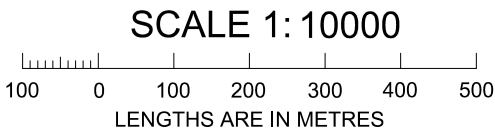


NOTE:
E-1 = EXISTING POWERLINE EASEMENT
E-2 = PROPOSED CARRIAGEWAY EASEMENT



NOTATIONS

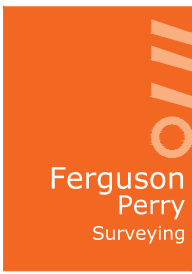
THE DIMENSIONS SHOWN HEREON ARE APPROXIMATE AND ARE SUBJECT TO SURVEY.

Ferguson Perry Surveying Pty Ltd
62 McLachlan Street Horsham,
Victoria 3400
ABN 76126 194 483

T (03) 5382 2023
F (03) 5381 1544
E admin@fergusonperry.com.au

A member of Alexander Symonds Group

+ Property + Land Development +
+ Construction + Mining +
+ Spatial Information Management +



SUBDIVISION BOUNDARIES HAVE BEEN ESTIMATED FROM AERIAL PHOTOGRAPHY FOR CONCEPTUAL PURPOSES. SURVEY WILL ACCORD WITH THE BOUNDARY LAYOUT, BUT DISTANCES MAY VARY IN EXCESS OF 10m.

SURVEYORS REF.

24H0324

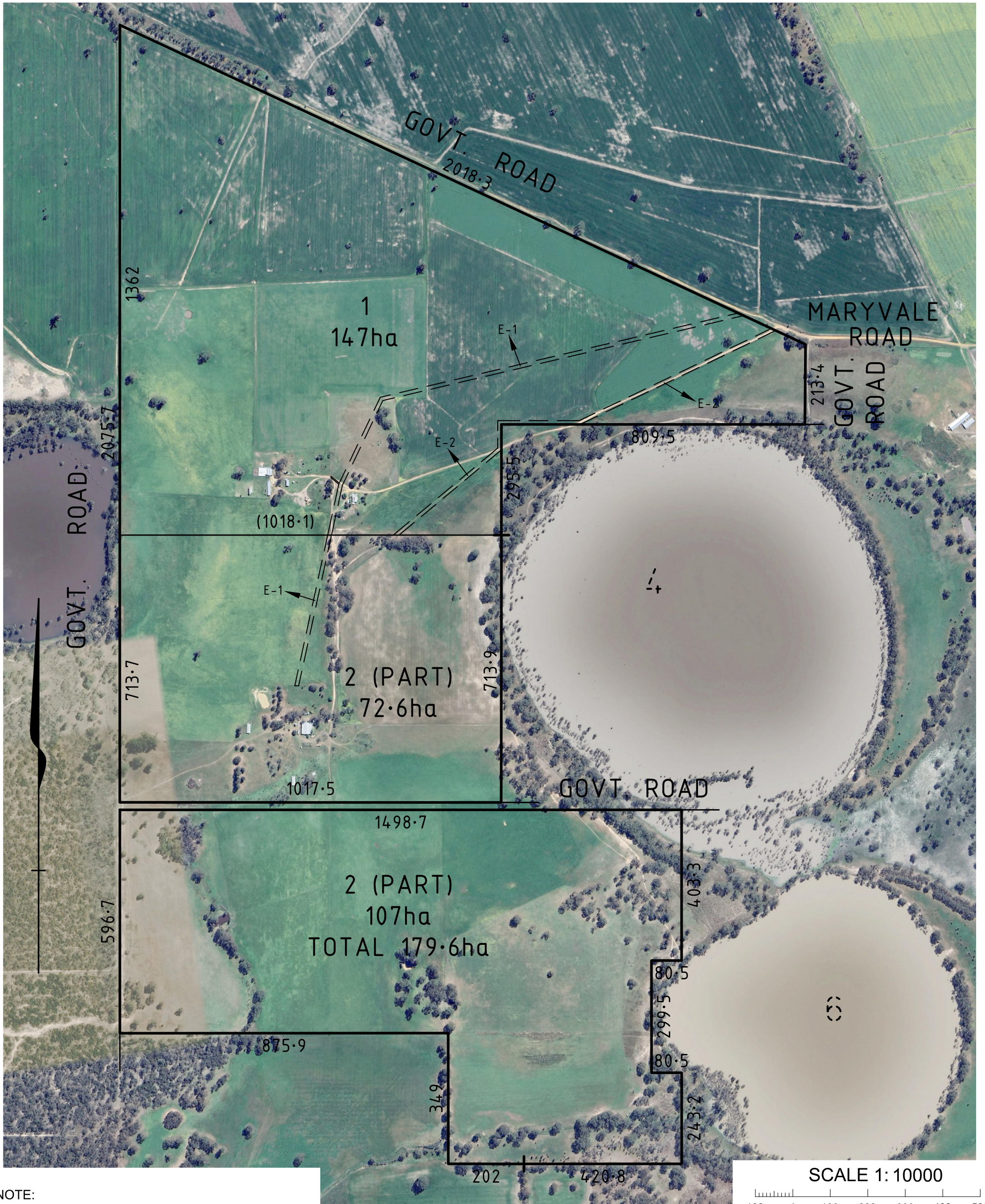
22/10/24
DRAWN BY: G.H.

OFFICE USE ONLY

ORIGINAL SHEET SIZE A3

PLAN OF PROPOSED SUBDIVISION

311 MARYVALE ROAD, KARNAK
PARISH OF CHARAM
CROWN ALLOTMENT 1A, 3, 3A, 5A



NOTE:
E-1 = EXISTING POWERLINE EASEMENT
E-2 = PROPOSED CARRIAGEWAY EASEMENT

NOTATIONS

THE DIMENSIONS SHOWN HEREON ARE APPROXIMATE AND ARE SUBJECT TO SURVEY.

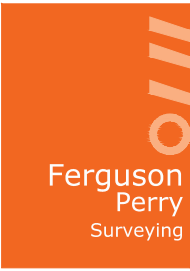
SUBDIVISION BOUNDARIES HAVE BEEN ESTIMATED FROM AERIAL PHOTOGRAPHY FOR CONCEPTUAL PURPOSES. SURVEY WILL ACCORD WITH THE BOUNDARY LAYOUT, BUT DISTANCES MAY VARY IN EXCESS OF 10m.

Ferguson Perry Surveying Pty Ltd
62 McLachlan Street Horsham,
Victoria 3400
ABN 76126 194 483

T (03) 5382 2023
F (03) 5381 1544
E admin@fergusonperry.com.au

A member of Alexander Symonds Group

+ Property + Land Development +
+ Construction + Mining +
+ Spatial Information Management +



SURVEYORS REF.
24H0324

22/10/24
DRAWN BY: G.H.

OFFICE USE ONLY

ORIGINAL SHEET SIZE A3

PLAN OF PROPOSED SUBDIVISION
SHOWING EXISTING FEATURES

311 MARYVALE ROAD, KARNAK
PARISH OF CHARAM
CROWN ALLOTMENT 1A, 3, 3A, 5A

Our Ref: 24H0324
Your Ref:

PLANNING REPORT

Proposed 2-lot subdivision and creation of easement at 311 Maryvale Road, Karnak

SUPPORTING DOCUMENTS IN SPEAR

- Plan of Proposed Subdivision
- Plan of Proposed Subdivision Showing Existing Features
- Copy of Title Search
- Planning Property Report

Our reference number	24H0324
Date	30/01/2025
Version	2.0
Prepared by	Angela Plazzer, BUrbRegEnvPlan, MPIA Planning Manager/Office Manager, Ferguson Perry Surveying Pty Ltd





Contents

1. Introduction	4
2. Application details.....	5
3. Site and surrounds	5
4. Proposal	6
5. Permit triggers	6
6. Planning provisions	7
Zoning	7
Farming Zone	7
Overlays	10
Environmental Significance Overlay	10
Bushfire Management Overlay	11
7. Planning Policy Framework.....	11
8. Clause 65 Decision Guidelines	13
9. Conclusion.....	15

1. Introduction

This application seeks a planning permit for the creation of an easement and a 2-lot subdivision of Lots 1 and 2 on LP208197 and Crown allotments 1A, 3A and 5A Parish of Charam at 311 Maryvale Road, Karnak. The land is described in Certificates of Title Volume 8621 Folio 982, Volume 9756 Folio 575 and Volume 10688 Folio 382.

The land is zoned Farming Zone (FZ) and is affected by the Environmental Significance Overlay – Schedule 2 (ESO2) and Bushfire Management Overlay (BMO). This report provides a response to the requirements of the FZ, ESO2, BMO and the Decision Guidelines of Clause 65 as well as relevant policies of the West Wimmera Planning Scheme.



Figure 1 Subject site outlined in blue (DECA)

2. Application details

Land description	Lots 1 and 2 on LP208197 and Crown allotments 1A, 3A and 5A Parish of Charam
Address:	311 Maryvale Road, Karnak
Proposal:	2-lot subdivision
Scheme:	West Wimmera Planning Scheme
Zone:	Farming Zone
Overlays:	Environmental Significance Overlay – Schedule 2 Bushfire Management Overlay

3. Site and surrounds



Figure 2 Aerial photo of site (DEECA)

The subject site comprises Lots 1 and 2 on LP208197 and Crown allotments 1A, 3A and 5A Parish of Charam at 311 Maryvale Road, Karnak. The site has a total area of approximately 326.6ha and is irregular in shape. The site contains a dwelling, sheds and productive agricultural land. A 10m wide powerline easement traverses through Lots 1 and 2 on LP208197. Access to the site is taken from an existing crossing to Maryvale Road in the north-east and an existing crossing to the track within the unnamed government road reserve in the west.

The site abuts farmland in the FZ to the south, unnamed government road reserves containing tracks to the west and north and Maryvale Swamp in the Public Conservation and Resource Zone (PCRZ) to the east. The broader area surrounding the site comprises land in the FZ mostly used for cropping and grazing and land in the PCRZ containing swamps, forests and reserves. Lots vary in shape and size up to around 250ha.

4. Proposal

The application proposes to re-subdivide the land to reduce the number of lots from 5 to 2. It is proposed that Lot 1 will have an area of 147ha and will contain the existing dwelling, productive agricultural land and a shed. Access to Lot 1 will be taken from existing crossover to Maryvale Road in the north-east.

It is proposed that Lot 2 will have an area of 179.6ha in two pieces of 107ha and 72.6ha respectively. The two pieces will be divided by an unnamed government road. Lot 2 will contain sheds and productive agricultural land. Both lots will contain part of the existing powerline easement identified on LP208197 and the proposed subdivision plans as E-1. Access to Lot 2 will be taken from an existing crossing to the track within the unnamed government road reserve to the west. A new carriageway easement is also proposed to be created over the accessway on Lot 1 in favour of Lot 2. This will provide practical and legal access to Lot 2 from Maryvale Road.

The application does not propose any new development and no vegetation will be removed to facilitate the proposed subdivision nor will there be any consequential native vegetation loss as the proposed boundaries will follow existing fence lines. Both proposed lots will be serviced by existing infrastructure and utilities. Please see the Plan of Proposed Subdivision attached with this application on SPEAR.

5. Permit triggers

A permit is required under Clause 35.07-3 of the FZ and Clause 42.01-2 to subdivide land and Clause 52.02 to create an easement.

6. Planning provisions

Zoning



Figure 3 Zoning map (DEECA)

Farming Zone

The purpose of the Farming Zone outlined at **Clause 35.07** is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

Comment

In keeping with the purpose of the FZ, the proposal will support the continued long-term use of the land on both lots for agriculture alongside the ongoing occupation of the existing dwelling on Lot 1 which will support the retention of employment and population in the area.

Both lots meet the minimum lot size of 80ha as specified in the schedule to the FZ however a permit may be granted as the subdivision is the re-subdivision of existing lots and the number of lots is not increased. A response to the Decision Guidelines of the FZ is in Table 1.

Table 1 Farming Zone Decision Guidelines

Issue	Comment
General issues <ul style="list-style-type: none"> 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 	<p>As discussed in the body of this report, the proposal is in line with the directions set out in the West Wimmera Planning Scheme, particularly Clause 02.03-2 (Environmental and Landscape Values), Clause 02.03-4 (Natural Resource Management), Clause 12.01 (Biodiversity), Clause 14.01-1S (Protection of agricultural land), Clause 14.01-2S (Sustainable agricultural land use) and Clause 14.01-2R (Agricultural productivity - Wimmera Southern Mallee).</p> <p>It is understood that there is no strategy or plan associated with the Wimmera Regional Catchment Strategy which is relevant to the consideration of the proposed subdivision.</p> <p>The proposal will not have any adverse impact on nearby agricultural land uses and both proposed lots will be serviced by existing infrastructure and services, including reticulated electricity, rainwater tanks, nbn™ via satellite and an existing septic system for the existing dwelling on Lot 1.</p>
Agricultural issues and the impacts from non-agricultural uses <ul style="list-style-type: none"> 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. 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. 	<p>The proposed subdivision will support the continued use of the land on both lots for agriculture alongside the existing dwelling on Lot 1. The proposal will not limit the operation of adjoining and nearby agricultural uses and the capacity of the land to sustain agricultural uses and the agricultural qualities of the land will not be diminished by the proposal.</p> <p>An integrated land management plan has not been prepared for the site however the proposal is in line with the business and succession plan of the agricultural enterprise.</p>
Dwelling issues <ul style="list-style-type: none"> Whether the dwelling will result in the loss or fragmentation of productive agricultural land. 	<p>The site includes an existing dwelling located on Lot 1, which will not negatively impact or be negatively impacted by agricultural activities on Lot 2, with a</p>

<ul style="list-style-type: none"> • 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. 	<p>separation of approximately 80 meters between them. Trees and fencing also provide a buffer between the uses. The proposal will not lead to a concentration or proliferation of dwellings in the area and will reduce fragmentation of agricultural land by decreasing the number of lots.</p>
<p>Environmental issues</p> <ul style="list-style-type: none"> • 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. 	<p>The physical features and resources of the area, including soil and water quality, will not be impacted by the proposed subdivision.</p> <p>The existing native vegetation on the site will be retained and there will be no negative impacts on existing flora and fauna as a result of the proposal.</p>
<p>Design and siting issues</p> <ul style="list-style-type: none"> • 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. 	<p>The proposed subdivision will have minimal impact on the appearance of the area as no new development is proposed.</p> <p>Both lots will make use of existing infrastructure and no traffic management measures will be required.</p>

Overlays

Environmental Significance Overlay – Schedule 2



Figure 4 Map showing ESO2 (DEECA)

The ESO2 applies to land designated as habitat areas for the Red-Tailed Black Cockatoo, which is classified as an endangered species. The environmental objectives to be achieved for the ESO2 are outlined as follows:

- To protect the habitat of the endangered Red-tailed Black Cockatoo.
- To ensure the availability of suitable nesting sites for the Red-tailed Black Cockatoo through the protection of live and dead hollow bearing trees and other suitable trees within the bird's known nesting area.
- To protect the feeding habitat of the Red-tailed Black Cockatoo through the retention of Buloke and Stringybark trees.

The proposed subdivision does not conflict with these environmental objectives as the removal of native vegetation is not required.

Bushfire Management Overlay

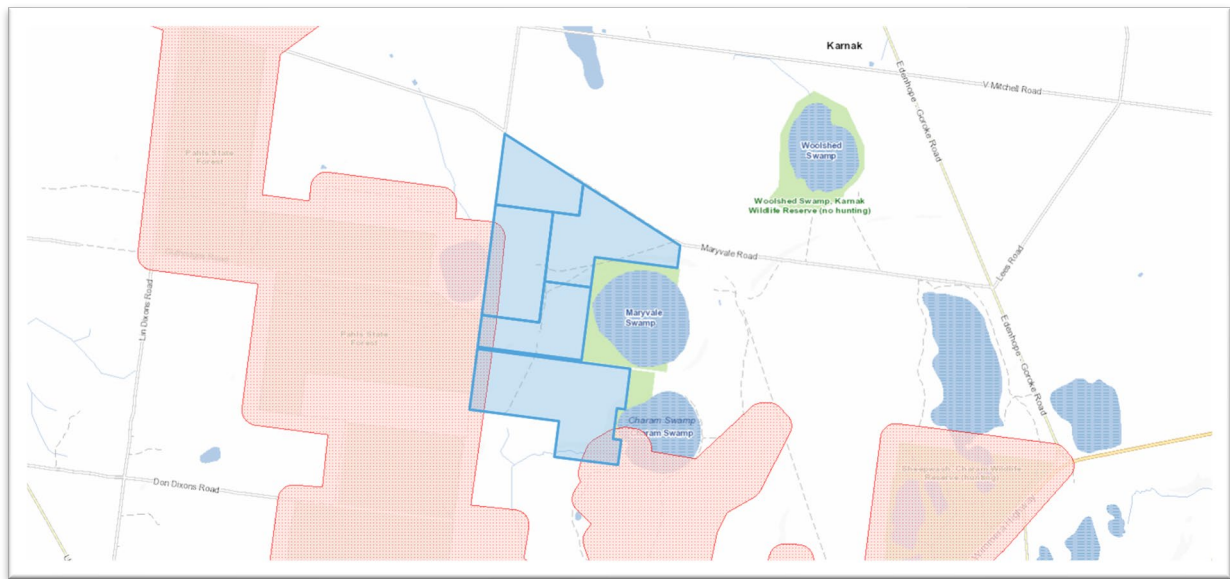


Figure 5 Map showing BMO (DEECA)

Part of the land on the western side and south-eastern corner of the site is affected by the BMO. It is considered that existing land management practices are appropriate to maintain an acceptable level of bushfire risk and, as there is no new development or changes in use proposed, it is respectfully requested that the application requirements outlined in Clause 44.06-3 to complete a Bushfire Hazard Site Assessment, Bushfire Hazard Landscape Assessment and Bushfire Management Statement are waived by the Responsible Authority.

7. Planning Policy Framework

The proposed subdivision aligns with the following policies outlined in the Planning Policy Framework of the West Wimmera Planning Scheme:

Clause 02.03-2 (Environmental and Landscape Values) states that the Shire faces significant environmental challenges due to the decline and fragmentation of native vegetation, leading to loss of biodiversity and exacerbating land and water degradation issues. Extensive agricultural clearing has reduced natural vegetation cover, with a risk of further loss if scattered farm trees disappear. The policy prioritizes conserving the Shire's diverse natural environment as a strategic direction. In accordance with this policy, the proposed subdivision has been designed to avoid any impacts on native vegetation.

Clause 02.03-4 (Natural Resource Management) states that agriculture is the dominant land use and key economic driver in the West Wimmera Shire and outlines strategic directions which include ensuring that that dwellings in rural areas do not adversely affect agricultural uses and discouraging fragmentation. The proposed subdivision does not conflict with the strategic directions outlined in this policy as there will be no impact on the agricultural use of the land and it will reduce fragmentation by decreasing the number of lots from 5 to 2.

Clause 12.01 (Biodiversity) includes the following sub-clauses:

- Clause 12.01-1S (Protection of biodiversity)
- Clause 12.01-1R (Protection of biodiversity – Wimmera Southern Mallee)
- Clause 12.01-1L (Protection of biodiversity – West Wimmera)
- Clause 12.01-2S (Native vegetation management)

The above clause and sub-clauses objectives seek to ensure that there is no net loss to biodiversity because of the removal, destruction or lopping of vegetation from the state and local biodiversity. The main strategy is to avoid the removal, destruction, or lopping of native vegetation where possible.

The above sections of the West Wimmera Planning Scheme have been considered the proposed subdivision will ensure that that there will be no direct or consequential loss of native vegetation or impacts on biodiversity.

Clause 14.01-1S (Protection of agricultural land) seeks to protect Victoria’s agricultural base by preserving productive farmland. The proposed subdivision is consistent with this policy as both lots will contain productive agricultural land and will continue to be used for agriculture into the future.

Clause 14.01-2S (Sustainable agricultural land use) encourages sustainable agricultural land use through strategies which include ensuring that agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources and assisting genuine farming enterprises to embrace opportunities and adjust flexibly to market changes. In accordance with the policy, the proposed subdivision will ensure that the long-term agricultural use of the land on both lots will continue.

Clause 14.01-2R (Agricultural productivity - Wimmera Southern Mallee) seeks to provide support for local industries, activities and infrastructure that complement and enhance agriculture in the region. The proposed subdivision is consistent with this policy as it will support the ongoing use of the land on both lots for agriculture.

8. Aboriginal Cultural Heritage Sensitivity

The site is located within an area of Aboriginal Cultural Heritage Sensitivity. However, a Cultural Heritage Management Plan (CHMP) is not required (see process list in Figure 6).


 Department of Premier and Cabinet		
Process List		
Project Name:	24h0324	
Project Location:	311 Maryvale Road, Karnak	
Date:	20-Jan-2025	
	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:	<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.	

Figure 6 CHMP process list

9. Clause 65 Decision Guidelines

Clause 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 Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of the zone, overlay or other provision.*
- *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.*
- *The proximity of the land to any public land.*
- *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 stormwater 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.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*
- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

Comment

All relevant clauses of the West Wimmera Planning Scheme have been addressed and the proposal is consistent with the objectives of planning in Victoria as well as the purpose and requirements of the FZ, ESO2 and BMO. The proposal will have no impact on the amenity of the area, the natural physical features of the site, native vegetation or the quality of water and stormwater within and exiting the site. The site is located within a Designated Bushfire Prone Area and the land will continue to be managed to mitigate the risk of bushfire to an acceptable level.

Clause 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.*
- *The existing use and possible future development of the land and nearby land.*
- *The availability of subdivided land in the locality, and the need for the creation of further lots.*
- *The effect of development on the use or development of other land which has a common means of drainage.*
- *The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.*
- *The area and dimensions of each lot in the subdivision.*
- *The design and siting of buildings having regard to safety and the risk of spread of fire.*
- *The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.*
- *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.*
- *Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.*

Comment

The land is suitable for the proposed subdivision as the proposed lots will be serviced by existing infrastructure and will allow for the continued use of the land for agriculture and the existing dwelling. The proposed subdivision will reduce fragmentation and will not adversely impact on any existing or future use and development on nearby land. There will be no direct or consequential loss of native vegetation nor an increase in the risk of spread of fire or threats to safety as a result of the proposal.

10. Conclusion

The proposal will have no foreseeable negative impacts on the surrounding land or the physical features of the site and will allow for the long-term fair, sustainable and economic use of the land on for agriculture on both lots and the existing dwelling on Lot 1. On this basis, the proposed subdivision should be supported by West Wimmera Shire Council subject to fair and reasonable conditions.