE (FZ)

SCHEDULE TO THE FARMING ZONE



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Zones Legend

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ERZ - Environmental Rural	PUZ4 - Public Use - Transport	UFZ - Urban Floodway
FZ - Farming	PUZ5 - Public Use - Cemetery/Crematorium	UGZ - Urban Growth
GRZ - General Residential	PUZ6 - Public Use - Local Government	
GWAZ - Green Wedge A	PUZ7 - Public Use - Other Public Use	
GWZ - Green Wedge	PZ - Port	
		-- Urban Growth Boundary
+++++ Railway	--- Tram	— River, stream
		— Lake, waterbody

Planning Overlays

ENVIRONMENTAL SIGNIFICANCE OVERLAY (ESO)

ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 2 (ESO2)

ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 5 (ESO5)



Overlays Legend

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DDOPT - Design & Development Part	PAD - Public Acquisition
DPO - Development Plan	RD - Restructure
EAO - Environmental Audit	RCO - Road Closure
EMD - Erosion Management	SBO - Special Building
ESO - Environmental Significance	SLD - Significant Landscape
FO - Floodway	SMD - Salinity Management
HO - Heritage	SRO - State Resource
IPO - Incorporated Plan	VPD - Vegetation Protection
Railway	Tram
River, stream	Lake, waterbody

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

Further Planning Information

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<http://services.land.vic.gov.au/landchannel/content/propertyReport?reportNo=3&reportht...> 14-Mar-17

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

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

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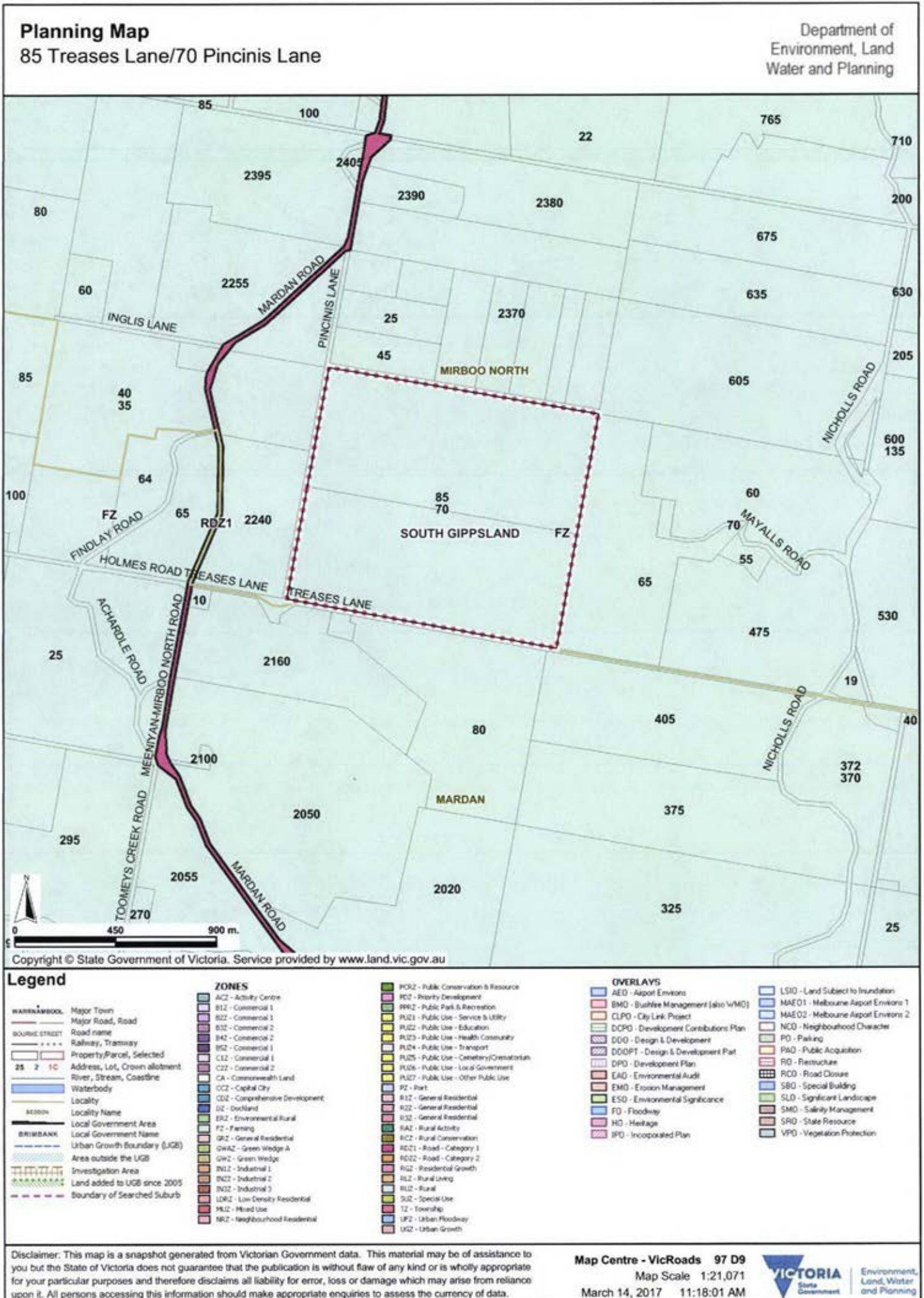
PLANNING PERMIT APPLICATION: SUBDIVISION

ZONING: FARMING ZONE (FZ)

PROJECT ADDRESS: 85 Treases Lane/70 Pincinis Lane, Mirboo North

ATTACHMENT C

LOCALITY PLAN





PLANNING PERMIT APPLICATION: SUBDIVISION

ZONING: FARMING ZONE (FZ)

PROJECT ADDRESS: 85 Treases Lane/70 Pincinis Lane, Mirboo North

ATTACHMENT D

AERIAL IMAGE

PHOTOGRAPHS



85 Treases Lane



Entrance to property



Existing dwelling on Treases Lane property



Mature vegetation around dwelling area



Shed located close to dwelling



Old dairy and silos



Machinery shed



Yards and shelter for pigs



Fruit tree orchard



Chicken coops and yard





House paddocks



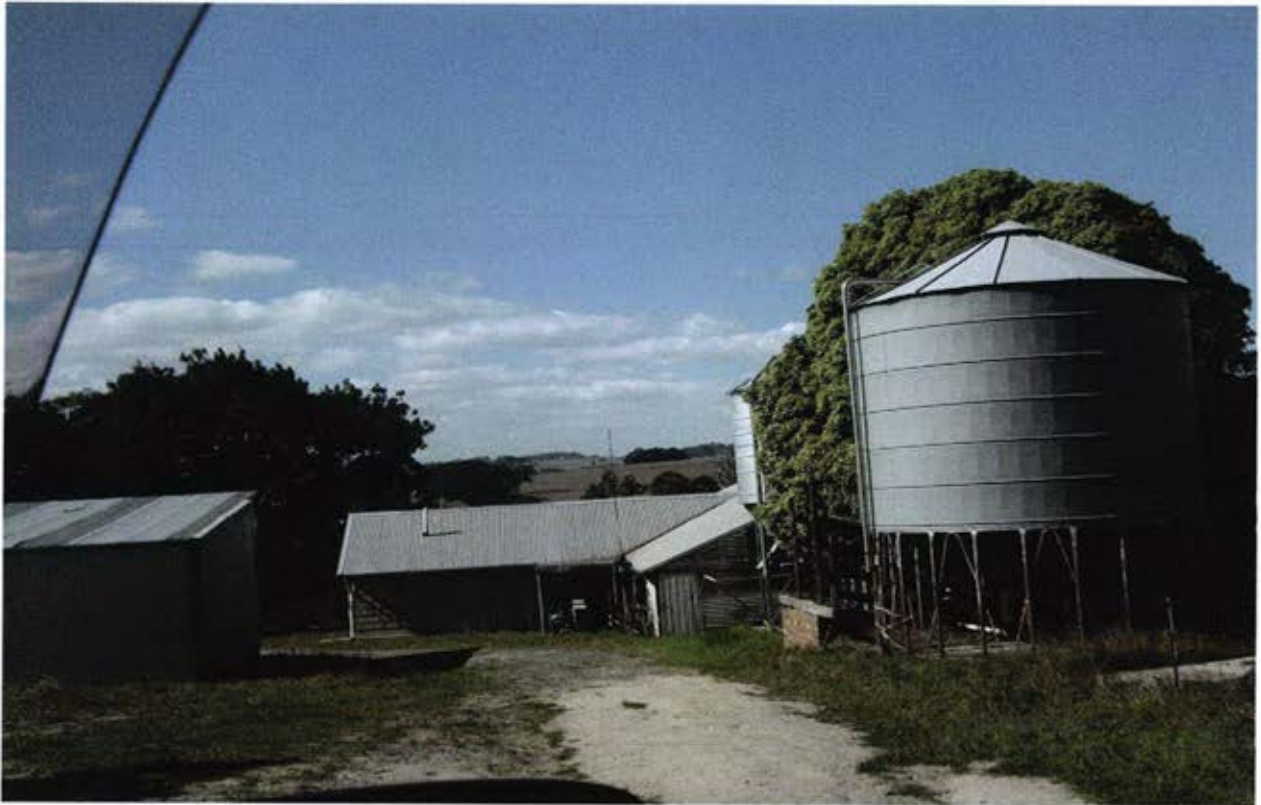
Water supply for dwelling and house paddocks

70 Pincinis Lane



Dwelling on Pincinis Lane property





Dairy, silos and machinery sheds



Hay sheds





Paddocks/pasture





Water supply at 70 Pincinis Lane



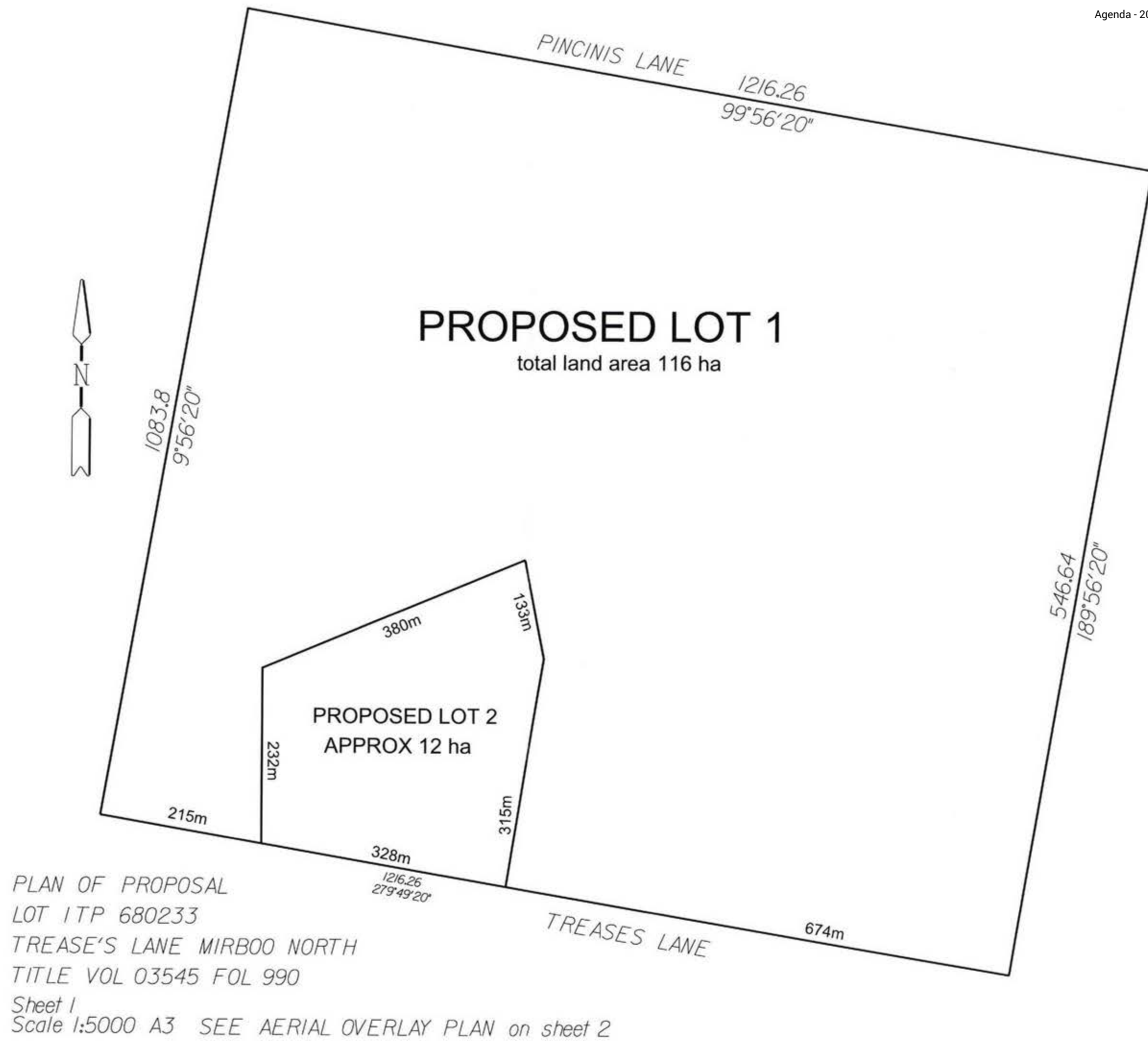
PLANNING PERMIT APPLICATION: SUBDIVISION

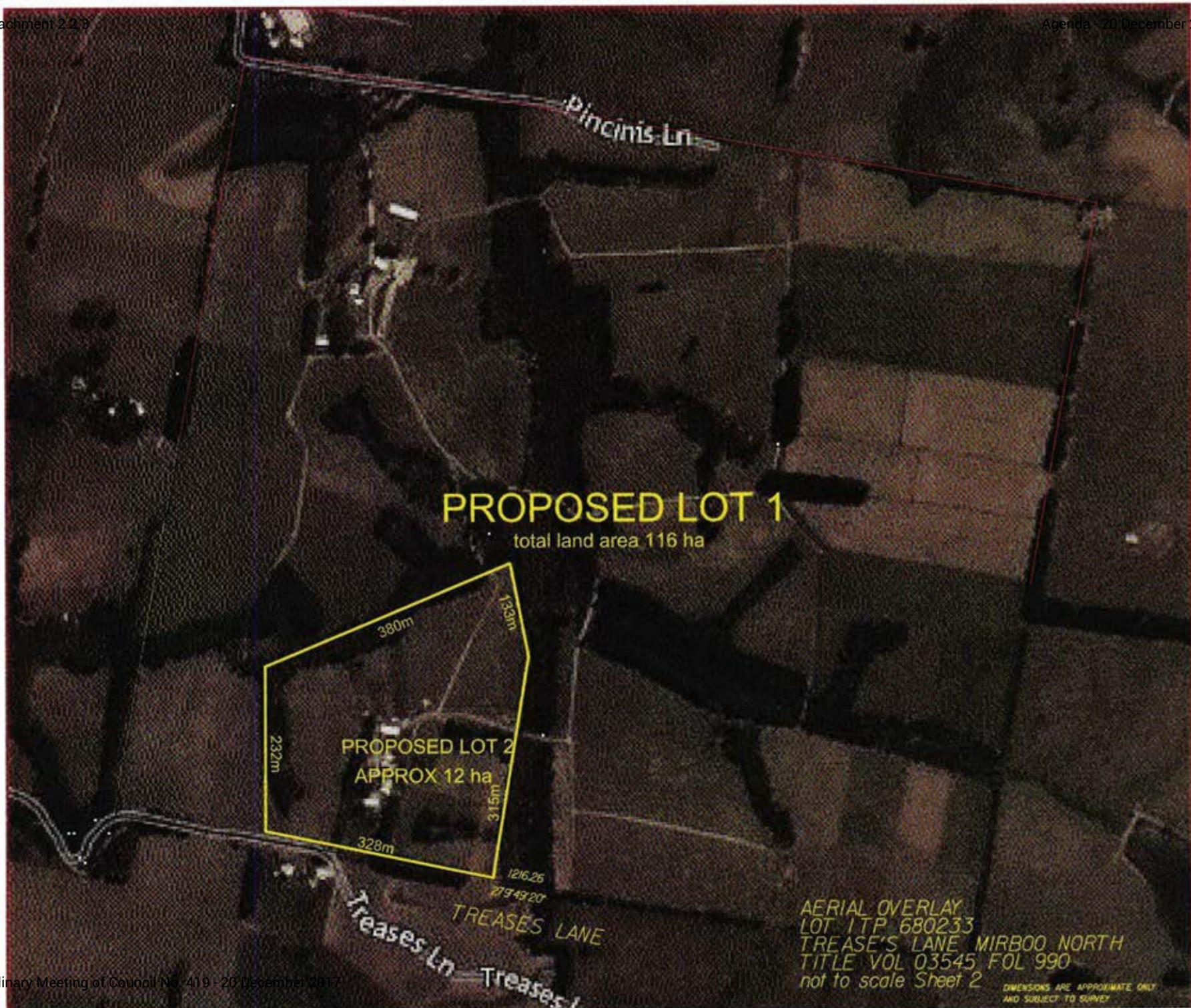
ZONING: FARMING ZONE (FZ)

PROJECT ADDRESS: 85 Treases Lane/70 Pincinis Lane, Mirboo North

ATTACHMENT E

SUBDIVISION PLANS







PLANNING PERMIT APPLICATION: SUBDIVISION
ZONING: FARMING ZONE (FZ)

PROJECT ADDRESS: 85 Treases Lane/70 Pincinis Lane, Mirboo North

ATTACHMENT F

PROFITABILITY REPORT

PROFITABILITY REPORT

Assumptions:

- (N/A) - 50acre title (20ha) with 12ha effective production area, with balance as bush and waterways.
 Grazing area devoted to sheep/lamb production 6ha;
 Grazing area devoted to pig production 4ha;
 Free-range egg production conducted around shedding and yard area and 2ha grazing area.

Prime lamb production:

Estimated current pasture growth 5t DM/ha 30t DM on sheep area.
 Dry matter consumption on an annual basis: lactating ewe and lamb = 0.53tDM ; rams = 0.3tDM ;
 hoggets/young whethers/young rams = 0.3tDM;
 Total predicted number of stock grazed = 45 ewe/lamb units, 9 replacements and 5 rams.
 Lambing 105%, death rate 5%

Free-range egg production:

Proposed maximum stocking density 500 birds/ha.
 Area devoted to egg production = 2.5ha
 Total maximum birds 1250
 Required housing area 75m²
 Birds are sourced at 18 weeks and sold at 90 weeks of age.
 Egg production per bird over productive layer life: 409.

Free-range pork production: .

Area devoted to pork production 4ha including pens and yards
 5 sows being run plus growers and dry sows/boars

Income	Pork enterprise	Prime lamb enterprise	Free-range egg enterprise	Total
Sale of porkers & lambs	\$18,900	\$5,400		\$24,300
Sale of cull sows or ewes (1 per 6 years or 1/6 sows and 1/6 ewes)	\$83	\$300		\$383
Sale of eggs			\$145,500	\$145,500
Sale of cast for age birds			\$3,600	\$3,600
Total income	\$18,983	\$5,700	\$149,100	\$173,783
Expenditure				
Vet/drenching/vaccines	\$1,150	\$1,050	\$1,800	\$4,000
Organic Fertiliser		\$750		\$750
Commission/freight	\$1,899	\$285		\$2,184
Stock purchases (1/6)	\$166	\$1,875		\$2,041
Bird purchases			\$12,225	\$12,225
Fuel		\$1,500		\$1,500
Fodder and feed	13t grower feed @\$450/t =\$5,850 9t sow ration @\$500/t = \$4,500		28t @\$530/t=\$14,840	\$25,190
Packaging cost @\$0.50/dozen			\$14,550	\$14,550
Total expenditure	\$13,565	\$5,460	\$43,415	\$62,440
Gross Margin total	\$5,418	\$240	\$105,685	\$111,343

The table above shows that the continued prime lamb business, the re-establishment of the free-range pork business and the moderate-sized free-range egg business will generate considerable gross margin from the 50acre title. This surplus is then required to cover overheads of the business (repairs and maintenance, rates, administration,

insurances) and labour costs. With expected imputed labour costs of 1.2 Full Time Equivalent (FTE) for the enterprises or on average 2,496 hours per year or 48 hours per week, the expected labour cost is \$74,880 p.a. Some of this labour may be out-sourced as casual or permanent part-time labour.

This analysis shows that the proposed creation of the 30 acre title and a continuation of existing and re-establishment of previous agricultural enterprises can generate a net income that covers the imputed and/or paid labour costs, overheads and direct costs of the business. This business is sufficient to provide the owners with a modest income and reward for labour and cover all the costs incurred in generating the income. There may be the creation of some additional casual or part-time labour. This would not be possible with a title size significantly less than that proposed.

6. Summary:

The proposal represents a viable, sustainable and economically sensible use of a land resource and is a genuine process to retain the majority of land in dairying. The farm as it is currently presented is not currently involved in highly productive agricultural pursuits, nor represents the best use of resources. The proposal enables a farm to recommence dairying and will contribute a higher level of economic activity in products and services into the local economy, greater than the current level given the same economic and seasonal parameters. The proposal enables a new dairying business to use the land resources more efficiently and effectively and deliver a return on asset in line with similar South Gippsland dairy businesses.

The proposal creates a 30 acre allotment on the southern side of the property. This is in keeping with other properties in the area. The enterprises involved are producing food products that are in high demand, from an organic farm that will retain its current certification. It is a property size that balances environmental protection with economic considerations, creating a property large enough to deliver returns to the operators justifying the efforts involved as well as covering all variable and fixed costs, whilst also creating a larger 288 acre title large enough to be a stand-alone dairy business, which is of a scale that is in keeping with other profitable dryland Gippsland dairy businesses.

Should the dairy business expand and develop, there would be additional employment either as casual, part-time or full time employment, as the farm proposal represents an increase in economic activity than that currently undertaken.

I am happy to discuss further any aspects of this report and the material contained within it. Should you wish to contact me, please contact me on email matt@onfarmconsulting.com.au or mobile 0408 311 118.

Yours sincerely



Matt Harms
ONFARM Consulting

Comparison Over The Years- Gippsland



	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15
Peak cows milked	272	278	261	272	288	283
Stocking rate per milking ha	2.40	2.40	2.50	2.36	2.40	2.46
PRODUCTION						
Milk solids per cow (kg)	557	549	539	530	540	553
Milk solids per home ha (kg)	1,309	1,306	1,295	1,253	1,485	1,354
Tonne fed per cow	1.90	1.96	1.96	1.89	2.07	2.10
% off farm supplement	32.0	32.0	33.0	38.0	38.0	37.0
Pasture consumption t DM/home ha	9.50	9.70	9.10	8.10	8.00	8.70
Pasture consumed t DM/cow	4.00	4.10	3.80	3.40	3.50	3.59
DAYS OFF FARM Holidays						
Week days/weekends						
INCOME						
Total Income per cow	2,584	3,234	3,070	2,775	3,853	3,570
\$ per kg MS	4.37	5.57	5.32	4.87	6.76	5.97
Cents per litre	33	42	40	37	51	47
COSTS						
Herd costs per cow (\$)	143	161	149	163	186	228
Shed costs per cow (\$)	70	79	87	98	100	109
Feed costs per cow (\$)	1,106	1,177	1,151	1,284	1,435	1,350
Total variable costs per cow (\$)	1,318	1,418	1,387	1,545	1,721	1,687
Overhead costs per cow (\$)	407	429	427	504	509	557
Total cash costs per cow (\$)	1,725	1,847	1,814	2,050	2,230	2,245
Total cash costs per milking ha (\$)	2,865	3,058	2,840	3,154	3,589	4,031
\$/kgMS cash costs	3.10	3.38	3.38	3.88	4.14	4.10
Cash costs as % of cash income	65.0	57.0	59.0	74.0	58.0	63.0
Total Cost of Production (\$/kgMS)	4.00	4.29	4.28	4.78	5.09	4.86
FINANCIALS						
Operating surplus \$/kgMS	1.63	2.15	2.33	1.37	3.01	2.39
Operating surplus per cow	903	1,388	1,256	726	1,624	1,325
EBIT per cow (\$)	472	1,009	835	219	1,174	927
EBIT per kgMS	0.85	1.83	1.55	0.42	2.15	1.66
Return on Assets employed %	4.30	8.70	7.60	2.00	10.10	4.00
Total Assets employed/cow	10,977	11,598	11,915	12,217	12,100	10,845
Total Assets employed/kgMS	20	21	22	23		20
Paid and imputed labour (\$/kgMS)	0.96	0.99	1.02	1.13	1.11	0.98*
Paid and imputed labour per cow	582	554	549	599	599	544*

Property of ONFARM Consulting

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*ex outlier



Annual Farm Budget and Financial Indicator

Property Description

ANNUAL BUDGET FOR Five year average milk and grain price

NAME: Trease property
DATE: 16-Feb-16

Prepared by: Matt Harms
Dryland milking area 47 HA
Irrigated milking area 48 HA

EXPENSES

Herd Costs		PER COW
AB and Herd Test	9,900	44
Animal Health	16,875	75
2YO	0	
Yearlings	12,731	56.58
Calf Rearing	11,531	51.25
Total Herd Costs	51,037	

Shed Costs		
Shed Power	12,375	55
Dairy Supplies	5,240	23.29
Total Shed Costs	17,615	

Feed Costs		\$/T FRESH
Fertiliser & Nitrogen	67,108	
Grain/pellets	143,640	380
Concentrate	0	0
Concentrate	0	0
Med Quality hay	0	0
High Quality hay	17,856	320
Irrigation	20,000	
Pasture silage and hay	23,625	675 rolls
lease and agistment	27,000	
Lime	6,000	
Pasture/crops/pests	21,812	
Fuel and Oil	12,522	
Additives	0	
Freight and cartage	1,500	
Total Feed Costs	341,063	

Overhead Costs		
Rates	7,878	
Farm Vehicles	13,691	
Farm Ins	8,000	
Repairs and Maint Farm	50,000	
Repairs and Maint Plant	15,496	
Other O'head e.g. Admin	20,126	
Total Overhead Costs	115,191	

Labour Costs		
Gross Wages		
kids	0	
Workcover	0	
Superannuation	0	
Training Courses		
Protective Clothing	689	
Total Labour Costs	689	
TOTAL FARM COSTS	525,595	
OPERATING SURPLUS	195,895	
% OF FARM INCOME ON PRODUCTION COSTS	72.8	

PEOPLE PRODUCTIVITY: LABOUR	
PAID HRS	
IMPUTED HRS	5500
TOTAL HRS	5500
MS/Hr	22.7
50 HOUR LABOUR UNITS	2.1
MS PER 50 HOUR LABOUR UNIT	58902

RETURN ON EQUITY (ROE)	
EQUITY NET WORTH	1,158,000
ROE(EBIT LESS INTEREST)	6,195
% ROE(ROE/EQUITY%)	0.53

Capital Costs		\$
Shares		
Total Capital Costs	0	
Personal Costs		
DRAWINGS+tax		
PAYG		
Total Personal Costs	0	
Finance Costs		
Interest		
AV OD INTEREST	653	
BANK CHARGES	653	
Total Finance Costs	653	
TOTAL EXPENDITURE	526,248	

INCOME		\$
Milk Income	689,044	
re-imbursed expenses		
Stock sales dairy	30,226	
Beef sales		
Calves	1,500	
Rebates	720	
Dividends		
Total Farm Income	721,490	
Non Farm Income		
TOTAL INCOME	721,490	
OPENING BALANCE		
SURPLUS/DEFICIT	\$195,242	
CLOSING BALANCE	\$195,242	

ACCUAL BASED TAXABLE PROFIT	106,695
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OPENING VALUES

EQUITY SUMMARY		\$
Total Assets	2,218,000	
Total Liabilities	1,060,000	
Net Worth	1,158,000	
% Equity	52.21%	

SENSITIVITY OF BUDGET

CHANGES in INCOME and PRODUCTION		\$/tonne	1.4	1.7	1.9
Price	544	290	245574	229262	212949
	554	320	235922	217922	199922
	564	350	226269	206582	186894
4.93 109,388	120,481	380	216617	195242	173867
5.23 146,094	157,661	410	206964	183902	160839
5.53 182,799	195,242	440	197312	172562	147812
5.83 219,504	232,822	470	187659	161222	134784
6.13 256,210	270,002				

PHYSICAL FEATURES

TOTAL KG BF	69132
TOTAL KG PR	55469
TOTAL LITRES	1630260
MAX HERD SIZE:	225
AV F + PR /COW	554
Total Production F +Pr	124,601
AREA (HA):	95
STOCKING RATE	2.37 cows/ha
TOTAL SOLIDS EQUIV	\$5.53
PRICE/kg	
BUTTERFAT PER COW:	307 KG
FAT + PROTEIN PER HA:	1312 KG
LITRES PER COW	7245.6
CENTS PER LITRE	42.3
BUTTERFAT EQUIV	9.97 \$/KG
PRICE	

FINANCIAL INDICATORS

	per kg ms	per cow	per ha
Income	5.8	3207	7594.6
Herd Costs	0.4	227	537.23
Shed Costs	0.1	78	185.42
Feed Costs	2.7	1516	3590.1
Overhead Costs	0.9	512	1212.5
Labor(paid)	0.0	3	7.2526
Finance Costs	0.0	3	6.8737
Gross Margin	2.6	1386	3282
Operating Surplus	1.6	871	2062
Budget Surplus	1.6	868	2055
Total Labor(P+I)	1.11	614	
Farm Income on Finance Repayment:		0.1%	
Farm Working expenses per kg milk solids		\$4.22	
Imported Energy		33.1%	
Tot Production cost(Inc IL, Asset rental 4%)		5.74 \$/KGMs	

FEED

	Tonne / cow
Grain/pellets	1.68
Concentrate	0
Concentrate	0
TOTAL	1.7
AV Conc. Price (\$/T)	380
Med Quality hay	0
High Quality hay	0.248
Pasture silage	0
pasture silage	0
Purch. Fodder	0
Pasture and crops direct \$/TDM	137.3
PASTURE CONSUMPTION	
(Tonnes D.M./HA)	9.1
(Tonnes D.M./COW)	3.9

RETURN ON CAPITAL	
ADJUSTMENTS-L:STOCK/FODDER	37000.0
OPERATOR ALLOWANCE	137500.0
DEPRECIATION	15000.0
\$ EBIT	80,395
% RETURN TOTAL ASSETS	3.6

USE/AV. PRICE OF CONCENTRATES



Minns Consulting



PO Box 249
Korumburra Vic 3950

03 May 2017

Ms Tanya Cooper
South Gippsland Shire Council
Private Bag 4
Leongatha VIC 3953

Dear Tanya

Re: Application No: 2017/78
 Description: 2 Lot Subdivision
 Location: 85 Treases Lane, Mirboo North VIC 3871

In response to your request for further information, please see attached, amended application form as requested.

Yours sincerely

Lee Minns
Minns Consulting
0400 893 737
lee_minns@bigpond.com



Planning Enquiries
Phone: (03) 5662 9203
Web: www.southgippsland.vic.gov.au

Clear Form

Office Use Only

Application No.:

Date Lodged: / /

Application for a Planning Permit

If you need help to complete this form, read MORE INFORMATION at the end of this 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 questions, please contact Council's planning department.

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

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

i Click for further information.

The Land **i**

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

Street Address *

Unit No.:	St. No.: 85 / 70	St. Name: Treases Lane / Pincinis Lane
Suburb/Locality: Mirboo North		Postcode: 3871

Formal Land Description *

Complete either A or B.

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

If this application relates to more than one address, attach a separate sheet setting out any additional property details.

A	Lot No.: 1	<input type="radio"/> Lodged Plan	<input checked="" type="radio"/> Title Plan	<input type="radio"/> Plan of Subdivision	No.: 680233R/680003K
OR					
B	Crown Allotment No.:		Section No.:		
Parish/Township Name:					

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.

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

2 Lot Subdivision

ⓧ Provide additional information about 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.

i Estimated cost of any development for which the permit is required *

Cost \$ 0

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

Existing Conditions

Describe how the land is used and developed now *

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

2 Dwelling, dairy and sheds

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

Title Information

Encumbrances on title *

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', for example, restrictive covenants.

Applicant and Owner Details

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

Applicant *

The person who wants the permit.

Please provide at least one contact phone number *

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

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: Mrs	First Name: Lee	Surname: Minns
Organisation (if applicable): Minns Consulting		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.:	St. Name: PO Box 249
Suburb/Locality: Korumburra		State: Vic Postcode: 3950
Contact information for applicant OR contact person below		
Business phone: 5658 1042		Email: lee_minns@bigpond.com
Mobile phone: 0400 893 737		Fax:
Contact person's details* Same as applicant <input checked="" type="checkbox"/>		
Name:		
Title:	First Name:	Surname:
Organisation (if applicable):		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.:	St. Name:
Suburb/Locality:		State: Postcode:
Name: Same as applicant <input type="checkbox"/>		
Title: Mr/Mrs	First Name: G & R	Surname: Trease
Organisation (if applicable):		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.: 85	St. Name: Treases Lane
Suburb/Locality: Mirboo North		State: Vic Postcode: 3871
Owner's Signature (Optional):		Date: day / month / year

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:

Lee Minns

Date: 03/05/2017

day / month / year

Need help with the Application?

General information about the planning process is available at planning.vic.gov.au

Contact Council's planning department to discuss the specific requirements for this application and obtain a planning permit checklist. Insufficient or unclear information may delay your application.

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

☐ No

☒ Yes

If 'Yes', with whom?: Laurie Brentnall

Date: 2016

day / month / year

Checklist

Have you:



Filled in the form completely?



Paid or included the application fee?



Most applications require a fee to be paid. Contact Council to determine the appropriate fee.



Provided all necessary supporting information and documents?



A full, current copy of title 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 (for example, traffic, noise, environmental impacts).



Completed the relevant council planning permit checklist?



Signed the declaration above?

Lodgement

Lodge the completed and signed form, the fee and all documents with:

South Gippsland Shire Council
Private Bag
4 Leongatha VIC 3953
9 Smith Street
Leongatha VIC 3953

Contact information:

Phone: (03) 5662 9200

Email: council@southgippsland.vic.gov.au

DX: 94026

Deliver application in person, by post or by electronic lodgement.