

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

Page 1 of 1

VOLUME 09103 FOLIO 324

Security no : 124101625504Y
Produced 07/11/2022 12:46 PM

LAND DESCRIPTION

Lot 6 on Plan of Subdivision 114330.

PARENT TITLES :

Volume 08081 Folio 278 Volume 08217 Folio 327

Created by instrument LP114330 11/09/1975

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

ENCUMBRANCES, CAVEATS AND NOTICES

COVENANT as to part J048497 28/11/2001

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

DIAGRAM LOCATION

SEE TP629137C 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: 26 CHAPLINS ROAD CARISBROOK VIC 3464

ADMINISTRATIVE NOTICES

NIL

DOCUMENT END

TITLE PLAN		EDITION 1	TP 629137C
Location of Land Parish: CARISBROOK Township: CARISBROOK Section: Crown Allotment: Crown Portion: Last Plan Reference: LP 114330 Derived From: VOL 9103 FOL 324 Depth Limitation: NIL		Notations ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN	
Description of Land / Easement Information E-1 = EASEMENT TO GAS & FUEL CORPORATION CREATED BY C/E J48497			THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 15/09/2000 VERIFIED: AK

The diagram illustrates a land parcel (6) of 4.027 hectares, shaded in pink. It is situated between a 'BOUNDARY STREET' to the west and a 'PYRENEES HIGHWAY' to the south. A 'RAILWAY' runs along the northern boundary of the parcel. The parcel is also adjacent to parcels 5 and 7. The boundaries of parcel 6 are defined by bearings and distances: the western boundary is 0° 0' for 345.32 feet; the northern boundary is 98° 33' for 153.40 feet; the eastern boundary is 191° 18' for 328.85 feet; and the southern boundary is 270° 0' for 141.50 feet. An easement 'E-1' is indicated on the southern boundary. The area is also bounded by a 'BOUNDARY STREET' to the west and a 'PYRENEES HIGHWAY' to the south.

LENGTHS ARE IN METRES	Metres = 0.3048 x Feet Metres = 0.201168 x Links	
		Sheet 1 of 1 sheets

10/19
\$28.00
J 48497
***28.00 M RT T
\$5-
B.

10-19 576706 -1-JUL-80

GAS AND FUEL CORPORATION OF VICTORIA

REGD

CREATION OF EASEMENT

No. ET 2432

DONALD RAYMOND HOOPER Insurance Inspector and PATRICIA AILEEN HOOPER Married Woman
both of Carisbrook.

(hereinafter called "the Grantor") being registered as the proprietor of an estate in fee simple in the land secondly hereinafter described subject to the encumbrances notified hereunder in consideration of the sum of One Hundred Dollars (\$100.00)

paid to me DO HEREBY TRANSFER and GRANT unto GAS AND FUEL CORPORATION OF VICTORIA of 171 Flinders Street Melbourne and its successors and transferees in fee simple the registered proprietor or proprietors for the time being of ALL THAT piece of land being the whole of the land described in Certificate of Title Volume 5219 Folio 723 (hereinafter called "the Grantee") at all times hereafter the full and free liberty and right, as appurtenant to the lands comprised in the said Certificate of Title (which land is hereinafter referred to as the "dominant tenement"), on over under and through ALL THAT piece of land delineated and coloured red on the plan marked 'A' annexed hereto (hereinafter referred to as the "servient tenement") being part of Lot 6 on Plan of Subdivision No. 114330 Township and Parish of Carisbrook and being part of the land in Certificate of Title Volume 9103 Folio 324

to lay down, construct, change the size and number of, operate, maintain, inspect, patrol (including aerial patrol), alter, remove, replace, reconstruct and/or repair one or more pipelines designed to convey or conveying liquid or gaseous hydrocarbons, natural and artificial gas and any products or by-products thereof and any other substance which may be transported by pipeline together with all the works of the Grantee useful in connection with or incidental to its undertaking including but without limiting the generality of the foregoing all such communication and power systems (including pole lines), drips, valves, valve chambers, manholes, inspection pits, fittings, meters, connections and all other equipment and appurtenances whether or not similar to the foregoing as may be useful or convenient in connection therewith or incidental thereto (hereinafter called "the Grantee's appliances") and together with the right for the Grantee and its surveyors, engineers, servants, agents, licensees, contractors, sub-contractors and others authorised by them (hereinafter called "the Grantee's associates")

- (1) to enter upon and remain pass and repass on and over the servient tenement for all or any of the purposes aforesaid and with or without vehicles, plant and equipment of any description;
- (2) to clear the servient tenement and remove any obstructions therefrom and cut and remove timber, trees, undergrowth, crops and fences and construct and maintain gates in boundary fences abutting and in other fences crossing the servient tenement and the other adjacent land of the Grantor as the Grantee shall consider necessary or desirable.

And the Grantor for himself his heirs executors administrators and assigns registered proprietor or proprietors of the servient tenement and every part thereof Hereby Covenants with the Grantee to the extent that the burden of this covenant may run with and bind the servient tenement and every part thereof and that the benefit thereof may be annexed to and run with the dominant tenement that the Grantor shall not without the prior written consent of the Grantee cultivate dig or excavate or permit to be cultivated dug or excavated any part of the surface of the servient tenement to a depth greater than one foot or plant or permit to be planted any trees or shrubs on the servient tenement or excavate, drill, install, erect or permit to be excavated, drilled, installed or erected on or under the servient tenement or any part thereof any pit, well, foundation, pavement or other structure or installation or use or permit to be used on or under the servient tenement or any part thereof explosives of any type nor shall the Grantor alter or disturb or permit to be altered or disturbed (other than by the processes of nature) the present grades and contours of the servient tenement but otherwise the Grantor shall have the right fully to use and enjoy the servient tenement subject always to and so as not to interfere with the rights and privileges hereby granted and conferred upon the Grantee.

The Grantor and the Grantee hereby mutually covenant and agree one with the other of them as follows:—

- (a) The consideration hereinbefore mentioned is acknowledged by the Grantor to be in full satisfaction of all moneys payable for the granting of this easement in favour of the Grantee.
- (b) In the exercise of the rights hereby granted the Grantee shall do as little damage as possible and the Grantee shall if so required within two years from the exercise of such rights compensate the Grantor for damage done to the Grantor's crops, timber, pasture lands, livestock, improvements and other property on the servient tenement or any land of the Grantor adjacent thereto by reason of the exercise of the rights hereinbefore granted. In the event of any difference arising between the Grantor and the Grantee as to the amount of such compensation the same shall be determined in the manner provided in the Lands Compensation Act 1958. Any compensation paid by the Grantee to the Grantor shall include compensation for damage done to the crops, timber, pasture lands, live stock, improvements and other property on the servient tenement or any land of the Grantor adjacent thereto in which any tenant, sharefarmer or other person has any interest and the Grantor agrees to indemnify the Grantee against any claim by any such tenant, sharefarmer or other person for any damage done by the Grantee in the performance of its rights under this easement.
- (c) The Grantee shall as soon as weather and soil conditions permit and subject to the restrictions hereinbefore contained and insofar as it is practicable so to do bury to a minimum depth of thirty inches below the level of the immediately surrounding land and maintain all pipelines so as not to interfere unreasonably with the use of the servient tenement and restore the surface of the servient tenement to its condition prior to the exercise of the rights granted herein.



- (d) Notwithstanding any rule of law or equity the pipes (which term shall include all pipelines and the Grantee's appliances) brought onto laid or erected upon or buried in or under the servient tenement by the Grantee shall at all times remain the property of the Grantee and its successors and assigns notwithstanding that the same may be annexed or affixed to the freehold and shall at any time and from time to time be removable in whole or in part by the Grantee and its successors and assigns.
- (e) Unless otherwise agreed by the Grantor and the Grantee upon the discontinuance of the use of the servient tenement by the Grantee the Grantee may at its option leave the pipe or any part thereof and the Grantee's appliances in the ground but if the Grantee damages the property of the Grantor during the removal of the pipe or appliances then the Grantee will compensate the Grantor upon the terms and in the manner contained in Clause (b) hereof.
- (f) The Grantee performing and observing the covenants and conditions on its part to be observed and performed shall and may peaceably hold and enjoy the rights, liberties, privileges and easement hereby granted without hindrance, molestation or interference on the part of the Grantor or of any person firm or corporation claiming by through under or in trust for the Grantor.
- (g) All notices to be given hereunder may be given by prepaid registered or certified letter addressed to the Grantor by being forwarded to the registered proprietor for the time being at his latest address shown in the Register Book and to the Grantee at 171 Flinders Street Melbourne or such other address as the Grantor and Grantee may respectively from time to time designate in writing and any such notice shall be deemed to have been given to and received by the addressee on the third day following that on which the same is posted. All notices to be given by the Grantee hereunder may be signed on behalf of the Grantee by its Secretary or Substitute Secretary for the time being.
- (h) Neither this instrument nor anything herein contained shall affect restrict limit or detract from or prejudice the rights power authority or immunity of the Grantee or the Grantee's associates under the Pipelines Act 1967 or any subsequent amendments thereto or under any consent granted pursuant to Section 9 (2) of the said Act or under any permit granted pursuant to Section 12 of the said Act or any written permission given pursuant to Section 22 (1) of the said Act or any other rights of the Grantee under the said Act or under the Gas and Fuel Corporation Act 1958 or any subsequent amendments thereto as the case may be.
- (i) The Grantor will execute every such deed, instrument or assurance and do every such thing for further or more effectively securing the rights and interests of the Grantee to or in the servient tenement or any part or parts thereof pursuant to these presents as shall by the Grantee be reasonably required.
- (j) Wherever the singular or masculine is used it shall be construed as if the plural feminine or neuter, as the case may be had been used where the context or the party or parties hereto so require and the rest of the sentence shall be construed as if the grammatical and other changes thereby rendered necessary had been made and where more than one Grantor is a party hereto the covenants herein contained shall extend to and bind such Grantors jointly and each of them severally.
- (k) Nothing herein contained shall be deemed or construed to authorise or permit the construction operation or use of a pipeline outside the terms and conditions of any permit or licence issued pursuant to the Pipelines Act 1967.
- (l) The Grantee will at all times hereafter keep indemnified the Grantor from and against all damage, injury or nuisance which may be caused or occasioned by the escape of liquid or gaseous hydrocarbons, natural and artificial gas and any products or by-products thereof and any other substance from the Grantee's pipeline or pipelines and appliances on to or over the servient tenement if such damage arises from any failure of the Grantee to construct maintain and operate such installations in a proper and safe manner and design having regard to present day knowledge.

DATED this 10th day of June

One thousand nine hundred and 80

SIGNED by the said
DONALD RAYMOND HOOPER and
PATRICIA AILEEN HOOPER
in Victoria in the presence of:

THE COMMON SEAL of GAS AND FUEL
CORPORATION OF VICTORIA was
hereunto affixed by the authority of the
Board of Directors and attested by:

Director

Director

Secretary

GAS & FUEL CORPORATION OF VICTORIA

Easement required for GAS SUPPLY

Owner

Address CARISBROOK

Part of CROWN ALLOTMENT 4

Parish of CARISBROOK

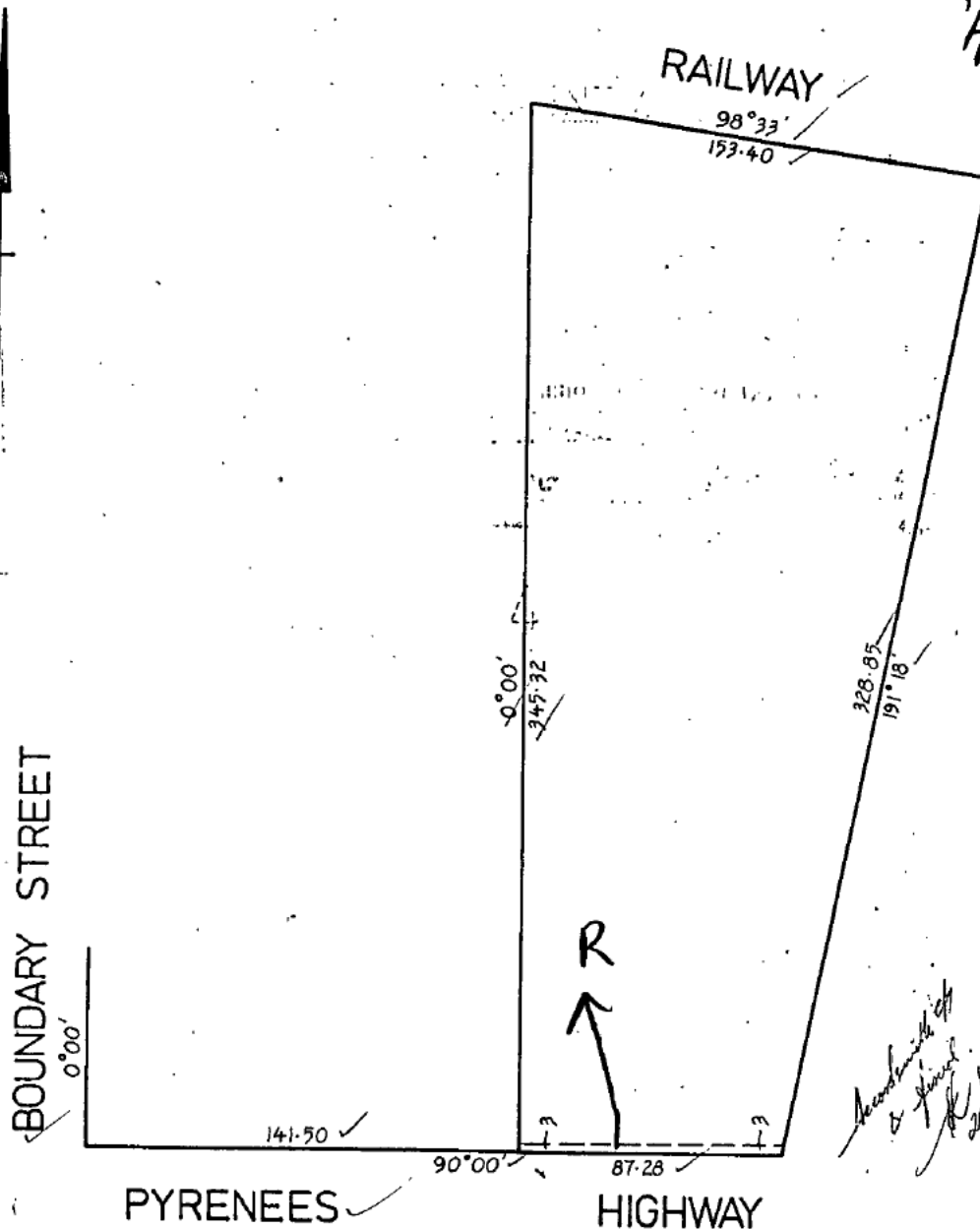
Section Y

County of TALBOT

Area 263m²

Certificate Vol 9103
Fol - 324

Scale 1:2000



COLOUR CODE

Y=Yellow O=Orange BR=Brown
G=Green R=Red BL=Blue P=Purple
H=Hatched CH=Cross Hatched



DJ048497-2-6

Measurements are in Metres
Draftsman A. Barham
Checked R. Nobelius
Chief Draftsman [Redacted]
Chief Engineer [Redacted]
Date 11-1-80

I certify that this plan made by me, agrees with title, is mathematically correct, and the easement being created has been reasonably located in accordance with title position.

[Redacted] Licensed Surveyor
Date 11-1-1980

SURVEY
REFERENCE
NUMBER

272

ET 2432



Natural Resources and Environment

AGRICULTURE • RESOURCES • CONSERVATION • LAND MANAGEMENT

INTENTIONALLY

BLANK

ENCUMBRANCES REFERRED TO:

Any easements affecting the same.

....., being registered as the proprietor of
Instrument of Mortgage Registered Number over the land described in the foregoing Creation of
Easement as the servient tenement **HEREBY CONSENTS** to the said Creation of Easement and to such easement taking priority to the
said Instrument of Mortgage and to an endorsement to that effect being placed on the said Mortgage.

DATED the

day of

One thousand nine hundred and



DJ048497-3-2

A memorandum of the within instrument
has been entered in the Register Book



DATED

19

DONALD RAYMOND HOOPER and
PATRICIA AILEEN HOOPER

WITH

GAS AND FUEL CORPORATION
OF VICTORIA

CREATION OF EASEMENT

GAS AND FUEL CORPORATION
OF VICTORIA
171 FLINDERS STREET
MELBOURNE, 3000

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

Page 1 of 1

VOLUME 10234 FOLIO 975

Security no : 124101625372S
Produced 07/11/2022 12:43 PM

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 122783.
PARENT TITLE Volume 07740 Folio 179
Created by instrument T506222U 13/01/1995

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor

[REDACTED]

ENCUMBRANCES, CAVEATS AND NOTICES

[REDACTED]

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

DIAGRAM LOCATION

SEE LP122783 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: 26 CHAPLINS ROAD CARISBROOK VIC 3464

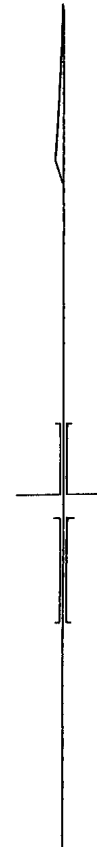
ADMINISTRATIVE NOTICES

NIL

[REDACTED]

DOCUMENT END

COLOUR CONVERSION
R1 = BROWN





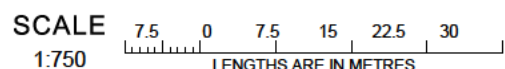
Client : Hurse Family Trust	Municipality : Central Goldfields Shire
<p align="center"> PLAN OF FEATURE & LEVEL SURVEY / PROPOSED SUBDIVISION 26 CHAPLINS ROAD CARISBROOK </p>	



Rev.	Date	Amendments
02	21/12/2022	REV. BLDG ENVELOPE LOT 2
01	18/11/2022	PROPOSED LOT LAYOUT

Drawn	Drawn
PF	Checked
PF	Scale
	Sheet Size
	File Ref. ACAD-25115-DR01-02.dwg
	Sheet No.

ML, PF	Client:
MW, AG	HURSE FAMILY TRUST
1:750	Municipality:
A1	CENTRAL GOLDFIELDS SC
1 of 1	



DESIGN RESPONSE PLAN
2 LOT RESUBDIVISION
(LOT 1 LP122783 &
LOT 6 LP629137C)
CHAPLINS ROAD
FLAGSTAFF

25 January 2023

Andrew Grey
Stantec Australia
Andrew.Grey@cardno.com.au

Dear Andrew

RE: Quotation for the supply of native vegetation credits

Vegetation Link is an accredited offset provider with the Department of Energy, Environment and Climate Action (DEECA). We offer a specialised brokerage service to enable permit holders and developers to identify suitable native vegetation credits to meet their planning permit offset requirements.

Based on the information you have provided; I understand you require the following native vegetation offset:

Offset type	Vicinity	General habitat units (GHU)	Min. strategic biodiversity value (SBV)	Large trees
General	North Central CMA	0.019	0.448	0

To meet your offset requirements, you can purchase native vegetation credits from a third party as per the option quoted below¹. This quotation is valid for 14 days, subject to credit availability and landholder pricing.


Fixed price trade – offset site located in the Pyrenees Shire area
(approx. 3-4 week turnaround from acceptance of quote)

Cost of native vegetation credits – invoiced by DEECA	\$1,478.20
Transaction fees – invoiced by Vegetation Link	\$870.00
Total (ex. GST)	\$2,348.20
Total (inc. GST)	\$2,583.02

If you would like to purchase credits, let us know that you accept the quote and return the attached **purchaser details form** by email. Upon receipt of the form, we will begin the trade process. Further details of the process for credit allocation are in the FAQ below.

Should you have any queries, please do not hesitate to contact us on 1300 VEG LINK (1300 834 546) or email offsets@vegetationlink.com.au.

Sincerely,


Lucas Rotteveel
Biodiversity Offset Broker

¹ Note that the transaction fee includes DEECA NVOR transfer and allocation fees and a Vegetation Link fee

FAQs

What is a third party offset?

A third-party offset is an offset site owned by another landowner who manages and protects native vegetation on their land. Landowners who establish these offset sites are required to:

- Enter into a Landowner Agreement for the specified offset site. A landowner agreement is in perpetuity and is binding upon the current and future landowners of the site. It permanently restricts use of the site for many purposes.
- Implement a detailed 10-year Management Plan endorsed by the DEECA Native Vegetation Offset Register to manage and improve the biodiversity values of the site.

How is the price of native vegetation offset credit (GHUs, GBEUs etc.) determined?

Landowners who own offset sites set their own price for native vegetation credits. They determine the price based on numerous factors. This includes but not limited to site establishment, the cost to manage the site in perpetuity (e.g., maintain fencing, control pest species), foregone use cost, and administrative costs. Depending on how the site is registered, the credit fee may be paid to either DEECA or directly to the landowner.

Further information about the work some of our landowners are doing can be found on the [Vegetation Link website](#).

What is the process after I accept the quote?

After you accept the quote and return the purchaser table, the following steps will be undertaken:

1. We will set up a contract between the parties involved and send the contract out for signing by all parties.
2. Once the contract is signed by all parties, invoices will be issued for the fees listed in the quotation. We will send you two invoices, one for our transaction fee invoiced by Vegetation Link and one for the credit fee, usually to be paid to DEECA or the landowner. We recommend providing remittances for your payments.
3. Once payments are received, Vegetation Link will send you an allocated credit extract from the Native Vegetation Offset Register and your executed contract as evidence that you have purchased the offset.

How long will the process take? When will I get my credits?

Generally, the process from quote acceptance to having evidence of allocated credits takes between 2-6 weeks. This is dependent on a range of factors including the type of landholder agreement, contract types and organisational workflows. We work as quickly as possible to get your credits to you within this time period.

We note that you **cannot** remove vegetation until you have been given permission by the Responsible Authority (usually the council that has issued your permit).

What happens if I don't have a permit yet?

When people are buying credits before a permit is issued, the following three options are most common:

- You can pay for the offsets before the planning permit is available, and then the offsets are allocated to the permit when it is available. This will incur an additional \$50 fee from DEECA. When considering this option, it is important to realise that your estimated offset requirements may be different than the actual permit requirements.
- You can wait for the planning permit to be approved first and then request a quote to meet the requirements in your permit. Should credits be available, you can then start the offset purchase process. We then use the planning permit number for allocating the credits. Allocating credits to the permit is evidence that you have purchased your offset.
- You can request a quote to confirm availability and to get an idea of the cost of offsetting before you apply for a permit. Once you receive the planning permit you can request an updated quote. It is at this point that you can then go through the offset purchase process.

We cannot guarantee credit availability until a) contracts are executed, or b) credits have been held via a pending trade lodged with DEECA Native Vegetation Offset Register.

We cannot guarantee price until a) a quote has been accepted within 14 days, and b) a Credit Trading Agreement is signed within 21 days, and c) the invoice for the credits is paid within 28 days of the date the invoice is issued.

If I sign the contract, does that mean I MUST pay for the credits?

Yes, you have entered into a contract agreeing to pay for the offset credits therein and are required to pay for those credits. The credits must be paid for within 28 days of the date of the invoice.

Can you hold the credits for me, as I want to pay later?

We are unable to hold credits for later payment. Please also see 'What happens if I don't have a permit yet?' above.

For further information, see [our website](#), the [DEECA website](#) or call us any time on 1300 834 546.

Planning Report

Two Lot Re-subdivision

26 Chaplins Road, Carisbrook

Ref No: 304325115-400.01B1

Contact Information

Stantec Australia Pty Ltd
ABN 17 007 820 322

1315 Sturt Street
Ballarat VIC 3350
Australia

www.stantec.com

Phone +61 3 5330 8888

Document Information

Prepared for	Hurse Family Trust
Proposal Name	2 Lot Re-subdivision (boundary realignment)
Job Reference	304325115-400.01B1
Date	12 January 2023
Version Number	1

Author(s)

Name	Andrew Grey	Date	12 January 2023
Job Title	Principal Town Planner		

Approved By

Name	Andrew Harman	Date Approved	12 January 2023
Job Title	Licensed Surveyor		

Document History

0	08.12.2022	Review	Andrew Grey	Lisa Machacek
1	12.01.2023	Council Lodgment	Andrew Grey	Andrew Grey

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Attachments

- Attachment 1 Copy of Titles
- Attachment 2 Feature and Levels Survey
- Attachment 3 Design Response Plan
- Attachment 4 Native Vegetation Removal Report
- Attachment 5 Native Vegetation Credits Report

1. Introduction

Stantec has been engaged by Hurse Family Trust to submit a Planning Permit Application on their behalf for a re-subdivision of land situated at 26 Chaplins Road, Flagstaff - outlined in blue below. The subject site consists of the following two existing lots:

- > Lot 6 LP114330 (red below) Vol. 9103 Fol. 324
- > Lot 1 LP122783 (yellow below) Vol. 10234 Fol. 975



Map showing extent of the two lots subject to this application

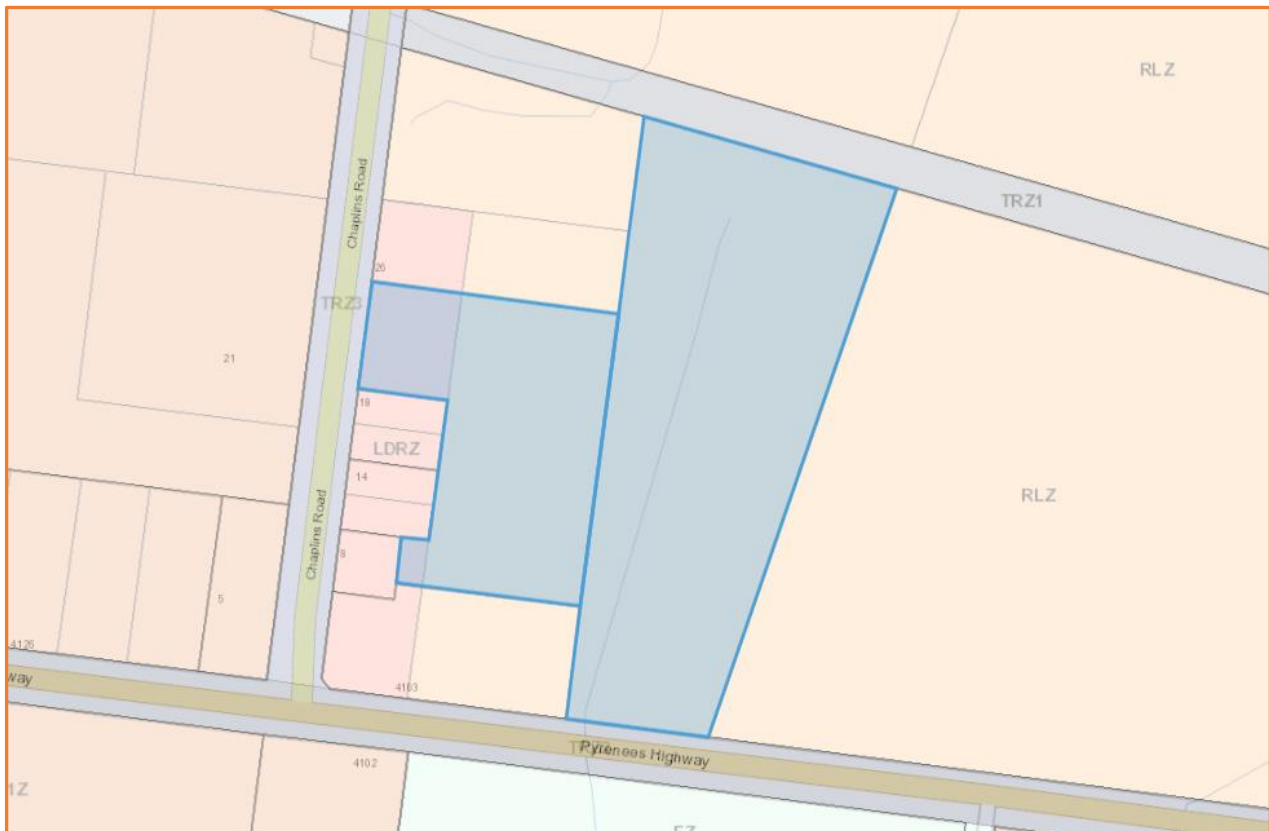
2. Permit Triggers

A permit is required for the proposed development pursuant to the following provision of the Central Goldfields Planning Scheme:

>	Rural Living Zone	35.03-3	Subdivision of Land
>	Environmental Significance Overlay	42.01-2	Subdivision of Land
		42.01-2	Removal of vegetation
>	Erosion Management Overlay	44.01-3	Removal of vegetation
		44.01-5	Subdivision of Land
>	Salinity Management Overlay	44.02-2	Subdivision of Land
		44.02-5	Removal of vegetation
>	Land Subject to Inundation Overlay	44.04-3	Subdivision of Land
>	Particular Provisions		
>	Native Vegetation	52.17-1	Removal of native veg

The land does not contain any buildings and has a consistent fall from west down to east. Properties to the north and south adjacent Chaplins Road developed and used for rural residential purposes. There is an existing gas easement beside Pyrenees Highway. Power, gas and water are available in Chaplins Road. The site contains native trees on its western side.

State government mapping systems shows a watercourse to exist along the centre of the site. This is a small channelised drain which previously supplied settling ponds at the abattoirs to the south. A natural watercourse is located to the north-east of the site.



The site is predominantly within the Rural Living Zone. Two pockets of land (within 50 metres of Chaplins Road) are within the Low Density Residential Zone.

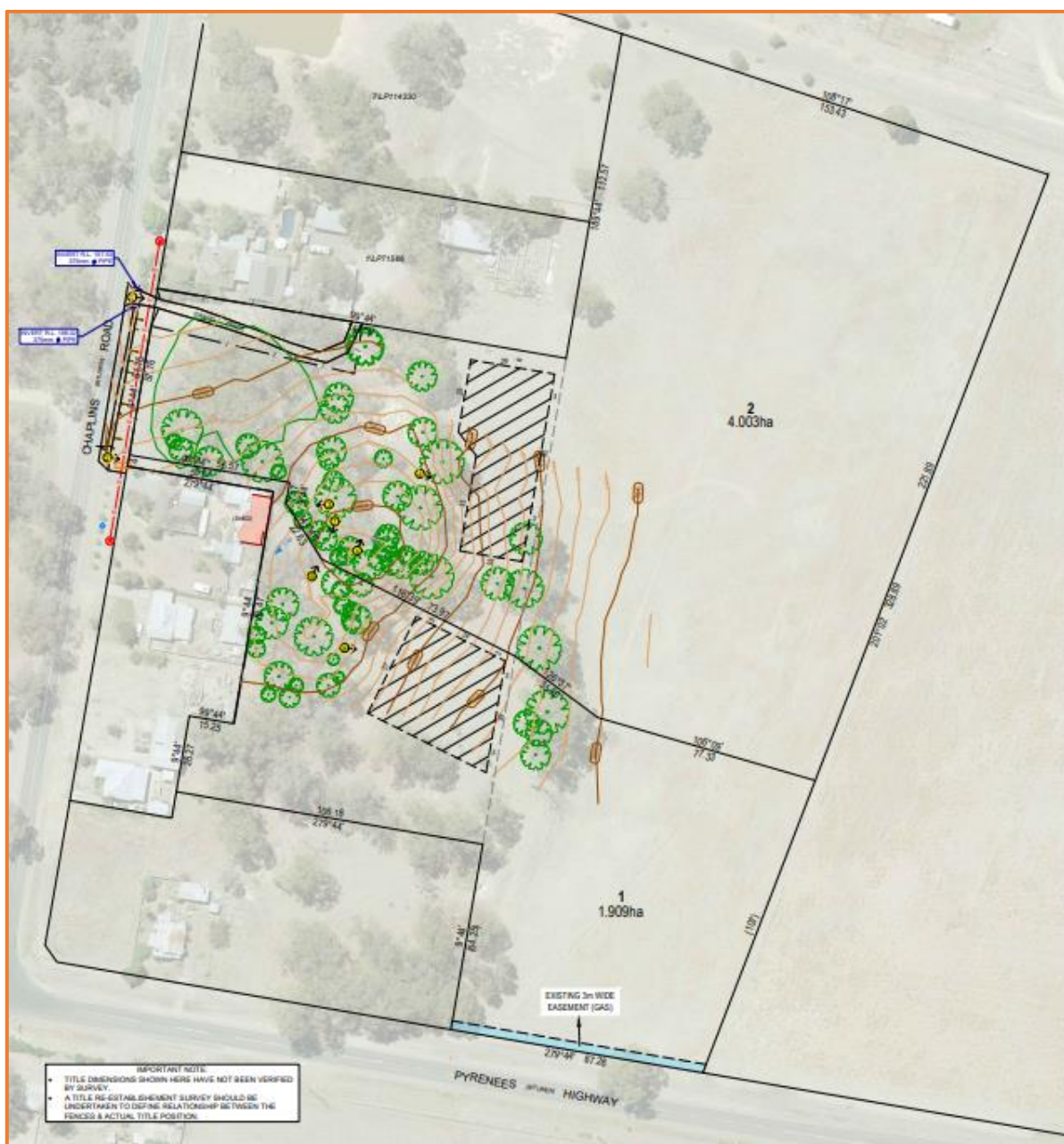
All of the land is affected by the Erosion Management Overlay and the Environmental Significance Overlay (Schedule 2). The site is also partially affected by the Salinity Management Overlay and the Land Subject to Inundation Overlay.

4. Proposal

The application proposes a 2-lot boundary realignment. Both lots would have access from Chaplins Road, with Lot 1 also having an abuttal to Pyrenees Highway. The proposed new boundary would have a dogleg alignment to minimise loss of native vegetation which cannot be avoided.

A Native Vegetation Removal Report is submitted with this application which maps the vegetation that will be considered lost to provide access and as a consequence of exemptions created through a new lot boundary.

As per the design response plan below, both lots can accommodate a dwelling and effluent disposal envelope greater than 100 metres from the watercourse to the north-east (to allow a primary treatment system).

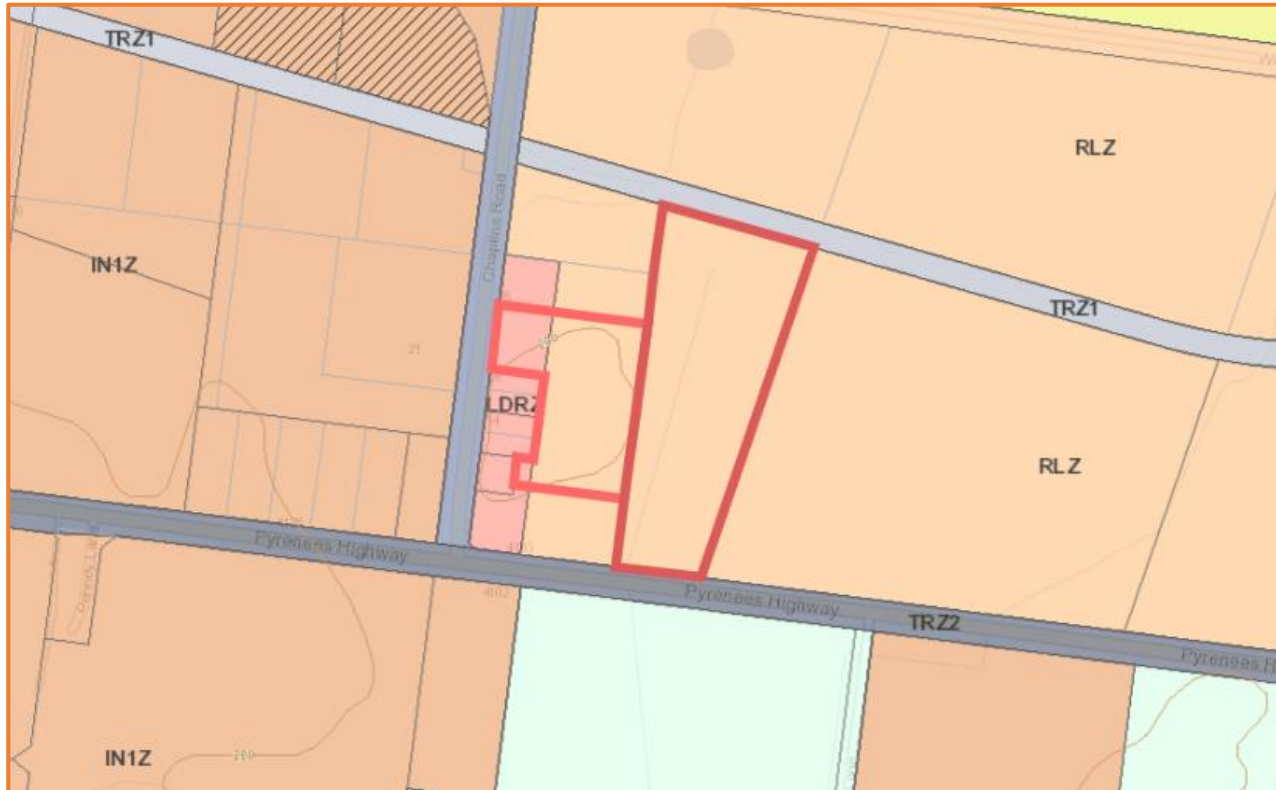


Proposed Plan of Subdivision

5. Zoning

5.1 Rural Living Zone

The subject site is predominantly situated within the Rural Living Zone of the Central Goldfields Planning Scheme.



Zoning Map of site and surrounding land

The purpose of the Rural Living Zone is:

- > To implement the Municipal Planning Strategy and the Planning Policy Framework.
- > To provide for residential use in a rural environment.
- > To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.
- > To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.
- > To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision

Response: The proposal creates an opportunity for an additional dwelling in a rural environment which already contains several residential uses on similar sized lots. The proposed subdivision has been designed to protect and enhance the environmental values of the area, in particular the native trees. The submitted design response plan provides for sustainable land management practices.

Subdivision

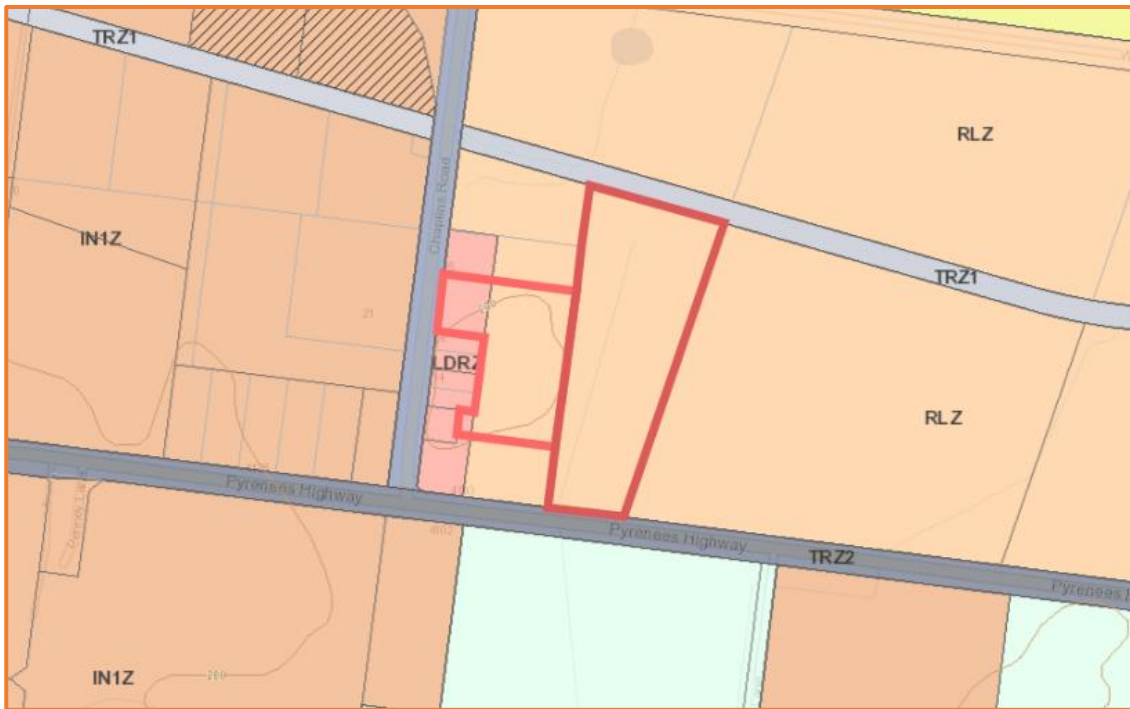
Under Clause 35.03-3 of the Central Goldfields Planning Scheme, a Planning Permit is required to subdivide land. The subdivision is the re-subdivision of existing lots and the number of lots is not increased. Therefore the minimum lot size specified in the schedule to the Rural Living Zone is not applicable.

The proposal responds favourably to the relevant decision guidelines which are listed below with response provided to each:

Decision Guideline	Response
The Municipal Planning Strategy and the Planning Policy Framework.	A response to the relevant policies is provided at section 8 of this report.
The capability of the land to accommodate the proposed use or development.	Future dwellings can be accommodated on the land as per the envelopes on the design response plan.
Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses	Each lot can accommodate the proposed use and adjoining land is used for the same purpose on smaller lot sizes.
The impact on the natural physical features and resources of the area and in particular any impact caused by the proposal on soil and water quality and by the emission of noise, dust and odours.	The proposal will have minimal impacts on the native vegetation and negligible impact on waterways on or near the site.
The impact of the use or development on the flora, fauna and landscape features of the locality.	The proposal minimises the removal of native vegetation to allow to allow practical access and building envelopes.
The need to protect and enhance the biodiversity of the area, including the need to retain 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.	There is a need to retain native vegetation and this is achieved through the proposed subdivision design.
The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.	Indicative effluent envelopes are provided in an area which is greater than 100metres from a watercourse and away from any native vegetation.

5.2 Low Density Residential Zone

The subject site is also partially situated within the Low Density Residential Zone.



Zoning Map of site and surrounding land

The purpose of the Low Density Residential Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

Response : The proposal is consistent with the purpose of the zone in that it will allow for low density residential development which makes use of existing utilities and is in a location that is in close proximity to educational, recreational, community and commercial facilities in Maryborough. The lots are of sufficient size and orientation to allow for the construction of future dwellings consistent with existing neighbourhood character.

Subdivision

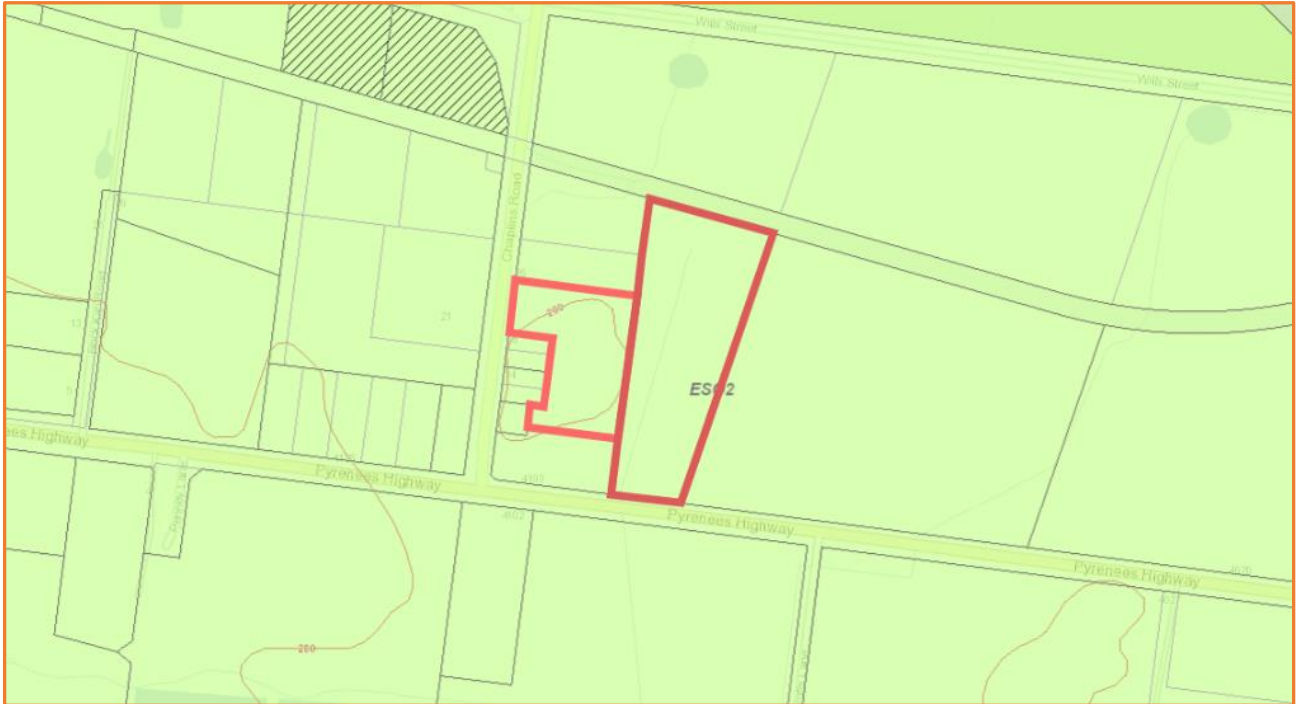
Under Clause 32.03-3 of the Planning Scheme, a permit is required to subdivide land included within the Low Density Residential Zone where the minimum lot size for unsewered land is 0.4 hectares in area. This subdivision is not required to comply with the minimum lot size as it provides for the re-subdivision of existing lot and the number of lots is not increasing.

The submitted plan provides building envelopes for each lot and the location of driveways for each lot (Lot 1 proposed off Chaplins Road and Lot 2 is existing). The plan and its recent aerial photographs demonstrate how the subdivision relates to adjoining land. There is no significant vegetation on the site.

6. Overlays

6.1 Environmental Significance Overlay – Schedule 2 (Air Emissions Buffer)

The subject site is partially affected by the Environmental Significance Overlay – Schedule 2.



Extent of ESO2 across subject site

A permit is required to subdivide land and remove vegetation affected by this overlay.

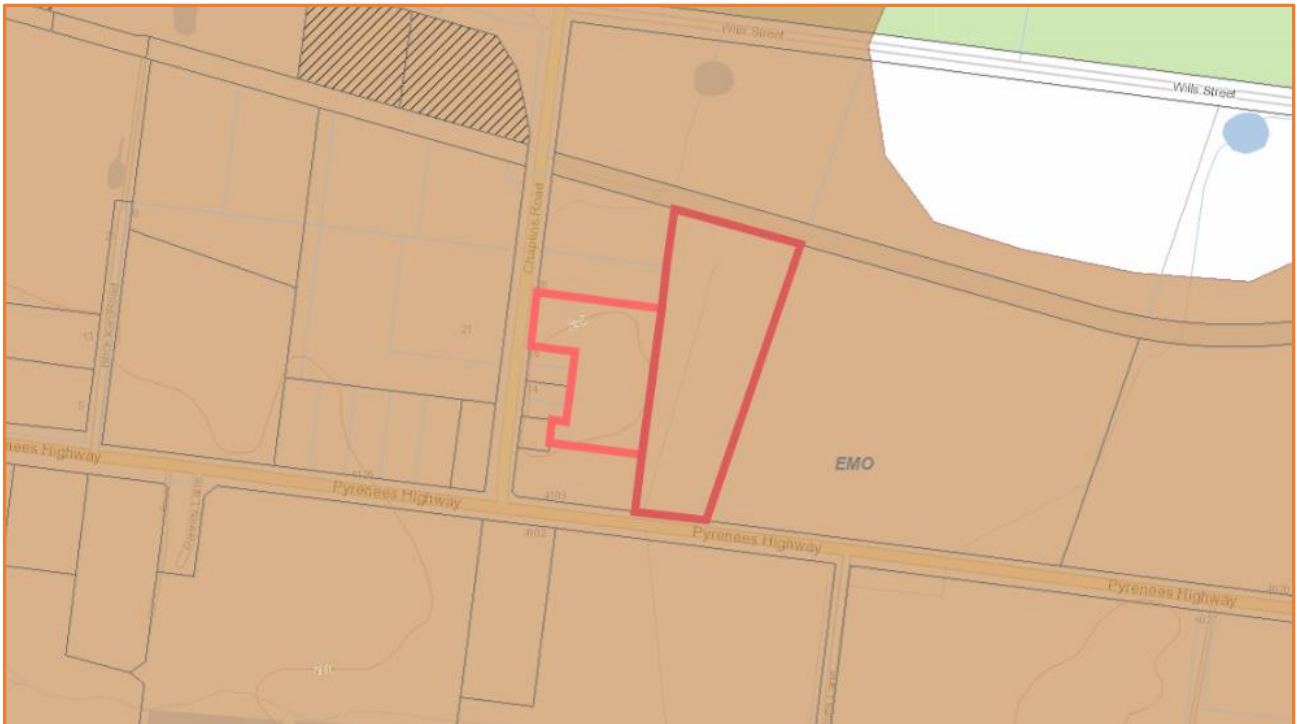
The environmental objectives to be achieved by this overlay are as follows:

- > To protect the commercial operations of Penney and Lang Abattoirs and Maryborough Waste Water Plant from the encroachment of development that has the potential to experience amenity problems from close location to these industries.
- > To ensure that development in the vicinity of Penney and Lang Abattoirs and Maryborough Waste Water Plant is located at an appropriate distance to protect the amenity of nearby land uses and developments.

Response: This overlay relates to the Penney and Lang Abattoirs which are no longer operational. The overlay, as it relates to this land, is therefore redundant and is currently proposed to be removed from the Central Goldfields Planning Scheme via Amendment C34cgol.

6.2 Erosion Management Overlay

The subject site is entirely affected by the Erosion Management Overlay.



Extent of EMO across subject site

A permit is required to subdivide and remove vegetation from land affected by this overlay.

The purpose of the overlay is as follows:

- > To implement the Municipal Planning Strategy and the Planning Policy Framework.
- > To protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development.

Response: The proposal will have no impact on the purpose of this overlay. The proposed re-subdivision does not allow for an intensification of development i.e., the development of two dwellings is permitted based on the existing titles arrangement. Vegetation removal will be minimal and only possible/consequential as a result of the creation of a new boundary.

Notwithstanding the extent of future works/vegetation removal the land is relatively flat and soil in good condition. This is evident from aerial photography where there is no sign of land degradation.

6.3 Salinity Management Overlay

The subject site is entirely affected by the Salinity Management Overlay.



Extent of SMO across subject site

A permit is required to subdivide land affected by this overlay.

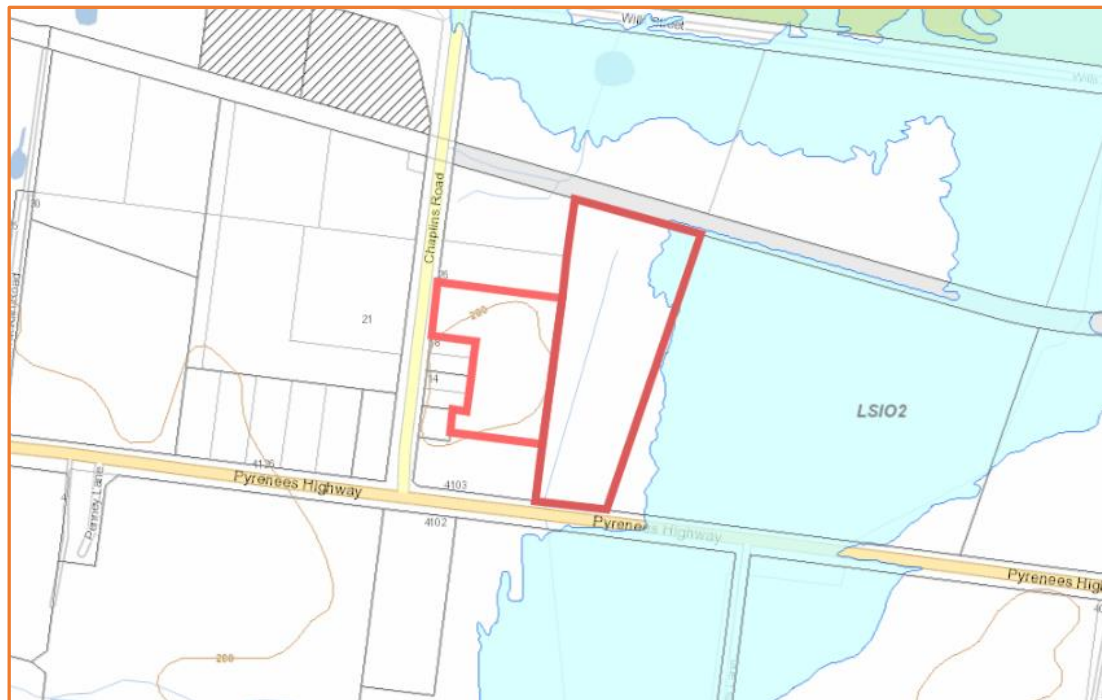
The purpose of the overlay is as follows:

- > To implement the Municipal Planning Strategy and the Planning Policy Framework.
- > To identify areas subject to saline ground water discharge or high ground water recharge.
- > To facilitate the stabilisation of areas affected by salinity.
- > To encourage revegetation of areas which contribute to salinity.
- > To encourage development to be undertaken in a manner which brings about a reduction in salinity recharge.
- > To ensure development is compatible with site capability and the retention of vegetation and complies with the objectives of any salinity management plan for the area.
- > To prevent damage to buildings and infrastructure from saline discharge and high water table.

Response: Vegetation removal is to the minimum extent necessary to facilitate the proposal. The land does not contain any natural watercourse (only a man-made drainage line), there is no evidence of ground water recharge and ground works required to facilitate the subdivision are minimal. Future dwellings would be constructed on the high parts of the land away from the water table.

6.4 Land Subject to inundation Overlay

A small portion of the site is included within the Land Subject to Inundations Overlay – Schedule 2



Minimal Extent of Land Subject to Inundation Overlay across eastern part of Site

- > The purpose of the Land Subject to Inundation Overlay is:
- > To implement the Municipal Planning Strategy and the Planning Policy Framework.
- > To identify flood prone land in a riverine or coastal area affected by the 1 in 100 (1 per cent Annual Exceedance Probability) year flood or any other area determined by the floodplain management authority.
- > To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
- > To minimise the potential flood risk to life, health and safety associated with development.
- > To reflect a declaration under Division 4 of Part 10 of the *Water Act, 1989*.
- > To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.
- > To ensure that development maintains or improves river, marine, coastal and wetland health, waterway protection and floodplain health.

Pursuant to Clause 44.04-3 **a permit is required to subdivide land**. The application should be referred to Catchment Management Authority.

Response: The application does not create any additional lots on the land; therefore the flood risk is not increased by the proposal.

All proposed lots could accommodate buildings outside the extent of the land subject to inundation overlay.

7. Particular Provisions

7.1 Public Open Space Contribution and Subdivision

Under the provisions of Clause 53.01, a person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under Section 18 of the Subdivision Act 1988.

Response: As the number of rural residential lots will not increase, the subdivision will not create a demand for public open space. It is therefore considered inappropriate for Council to require a contribution under Section 18 of the Subdivision Act 1988.

7.2 Native Vegetation

Under the provisions of Clause 52.17-1, a permit is required to remove, destroy or lop native vegetation, including dead native vegetation.

Native vegetation is defined at Clause 73.01 of the Victorian Planning Provisions as 'plants that are indigenous to Victoria, including trees, shrubs, herbs and grasses'

An application to remove native vegetation should be assessed in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines).

Avoid and minimise statement:

- > Native vegetation removal has been minimised as much as possible without undermining the strategic intent of the land and the proposal which is to provide both lots with access and servicing from Chaplins Road.

Response: The submitted Native Vegetation Removal Report records and describes all of the native vegetation on site which qualify as consequential loss to facilitate the subdivision. This is predominantly tree branches to allow access and clearing along fences if required via permit exemptions to prevent the spread of bushfire.

A native vegetation removal report is included within the Vegetation Assessment Report and includes an avoid and minimise statement. Photographs of the native vegetation to be removed are also provided in the appendix of this report.

Overall the submission accords with the Clause 52.17 application requirements for the removal of native vegetation under the intermediate pathway assessment.

Offsets would be provided through a third-party offset to ensure the development would achieve the objective of no net loss to Victoria's biodiversity. A Native Vegetation Credits Report is also included which demonstrates that the required offsets are available.

7.3 Land Adjacent to the Principal Road Network

Under the provisions of Clause 52.29-3, a permit is not required to:

- > Create or alter access, or subdivide land, if carried out by or on behalf of the Head, Transport for Victoria.
- > Realign a boundary.
- > Subdivide an existing building, provided the building is already connected to services and no new access is required.
- > Subdivide land into two lots, provided no new access is required.

An application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Response: The application is for a boundary realignment and no alterations to access are proposed as part of this application. Therefore a permit is not required under this provision and the application does not require referral to the Department of Transport.

8. Policy Context

It is considered that the submission demonstrates that the proposal is consistent with the following relevant strategies contained in the Planning Policy Framework: -

8.1 Planning Policy Framework

11.01-1S – Settlement – The objective of which is to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

11.01-1L – Settlement – Central Goldfields – Provide low density and rural living opportunities around the periphery of Maryborough and other centres where they do not conflict with environmental and agricultural objectives and where infrastructure can be supplied in a cost-effective way.

12.01-1S Protection of Biodiversity- Ensure that decision making takes into account the impacts of land use and development on Victoria's biodiversity, including consideration of:

- > Cumulative impacts.
- > Fragmentation of habitat.
- > The spread of pest plants, animals and pathogens into natural ecosystems.

Avoid impacts of land use and development on important areas of biodiversity

13.02 – Bushfire – This policy aims to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

In a bushfire prone area designated in accordance with regulations made under the Building Act 1993, bushfire risk should be considered when assessing planning applications for (inter alia) subdivisions of more than 10 lots.

Response: The risk of bushfire to people, property and community infrastructure would not be increased by the re-subdivision.

15.03-2S – Aboriginal Cultural Heritage – Contains strategies to ensure the protection and conservation of places of Aboriginal cultural heritage significance.

Response: Whilst the site contains an area of aboriginal cultural heritage significance, a two lot subdivision is not a high impact activity in accordance with the Aboriginal Heritage Regulations, there a Cultural Heritage Management Plan is not required.

9. Conclusion

This application proposes the re-subdivision of two existing lots which are in the Rural Living Zone and the Low Density Residential Zone. The subdivision is not required to meet the minimum lot size in either zone as it is the re-subdivision of existing lots and the number of lots is not increasing.

A permit is also required to remove native vegetation in accordance with the requirements of Clause 52.17. The re-subdivision has been configured to minimise the loss of native vegetation, which would only be consequential along the new property boundary.

The re-subdivision has been configured to allow for building envelopes which can achieve the required setbacks to the waterway on adjacent land to the north-west. The existing man-made drainage line on the subject site is not a watercourse and does not drain to a drinking catchment.

The proposal will not have an impact on the objectives to be achieved by the other environmental overlays that effect the site.

The proposal is consistent with the State and Local Planning Policy context in relation to rural residential development.

For the reasons outlined in this report, it is considered that the proposed re-subdivision of two existing lots is appropriate and should therefore be supported by Council subject to reasonable planning permit conditions.



.....
Andrew Grey
Principal Town Planner

Appendix – Native Vegetation Photos



Largely cleared area where lot 1 access is proposed



Cleared area where new boundary between lots 1 and 2 is proposed.



Further cleared area where new boundary between lots 1 and 2 is proposed.

Native vegetation removal report

This report provides information to support an application to remove, destroy or lop native vegetation in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation*. The report is **not an assessment by DELWP** of the proposed native vegetation removal. Native vegetation information and offset requirements have been determined using spatial data provided by the applicant or their consultant.

Date of issue: 09/12/2022

Report ID: GEN_2022_248

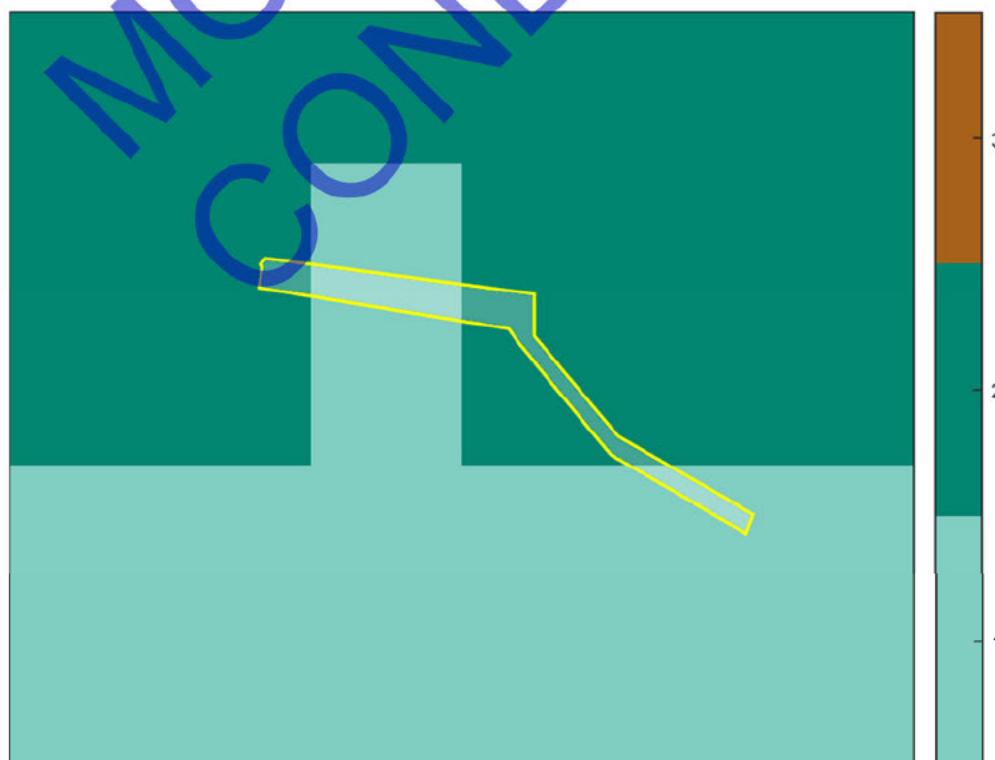
Time of issue: 12:14 pm

Project ID Removal

Assessment pathway

Assessment pathway	Intermediate Assessment Pathway
Extent including past and proposed	0.041 ha
Extent of past removal	0.000 ha
Extent of proposed removal	0.041 ha
No. Large trees proposed to be removed	0
Location category of proposed removal	Location 2 The native vegetation is in an area mapped as an endangered Ecological Vegetation Class (as per the statewide EVC map). Removal of less than 0.5 hectares of native vegetation in this location will not have a significant impact on any habitat for a rare or threatened species.

1. Location map



Offset requirements if a permit is granted

Any approval granted will include a condition to obtain an offset that meets the following requirements:

General offset amount ¹	0.019 general habitat units
Vicinity	North Central Catchment Management Authority (CMA) or Central Goldfields Shire Council
Minimum strategic biodiversity value score ²	0.448
Large trees	0 large trees

NB: values within tables in this document may not add to the totals shown above due to rounding

Appendix 1 includes information about the native vegetation to be removed

Appendix 2 includes information about the rare or threatened species mapped at the site.

Appendix 3 includes maps showing native vegetation to be removed and extracts of relevant species habitat importance maps

MODELLLED
CONDITION

¹ The general offset amount required is the sum of all general habitat units in Appendix 1.

² Minimum strategic biodiversity score is 80 per cent of the weighted average score across habitat zones where a general offset is required

Next steps

Any proposal to remove native vegetation must meet the application requirements of the Intermediate Assessment Pathway and it will be assessed under the Intermediate Assessment Pathway.

If you wish to remove the mapped native vegetation you are required to apply for a permit from your local council. Council will refer your application to DELWP for assessment, as required. **This report is not a referral assessment by DELWP.**

This *Native vegetation removal report* must be submitted with your application for a permit to remove, destroy or lop native vegetation.

Refer to the *Guidelines for the removal, destruction or lopping of native vegetation* (the Guidelines) for a full list of application requirements. This report provides information that meets the following application requirements:

- The assessment pathway and reason for the assessment pathway
- A description of the native vegetation to be removed (met unless you wish to include a site assessment)
- Maps showing the native vegetation and property
- The offset requirements determined in accordance with section 5 of the Guidelines that apply if approval is granted to remove native vegetation.

Additional application requirements must be met including:

- Topographical and land information
- Recent dated photographs
- Details of past native vegetation removal
- An avoid and minimise statement
- A copy of any Property Vegetation Plan that applies
- A defensible space statement as applicable
- A statement about the Native Vegetation Precinct Plan as applicable
- An offset statement that explains that an offset has been identified and how it will be secured.

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Obtaining this publication does not guarantee that an application will meet the requirements of Clauses 52.16 or 52.17 of the Victoria Planning Provisions and Victorian planning schemes or that a permit to remove native vegetation will be granted.

Notwithstanding anything else contained in this publication, you must ensure that you comply with all relevant laws, legislation, awards or orders and that you obtain and comply with all permits, approvals and the like that affect, are applicable or are necessary to undertake any action to remove, lop or destroy or otherwise deal with any native vegetation or that apply to matters within the scope of Clauses 52.16 or 52.17 of the Victoria Planning Provisions and Victorian planning schemes.

Appendix 1: Description of native vegetation to be removed

All zones require a general offset, the general habitat units each zone is calculated by the following equation in accordance with the Guidelines:

General habitat units = extent x condition x general landscape factor x 1.5, where the general landscape factor = 0.5 + (strategic biodiversity value score/2)

The general offset amount required is the sum of all general habitat units per zone.

Native vegetation to be removed

Information provided by or on behalf of the applicant in a GIS file						Information calculated by EnSym						
Zone	Type	BioEVC	BioEVC conservation status	Large tree(s)	Partial removal	Modelled Condition score	Polygon Extent	Extent without overlap	SBV score	HI score	Habitat units	Offset type
1-a	Patch	gold0175_61	Vulnerable	0	no	0.402	0.041	0.041	0.560		0.019	General

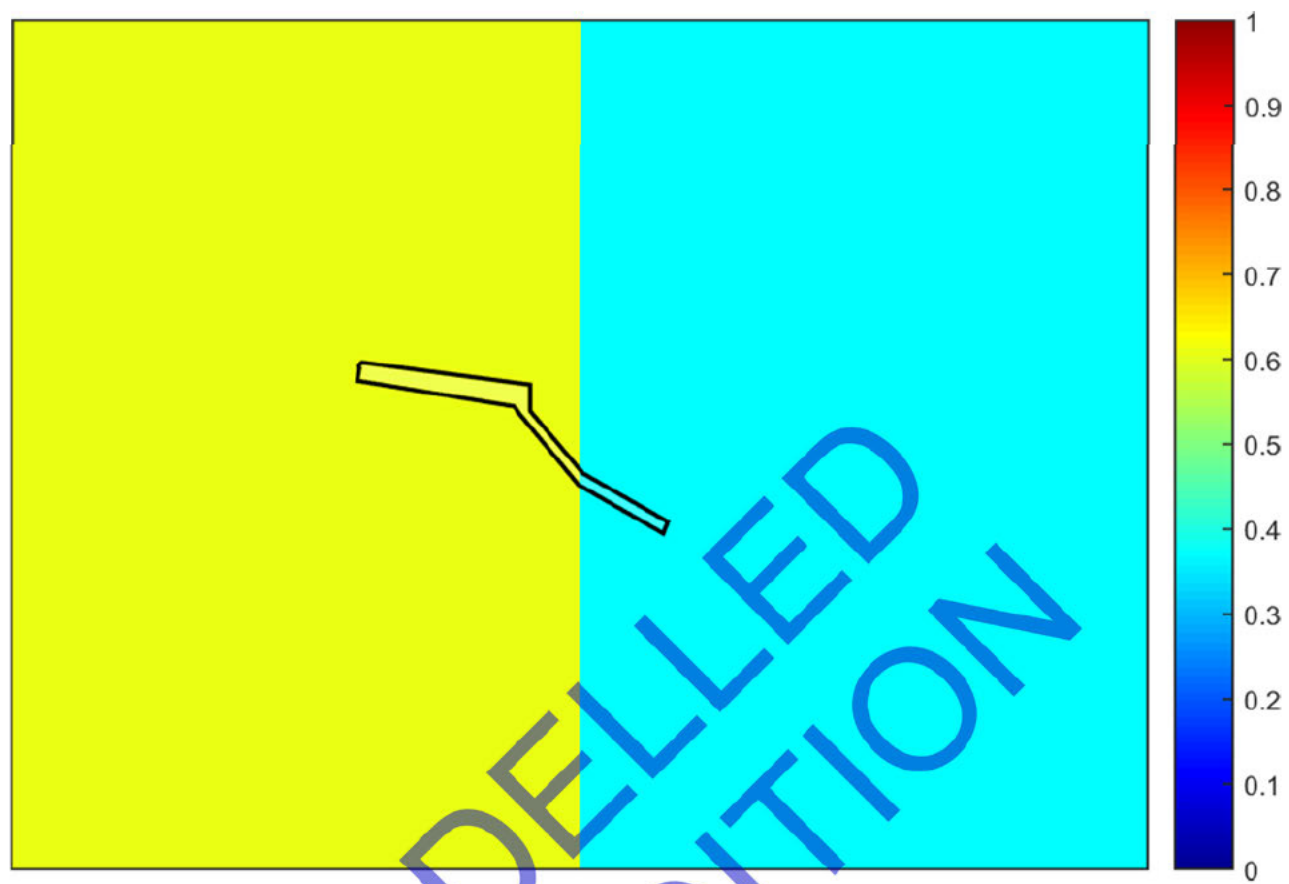
Appendix 2: Information about impacts to rare or threatened species' habitats on site

This is not applicable in the Intermediate Assessment Pathway.

MODELLLED CONDITION

Appendix 3 – Images of mapped native vegetation

2. Strategic biodiversity values map



3. Aerial photograph showing mapped native vegetation



↑ North

0 1 2

x10 metres

4. Map of the property in context



Yellow boundaries denote areas of proposed native vegetation removal.