

Office Use Only

VicSmart? YES NO

Specify class of VicSmart application:

Application No.: _____ Date Lodged: / /

Application for a Planning Permit

If you need help to complete this form, read MORE INFORMATION at the back 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 concerns, 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.

Clear Form

Application Type

Is this a VicSmart application?*

No Yes

If yes, please specify which

VicSmart class or classes:.....

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

Pre-application Meeting

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

No Yes

If 'Yes', with whom?: Nicole Embling

Date: 18/09/2023

day / month / year

The Land **i**

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

Street Address *

Unit No.: _____ St. No.: 434 St. Name: Buttercup Road
Suburb/Locality: Merrijig (Mt Buller) Postcode: 3723

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.: _____ Lodged Plan Title Plan Plan of Subdivision No.: _____
OR
B Crown Allotment No.: 33 Section No.: _____
Parish/Township Name: Parish of Merrijig

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? *

Two lot subdivision (house lot excision) and change of use of the two cottages to permanent dwellings.

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.

If the application is for land within **metropolitan Melbourne** (as defined in section 3 of the *Planning and Environment Act 1987*) and the estimated cost of the development exceeds \$1 million (adjusted annually by CPI) the Metropolitan Planning Levy **must** be paid to the State Revenue Office and a current levy certificate **must** be submitted with the application. Visit www.sro.vic.gov.au for information.

Existing Conditions **i**

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.

Existing main dwelling an two small cottages, grazing paddocks and farming infrastructure.

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

Title Information **i**

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 i

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: Mary Surname: Dunn

Organisation (if applicable):

Postal Address:

Unit No.: St. No.: St. Name:

Suburb/Locality: State: Postcode:

Contact information for applicant OR contact person below

Business phone: 0448 793 795 Email: admin@belllegalplanning.com.au

Mobile phone: Fax:

Contact person's details* Same as applicant

Name:

Title: Ms First Name: Angelina Surname: Bell

Organisation (if applicable): Bell Legal & Planning

Postal Address:

Unit No.: St. No.: St. Name: PO Box 432

Suburb/Locality: Alexandra State: VIC Postcode: 3714

Owner * Same as applicant

Name:

Title: Mrs First Name: Mary Surname: Dunn

Organisation (if applicable):

Postal Address:

Unit No.: St. No.: 434 St. Name: Buttercup Road

Suburb/Locality: Merrijig (Mt Buller) State: VIC Postcode: 3723

Owner's Signature (Optional): Date:

day / month / year

Information requirements

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

Is the required information provided?

Yes No

Declaration i

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: *Angelina Bell* Date: 22/01/2024

day / month / year

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

VOLUME 03266 FOLIO 098

Security no : 124112021527Y
Produced 22/01/2024 08:10 AM

CROWN GRANT

LAND DESCRIPTION

Crown Allotment 33 Parish of Merrijig.

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

MARY ROSE DUNN of 2/37 DOMAIN STREET SOUTH YARRA VIC 3141
AK267338L 03/04/2013

ENCUMBRANCES, CAVEATS AND NOTICES

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

DIAGRAM LOCATION

SEE TP360590B 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: 434 BUTTERCUP ROAD MERRIJIG (MOUNT BULLER) VIC 3723

DOCUMENT END



Imaged Document Cover Sheet

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

Document Type	Plan
Document Identification	TP360590B
Number of Pages (excluding this cover sheet)	2
Document Assembled	22/01/2024 08:10

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The document is invalid if this cover sheet is removed or altered.

TITLE PLAN	EDITION 1	TP 360590B
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Location of Land

Parish: MERRIJIG
 Township:
 Section:
 Crown Allotment: 33
 Crown Portion:

Last Plan Reference:
 Derived From: VOL 3266 FOL 098
 Depth Limitation: NIL

Notations

SUBJECT TO THE RESERVATIONS EXCEPTIONS CONDITIONS AND POWERS CONTAINED IN CROWN GRANT VOL. 3266 FOL. 098 AND NOTED ON SHEET 2 OF THIS PLAN

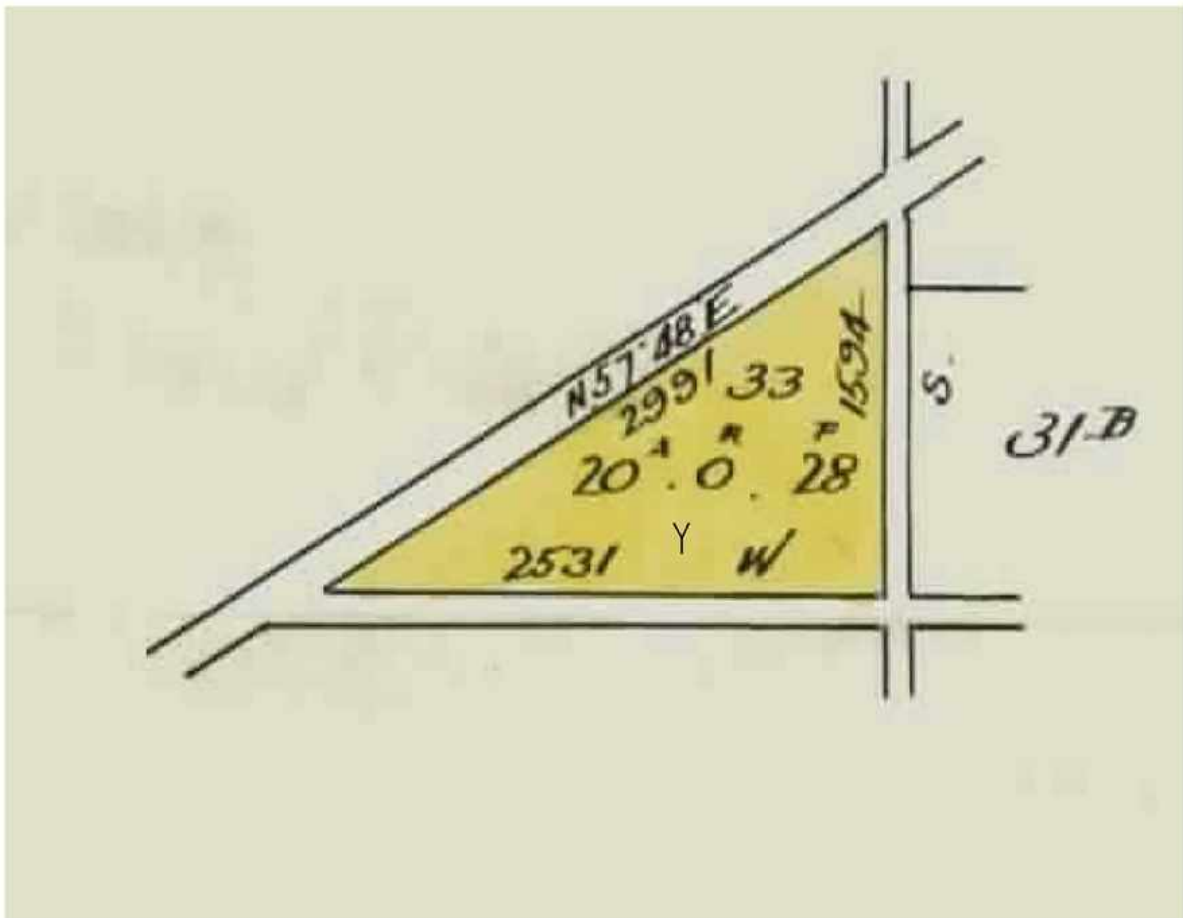
ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN

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: 21/03/2000
 VERIFIED: AK

COLOUR CODE
 Y=YELLOW



TITLE PLAN

TP 360590B

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

All THAT PIECE OF LAND in the said State containing *twenty acres and twenty eight perches more or less being Allotment thirty three in the Parish of Morryig County of Delahide*

delinated with the measurements and abuttals thereof in the map drawn in the margin of these presents and therein coloured yellow EXCEPTING however unto us our heirs and successors all gold and silver and auriferous and argenteiferous earth or stone and all mines containing gold silver copper tin antimony coal and all other metals and minerals and mineral ores whatsoever and all mines seams lodes and deposits containing gold silver copper tin antimony coal and other metals and minerals and mineral ores in upon and under and within the boundaries of the land hereby granted AND ALSO reserving to us our heirs and successors free liberty and authority for us our heirs and successors and our and their agents and servants at any time or times hereafter to enter upon the said land and to search and mine therein for gold silver copper tin antimony coal and all other metals and minerals and mineral ores and to extract and remove therefrom any gold silver and any auriferous and argenteiferous earth or stone copper tin antimony coal and other metals and minerals and mineral ores and to search for and work dispose of and carry away the gold silver copper tin antimony coal metals minerals and their ores lying in upon or under the land hereby granted and for the purposes aforesaid to sink shafts make drives erect machinery and to carry on any works and do any other things which may be necessary or usual in mining and with all other incidents that are necessary to be used for the getting of the said gold silver copper tin antimony coal and other metals and minerals and mineral ores and the working of all mines seams lodes and deposits containing gold silver copper tin antimony coal and other metals and minerals and mineral ores in upon or under the land hereby granted

PROVIDED ALWAYS that the said land is and shall be subject to be resumed for mining purposes on under and in the like terms conditions and events as the same might have been resumed for such purposes under the law in force at the date of these presents AND PROVIDED also that the said land is and shall be subject to the right of any person being the holder of a miner's right or of a licensee to search for metals or minerals or of a mining or mineral lessee to enter therein and to mine for gold silver copper tin antimony coal and other metals and minerals and mineral ores and to erect and to occupy mining plant or machinery thereon in the same manner and under the same conditions and provisions as those to which the holder of a miner's right or of a mining or mineral-lease had at the time of the passing of the Land Act 1890 the right to mine for gold and silver in and upon Crown lands PROVIDED THAT compensation shall be paid to the said GRANTEE

his heirs executors administrators assigns and transferees by such person for surface damage to be done to such lands by reason of mining thereon such compensation to be determined as provided by the 179th section of the Land Act 1901 and the payment thereof to be a condition precedent to such right of entry.

LENGTHS ARE IN
LINKS

Metres = 0.3048 x Feet

Metres = 0.201168 x Links

Sheet 2 of 2 sheets

Proposed plan of subdivision - 434 Buttercup Road, Merrijig



Legend

- Property Proposed
- Property
- Parcel Proposed
- Parcel

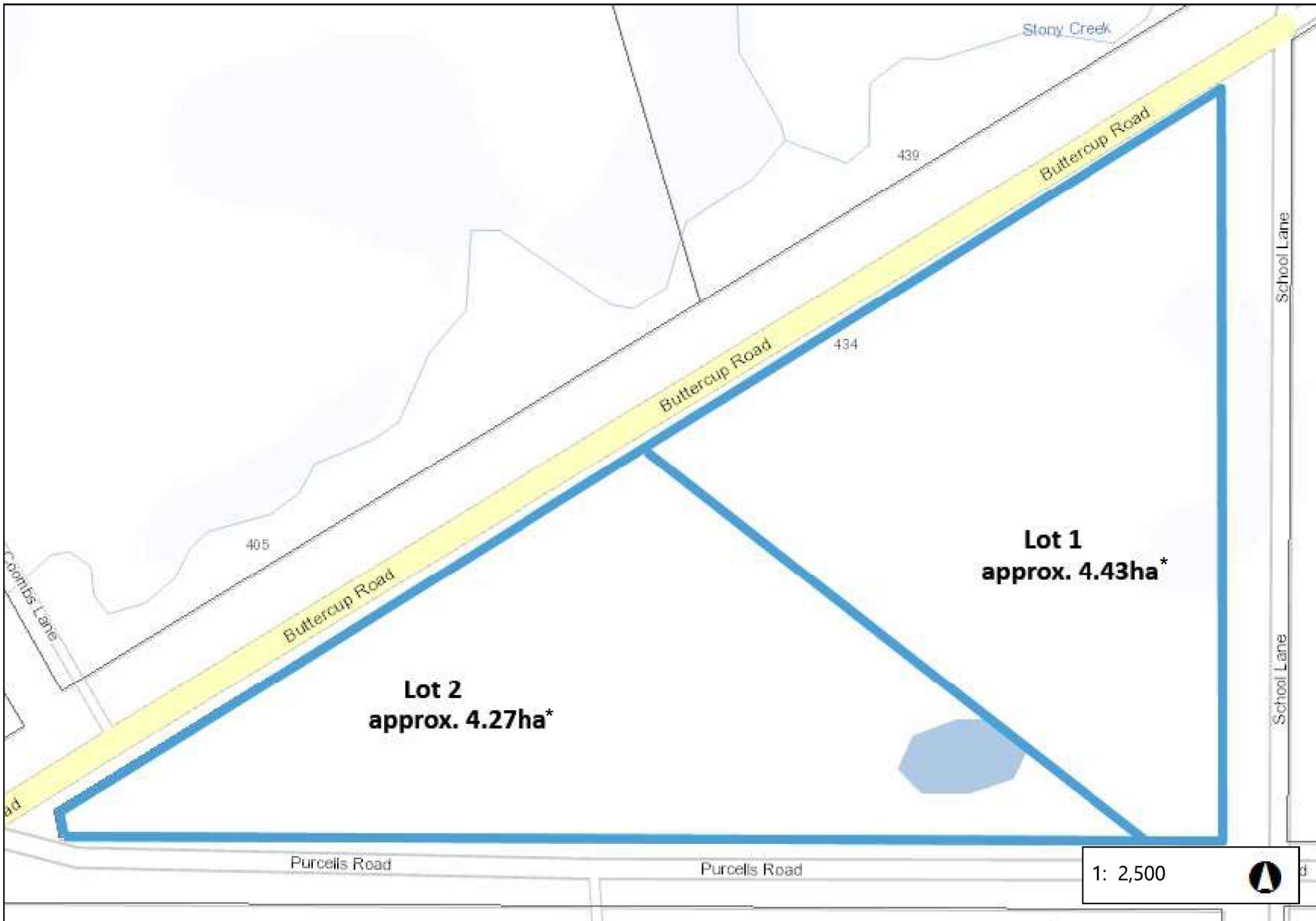
1: 2,500



127 0 63.50 127 Meters

Map Created on 05-Sep-2023

Proposed plan of subdivision no aerial - 434 Buttercup Road, Merrijig



Legend

-  Property Proposed
-  Property
-  Parcel Proposed
-  Parcel

* Subject to survey

127 0 63.50 127 Meters

Map Created on 05-Sep-2023

APPLICATION FOR PLANNING PERMIT
House lot excision (two lot subdivision)
434 Buttercup Road, Merrijig (Mount Buller)

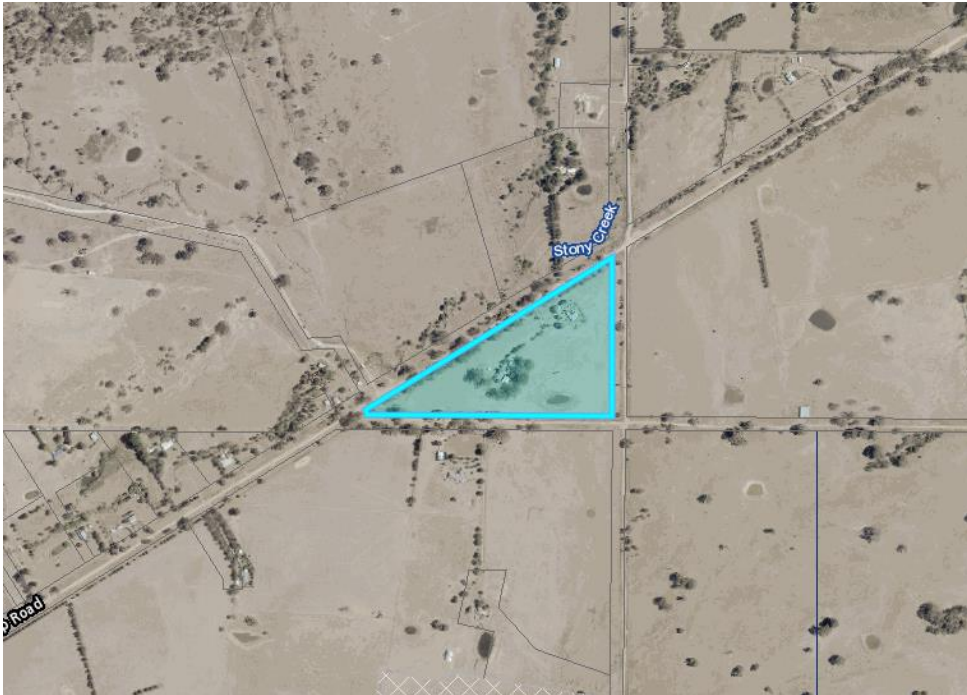


Figure 1 – Aerial photograph of the Subject Land and surrounds.

Introduction

A planning permit is sought for a house lot excision (two lot subdivision) at 434 Buttercup Road, Merrijig (Mount Buller) (**Subject Land**). The Subject Land is located in the Mansfield Shire and is governed by the Mansfield Planning Scheme (**Scheme**).

Site description

The Subject Land is located on the southeastern side of Buttercup Road, approximately 4.3 km from the intersection of Mt Buller Road. The Subject Land is described as Crown allotment 33, Parish of Merrijig, and is contained in certificate of title volume 3266 folio 098.

Please refer to the attached certificate of title.

The Subject Land has an area of approximately 8 hectares, is triangular in shape and has frontage to three separate roads around its perimeter: Purcells Road along the southern boundary, School Lane along the eastern boundary and Buttercup Road on the northwestern boundary. The Subject land is unique in that it does not share a common boundary with any other freehold land.

Application submission

House lot excision – 434 Buttercup Road, Merrijig (Mount Buller)

The Subject Land contains a main dwelling in the northern part of the land, two self-contained cottages towards the southern boundary, ancillary shedding and farm improvements. It is divided into a number of paddocks and has a large dam located close to the southern boundary. The main dwelling also draws water from a bore. The Subject Land is generally cleared for the grazing of stock with a small number of large remnant native trees.

Primary access to the Subject Land is gained from Buttercup Road, in proximity to the main dwelling, and further access is provided to the land via a farm gate located on the southern boundary from Purcells Road.

The Subject Land supports a small farming enterprise, consisting of a small herd of cattle and horses. As well as rotating the cattle through the paddocks to support pasture management, weeds are managed and treated on a regular basis.

The surrounding area supports a significant number of smaller sized lots along Buttercup Road, particularly from 235 to 359 Buttercup Road where the lots on the northern side of the road range from approximately 1.4 hectares to 5.7 hectares in area. There is a more recent small lot subdivision to the north of the Subject Land, and more small lots diagonally across the road. Properties to the east are generally larger farming lots.

The Subject Land is in the Farming Zone (**FZ**) and is subject to the Environmental Significance Overlay – Schedule 2 (**ESO2**) and the Significant Landscape Overlay – Schedule 1 (**SLO1**). Land surrounding the Subject Land is similarly in the Farming Zone and subject to the same overlays. Refer to the zoning map at Figure 2 and the overlay maps in Figures 3 and 4 below.



Figure 2 – Zoning of Subject Land and surrounding area.



Figure 3 – Significant Landscape Overlay.



Figure 4 – Environmental Significance Overlay

Proposal

The proposal is for the excision of the existing main dwelling from the balance of the land containing the two cottages. The subdivision will result in Lot 1 of approximately 4.43 hectares with the main dwelling, ancillary shedding, plantings of ornamental trees and grazing paddocks, and Lot 2 of approximately 4.27 hectares containing the two cottages, grazing paddocks and the main dam.

As each lot contains a dwelling, the subdivision will not increase the development potential of the lots. Each lot contains the necessary infrastructure to reside on the land as well as continue the agricultural use of the land, either for the grazing of stock and/or the keeping of horses.

Proposed lot 1 will continue to utilise the existing access from Buttercup Road. Lot 2 will require a new access and the most appropriate location is from Purcells Road, where there is a sufficient gap between the native vegetation on the road reserve to create a new access.

The location of the new dividing boundary between lots 1 and 2 will be at least 1 metre from any remnant vegetation on the land.

A **Farm Management Plan** has been prepared in support of the proposed subdivision of the Subject Land.

The following photographs show the Subject Land:



Photograph 1 - Main dwelling



Photograph 2 – One of the cottages



Photograph 3 – The other cottage



Photograph 4 – Existing driveway with Mount Buller in the distance.



Photograph 5 - Existing entrance to Subject Land



Photograph 6 - View northeast along Buttercup Road from the entrance to Subject Land



Photograph 7 - View southwest along Buttercup Road



Photograph 8 - View across the southeast corner of the Subject Land.



Photograph 9 - View along the southern boundary, looking west.



Photograph 10 - The proposed new boundary between lots 1 and 2 is approximately midpoint of this photo.



Photograph 11 - Looking east along Purcells Road to the intersection with School Lane.



Photograph 12 - Purcells Road looking west.



Photograph 13 - Approximate location of new crossing from Purcells Road, avoiding native vegetation.



Photograph 14 - View east along Purcells Road from approximate location of new crossing



Photograph 15 - View west along Purcells Road from approximate location of new crossing



Photograph 16 - Existing cattle ramp on southern boundary of Subject Land.

Please refer to the attached:

- proposed plans of subdivision; and
- Farm Management Plan prepared by North East Ecology, October 2023.

Permit Triggers

The following planning permit triggers apply to this application:

- Clause 35.07-3 Farming Zone – 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. 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.

The proposal falls under the first dot point above.

- Clause 42.01-2 Environmental Significance Overlay – a permit is required to subdivide land.

Zoning

Clause 35.07 Farming Zone

The purpose of the Farming Zone (**FZ**) 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 identifies in a schedule to this zone.*

The Subject Land supports a main dwelling, two cottages, shedding and stock grazing. The proposed subdivision layout separates the main dwelling and ancillary shedding, ornamental tree plantation and approximately half of the grazing paddocks from the balance of the land that contains the two cottages, further shedding including horse box and balance of grazing paddocks. The existing agricultural use of the land can continue albeit in two separate lots. There is no net loss of agricultural land. The Subject Land is suitable for subdivision as it will result in no further development potential and the land is very unlikely to ever be consolidated into any neighbouring properties as it does not share a common boundary with any other property. The Farm Management Plan prepared for the subdivision has shown the benefit of the subdivision of the land and that, as the land is currently too small to run as a commercial grazing property, the two proposed lots can continue to farm. The agricultural land use will not change substantially with the approval of the subdivision. The subdivision further provides an opportunity for the protection of the significant large trees on the land.

Ordinarily small lots in the Farming Zone are not encouraged, however, the Subject Land is unusual in that it has no direct neighbours, it is bounded on all sides by made roads, and it is in an area where there are a significant number of similar sized small lots in the Farming Zone. The proposal is consistent with the purpose of the Farming Zone and the character of the area. It retains the grazing paddocks and does not create any further development opportunities. The proposal will not have an impact on any existing agricultural uses on nearby land nor in the surrounding area.

Decision guidelines

Clause 35.07-6 Decision guidelines - a response to the relevant guidelines is provided as follows:

Guideline	Response
General issues	
The capability of the land to accommodate the proposed use or development, including the disposal of effluent.	The Subject Land is capable of supporting the two proposed lots. The proposed subdivision is

	suitably designed and will not have a negative impact on the agricultural use of the land.
Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.	The Subject Land is well suited to the proposed subdivision. The proposal is compatible with surrounding land, where there are a number of smaller lots along Buttercup Road.
How the use and development make use of existing infrastructure and services.	The proposed configuration of the new lots utilises the existing formed vehicle crossing to the main dwelling with a new access for proposed lot 2 located in an area where native vegetation is avoided.
<i>Agricultural issues and the impacts from non-agricultural uses</i>	
Whether the use or development will support and enhance agricultural uses.	The proposed house lot excision will support the existing agricultural use of the land and also provide an opportunity for a new owner of the balance lot to diversify.
Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.	The proposed house lot excision will not have an impact on soil quality and ensures that no land is removed from the agricultural activity.
The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.	The proposal will not have any detrimental impact on nearby agricultural uses.
The capacity of the site to sustain the agricultural use.	The Subject Land has the capacity to sustain the existing agricultural activity.
The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.	The agricultural qualities of the land are set out in detail in the attached Farm Management Plan.

Overlays

Clause 42.01 Environmental Significance Overlay

The purpose of the ESO is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify areas where the development of land may be affected by environmental constraints.*
- *To ensure that development is compatible with identified environmental values.*

The Subject Land is included in Schedule 2 of the ESO which signifies catchments at medium risk of water quality impacts.

The statement of the nature and key elements of the landscape in the schedule is:

The Upper Goulburn, Lake Eildon Environs, Upper Goulburn (Upper Delatite) and Lake Nillahcootie catchments supply irrigation and potable water to nearby townships and downstream communities. Lake Eildon and Lake Nillahcootie are both used for recreational purposes.

The Mansfield Shire Domestic Wastewater Management Plan 2014 (as amended) risk analysis identifies areas of the municipality that are at high, medium and low risk of causing adverse impacts on potable water quality, public health and the environment.

Development in the areas where this schedule applies has a medium risk of causing adverse impacts to potable water quality, public health and the environment through increased nutrients, pathogens and sediment in waterways and water storages.

It is important that development is carefully managed to ensure there is no detriment to the catchment and cumulative benefits can be gained over time through improved management of wastewater and stormwater. This can be achieved through careful design and siting of development and works, management of wastewater generated by development and adoption of integrated water cycle management principles. As a result there should be incremental and cumulative reductions in nutrient, pathogen and sediment loads in water storages and waterways.

The ESO2 objective is to discourage development and works that contribute to the degradation of water quality and quantity.

The proposed subdivision of the Subject Land will not result in any development potential. Proposed lot 1 will contain the existing main dwelling and proposed lot 2 will contain the two cottages. No further dwellings are proposed or required for the ongoing use of the land for agriculture and as such, the proposed subdivision will not have any impact on water quality and quantity.

Municipal Planning Strategy

The relevant sections of the Municipal Planning Strategy are addressed as follows:

Clause 02.02 Vision

Council's vision is:

"To live, work and play in an inclusive, dynamic and prosperous place where community spirit is strong and people are empowered to engage in issues that affect their lives."

Clause 02.03 Strategic directions

02.03-1 Settlement

Merrijig

"Merrijig is a small town with excellent proximity to mountain and rural views located in the Upper Delatite Valley. It is appealing to people who desire a small town lifestyle with the additional services afforded by proximity to Mansfield."

02.03-2 Environmental and landscape values

Biodiversity: Protection of remnant vegetation is a high priority including vegetation on roadsides.

Landscapes: The scenic value of the mountains, foothills, valleys and cleared grazing country is characteristic of the municipality and is of intrinsic importance to its landscape. Significant landscape and natural features include Mount Buller, Mount Stirling, Mount Terrible and the Great Dividing Range.

02.03-4 Natural resource management

Agriculture: Rural land is under increasing pressure for residential use and development not associated with the rural use of the land. Productive agricultural land must be maintained to remain agriculturally viable and ensure the ongoing ability to farm is protected. To do so it is important that only marginal rural land in areas with a minimal visual impact be developed for small scale rural or rural living style development.

Planning Policy Framework

The relevant sections of the Planning Policy Framework are addressed as follows:

Clause 14.01-1S Protection of agricultural land

The objective of this clause is to protect the state's agricultural base by preserving productive farmland. This clause includes the following strategies:

- *Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.*
- *Protect productive farmland that is of strategic significance in the local or regional context.*
- *Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.*

The proposal to excise the main dwelling from the balance of the land that contains the two cottages ensures that there is no net loss of agricultural land and the existing agricultural activities can continue.

Clause 14.01-1L Dwellings and subdivisions in rural areas

The objective of this clause is:

- *To protect productive agricultural land from competing and inappropriate land uses, including residential use not associated with agriculture.*
- *To prevent dwelling excisions and the development of existing small rural allotments from prejudicing any existing surrounding agricultural activities.*

Strategies

- *Discourage dwellings and subdivision (including house lot excisions) unless:*
 - *It is required to support the agricultural use of the land.*
 - *Off-site impacts and land use conflicts can be minimised and it will not result in reduced agricultural capability of the land or long-term viability of rural production in the area.*
 - *It will result in no net loss of vegetation.*
 - *Any development is sited, designed and constructed to mitigate bushfire risks.*
 - *The provision of necessary infrastructure for the dwelling or lot created (such as access to potable water supply, effluent disposal and stormwater drainage systems) is consistent with the capability of the land.*

Response: The proposed house lot excision will support the agricultural use of the land where the proposed lot 1 will continue to support grazing cattle and proposed lot 2 can continue grazing cattle or other livestock or keep horses. There will be no off-site impacts or land use conflicts as there is no adjoining agricultural land and the roads on the Subject Land's boundaries act as a natural buffer to nearby farmland. No vegetation will be lost through the subdivision and the location of the new crossing avoids vegetation on the road reserve.

- *Plan for the lot created for an existing dwelling to be the smallest practicable lot based on the characteristics of the site including necessary setbacks from the road frontage, dams, topography and vegetation.*

Response: The proposed lot sizes reflect the existing development and infrastructure on the land and ensures that the subdivision does not result in the potential for any further residential development of the land.

- *Site and design development to not adversely impact existing rural activities conducted on site and on adjoining land.*

Response: No further development is proposed as part of the subdivision.

- *Avoid development (including subdivision) that is likely to lead to a concentration of small lots or dwellings and change the use and development of an area or result in a loss of its rural character, unless the clustering of dwellings will not limit the productive use and development of adjacent agricultural land.*

Response: The proposed house lot excision will not lead to a concentration of lots that will change the general use and character of the area, nor impact or limit the productive capacity of the land or nearby land. The surrounding area contains a number of smaller lots containing dwellings and the proposed subdivision is in keeping with the existing land use and characteristics of the area.

Policy guidelines

The relevant considerations are addressed as follows:

The main dwelling to be excised is occupied and in a habitable condition. The proposed size of the lot to contain the main dwelling is of a size that provides for the inclusion of recently planted ornamental trees and a grazing paddock to accommodate the small herd of cattle. This then provides for the balance lot to contain the existing cottages and grazing land for the keeping of livestock or horses. Due to the characteristics of the Subject Land, namely that it is bounded on every side by a road and the dwellings already exist on the land, there is little to no risk of any land use conflicts nor off-site impacts on nearby agricultural activities. The size and shape of the land prevents any further subdivision.

General Provisions

Clause 65 Decision Guidelines

Clause 65.01 Approval of an application or plan

Guideline	Assessment
The matters set out in s60 of the <i>Planning and Environment Act 1987</i> .	The proposed subdivision is consistent with the objectives of the Scheme and satisfies the Scheme's requirements.
The Municipal Planning Strategy and the Planning Policy Framework.	The MPS and PPF have been addressed above.
The purpose of the zone, overlay or other provision.	The proposed subdivision is consistent with the purposes of the FZ and addresses the requirements of the ESO.
Any matter required to be considered in the zone, overlay or other provisions.	All matters have been considered and the proposed subdivision satisfies the requirements of the zone and overlays.
The orderly planning of the area.	The proposed subdivision will not impact on the surrounding land uses and development.
The effect on the amenity of the area.	The proposal will not have an adverse effect on the amenity of the area.
The proximity of the land to any public land.	Not applicable.
Factors likely to cause or contribute to land degradation, salinity or reduce water quality.	The proposed house lot excision will not cause or contribute to land degradation, salinity or the reduction in water quality.
Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.	The proposal will have no impact on stormwater.
The extent and character of native vegetation and the likelihood of its destruction.	Native vegetation has been avoided in the design of the subdivision and all new boundaries will either follow existing fencelines or be located at least 1 metre from remnant vegetation.
Whether native vegetation is to be or can be protected, planted or allowed to regenerate.	The native vegetation on the land is protected from the farming operations and will continue to be protected.

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 proposed house lot excision will not increase the potential flood, erosion or fire hazard to the Subject Land.
The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.	Not applicable.

Clause 65.02 Approval of an application to subdivide land

Guideline	Assessment
The suitability of the land for subdivision.	The Subject Land is well suited for the proposed house lot excision, being bounded by roads on all boundaries and thus not having an impact on any adjoining land.
The existing use and possible future development of the land and nearby land.	With the main dwelling being located on proposed lot 1 and the two cottages located on proposed lot 2, the development potential on the proposed lots is limited. Any future development on nearby land will not impact the proposed lots.
The availability of subdivided land in the locality, and the need for the creation of further lots.	The proposed house lot excision provides for smaller lots in a rural location where each of the lots has already been developed with a dwelling.
The effect of development on the use or development of other land which has a common means of drainage.	The proposed house lot excision will not affect the drainage of the Subject Land.
The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.	The proposed house lot excision will not impact existing vegetation, with all native vegetation being avoided in the layout of the subdivision. The proposed house lot is in proximity to a number of smaller lots in the area.
The density of the proposed development.	Not applicable.
The area and dimensions of each lot in the subdivision.	Proposed lot 1 is 4.43 hectares and proposed lot 2 is 4.27 hectares. The subdivision layout responds to the characteristics of the Subject Land and surrounding areas.
The layout of roads having regard to their function and relationship to existing roads.	No new roads are proposed.
The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.	Not applicable.
The provision and location of reserves for public open space and other community facilities.	Not applicable.
The staging of the subdivision.	Not applicable.
The design and siting of buildings having regard to safety and the risk of spread of fire.	Not applicable.

The provision of off-street parking.	Not applicable.
The provision and location of common property.	Not applicable.
The functions of any body corporate.	Not applicable.
The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.	Not applicable.
If the land is not sewerered and no provision has been made for the land to be sewerered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.	The effluent disposal fields for the main dwelling and two cottages are each contained within the confines of the proposed respective lots.
Whether, in relation to subdivision plans native vegetation can be protected through subdivision and siting of open space areas.	No remnant native vegetation will be or needs to be removed as part of the proposed subdivision.

Conclusion

The proposed house lot excision provides an opportunity to create two lots from a unique parcel of land, where there are no immediate abutting properties, thereby reducing the capacity to be consolidated with adjoining farmland, and where the farming potential of both lots can be realised through separate ownership. The subdivision is in keeping with the land subdivision character of the area due to the significant number of small lots in proximity to the land. The proposed lots are 2.5 kilometres from the central area of Merrijig and are developed with existing houses with the main dwelling to be located on proposed lot 1 and the two cottages to be located on proposed lot 2. The Subject Land contains existing remnant native vegetation in addition to planted exotic vegetation and the proposed subdivision layout has avoided all remnant native vegetation. The proposed house lot excision is consistent with the purpose and objectives of the Scheme, namely the Municipal Planning Strategy and Planning Policy Framework, the purpose and requirements of the FZ, and the requirements of the ESO. The proposal ensures the continual operation of farming activity on the land and will result in no detrimental impact on any surrounding farmland. We therefore respectfully request that a planning permit for a house lot excision (two lot subdivision) of the Subject Land is issued at your earliest convenience.

Angelina Bell
Principal Solicitor
Bell Legal & Planning

24 January 2024

D.A. - 23

RE RFI - Wastewater
PO 11/24
434 Buttercup Rd
Merrig

Received direct from
applicant (6 pages)
My requirements satisfied



MANSFIELD SHIRE *Reddy*

MANSFIELD SHIRE COUNCIL	
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FILE NO.	2 10 P
FILE NO.	
FILE NO.	

Proposed subdivision plan.



Existing effluent area in blue



MANSFIELD SHIRE

Septic System Report

Office Use Only
 File No.:
 Application No.:

In accordance with septic system 'permit to use' conditions and EPA certificates of approval, the system installed at the address below has been inspected by me.

Property Address

No. 434 Lot No. PS / LP COTTAGE'S
 Street BUTTERCUP ROAD Locality MERRIJIG

Owner (or Occupier)

Name DES #MARY DAWN
 Address 434 BUTTERCUP ROAD MERRIJIG
 Phone 0412 311 319 Email desmarydawn@gmail.com

Date of Inspection: 27.3.2024

A) Septic System desludging

- Date desludged 4.4.2024 By: Henry the Third
- Evidence attached (copy of receipt etc.)
- Does not require desludging due to sludge level being approx. 0 % (being less than 50% of tank volume)

B) The effluent disposal area has been inspected and has been found to be:

- Operating satisfactorily
- Not damaged - fenced and/or otherwise protected
- Contains all wastewater
- Requires no maintenance work

C) Comments regarding works undertaken or required to meet EPA certificate requirements and standard performance criteria (please turn overleaf if more space is required):

septic system as per attached permit

D) A plan of the system layout is attached showing all principal system components and site features

I certify this to be true and correct:

Certifier Name: <u>Andrew Rickard</u>	Relevant Qualification: <u>PLUMBER</u>
Phone: <u>0412 553952</u>	Registration No. or level of competency: <u>26509</u>
Address: <u>1671 WALGARATHA/KARRWONG RD KILAWARRA.</u>	
Signed: <u>A. Rickard</u>	

Please return completed form to the Environmental Health Department - Mansfield Shire Council:

Post: Private Bag 1000, Mansfield Vic 3724 In Person: 33 Highett Street, Mansfield Vic 3722
 E-mail: council@mansfield.vic.gov.au Fax: 03 5775 2677

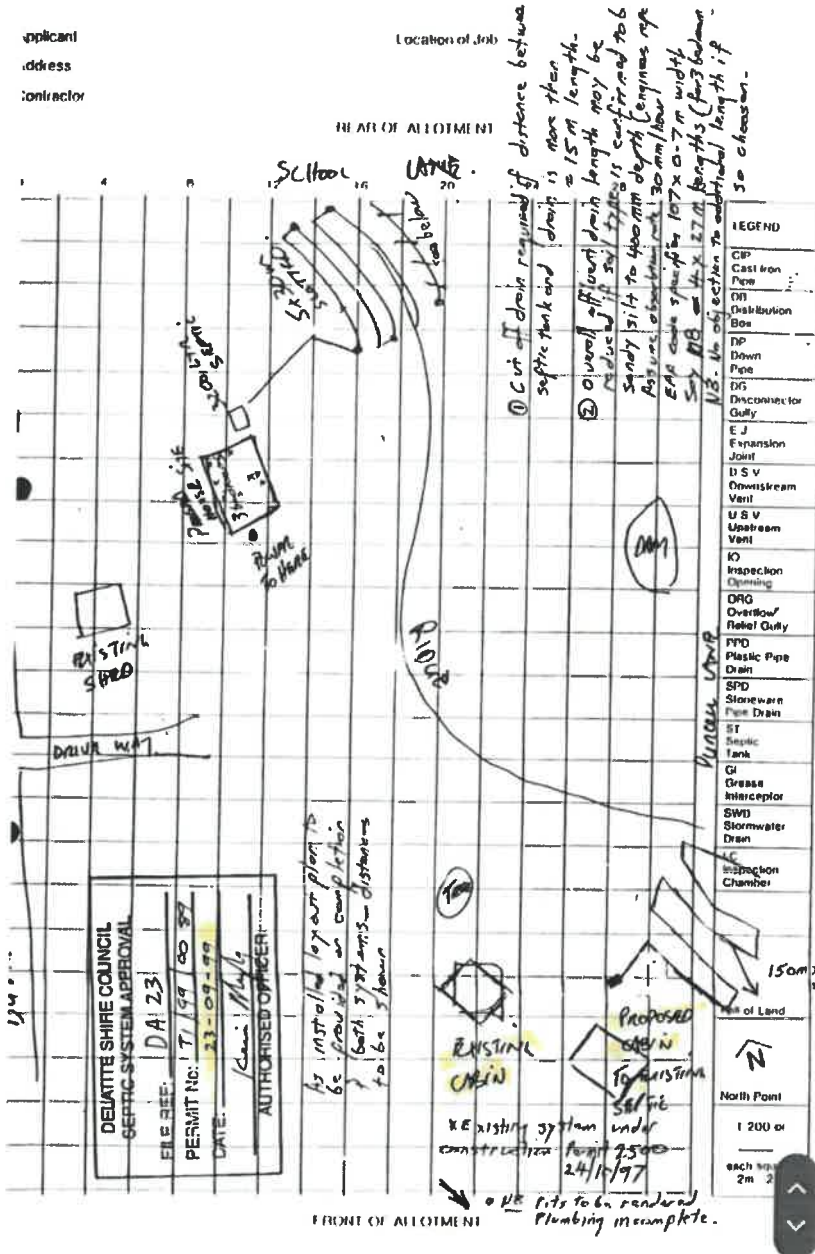
Cottages

applicant
address
contractor

Location of Job

REAR OF ALLOTMENT

FRONT OF ALLOTMENT



- ① Cut off drain required if distance between septic tank and drain is more than 15m length.
 - ② Overall effluent drain length may be 150m if 300mm depth (longer may be sandy soil to 400mm depth) long as pipe is 100mm dia. 30mm floor.
- EAP code specifies 107 x 0.7 m width.

See RB at 14 x 17.0 lengths (for 3 below).

N.B. No objection to additional lengths if so chosen.

As installed by our plan is to be provided on completion of both systems - distances to be 5 hours

EXISTING SPTIC

PROPOSED DRAIN TO EXISTING SPTIC

EXISTING system under construction permit 2500-24/1/97

0.1m fits to be rendered Plumbing incomplete.

Cottages septic.



Septic System Report

Office Use Only
File No.:
Application No.:

In accordance with septic system 'permit to use' conditions and EPA certificates of approval, the system installed at the address below has been inspected by me;

Property Address	No: <u>434</u> Lot No.: _____ PS / LP: _____	<u>MAIN HOUSE</u>
	Street: <u>BUTTERCUP ROAD</u> Locality: <u>MERRIJIG</u>	

Owner (or Occupier)	Name: <u>DES & MARY DUNN</u>
	Address: <u>434 BUTTERCUP RD MERRIJIG</u>
	Phone: <u>0412311319</u> E-mail: <u>desmarydunn@gmail.com</u>

Date of inspection: 27, 3, 2024

A) Septic System desludging

- Date desludged 1, 2022 By: Henry the third
- Evidence attached (copy of receipt etc.)
- Does not require desludging due to sludge level being approx. 5 % (being less than 50% of tank volume)

B) The effluent disposal area has been inspected and has been found to be:

- Operating satisfactorily
- Not damaged - fenced and/or otherwise protected
- Contains all wastewater
- Requires no maintenance work

C) Comments regarding works undertaken or required to meet EPA certificate requirements and standard performance criteria (please turn overleaf if more space is required):

Only 2 people using system, septic tank is approx 5000 litre. PERMIT N° DA 23

D) A plan of the system layout is attached showing all principal system components and site features

I certify this to be true and correct:

Certifiers Name: <u>ANDREW RICKARD</u>	Relevant Qualification: <u>PLUMBER</u>
Phone: <u>0418553958</u>	Registration No. or level of competency: <u>26509</u>
Address: <u>1671 WANGARATTA / YARRAWONGA RD.</u>	
Signed: <u>A. Rickard</u>	

Please return completed form to the Environmental Health Department - Mansfield Shire Council:

Post: Private Bag 1000, Mansfield Vic 3724 In Person: 33 Highett Street, Mansfield Vic 3722
 E-mail: council@mansfield.vic.gov.au Fax: 03 5775 2677

Main house

*Farm Management Plan:
434 Buttercup Road Merrijig*



Sue Ablitt

North East Ecology

For: Mary and Des Dunn

October 2023

Cover photograph: Main paddock and dam, from the east, with large old tree group and cottages to the right, and Purcells Road to the left.

Sue Ablitt

North East Ecology

Mansfield, Vic.

Phone: 0429 143 647

Email: sue@northeastecology.com.au

Website: www.northeastecology.com.au

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1. Introduction

1.1 Project background

The property owners at 434 Buttercup Road, Merrijig, Victoria are applying to Mansfield Shire Council for the subdivision of the existing property of 9.7 hectares into two lots of approximately 4.43 and 4.27 hectares each. Mansfield Shire Council has suggested the preparation of a Farm Management Plan, to accompany the permit application.

To meet this requirement, the applicants engaged Sue Ablitt, North East Ecology, to assess the property and prepare a Farm Management Plan.

1.2 Property location and description

The property is triangular, with road frontages to Buttercup Road on the north west, Purcells Road on the south, and School Lane on the east. It is located about 2.5 kilometres north of the central area of Merrijig (Figure 1).

There are three dwellings on the property, the main house and two cottages, adjacent to each other, which are presently rented out. The land is fenced into paddocks and has been cleared historically for stock grazing. There are some remnant native trees, including a significant group of very large old Eurabbie (Victorian Blue Gums) near the cottages. Some locally native trees and a selection of exotic deciduous trees have also been planted on the property.

The property is gently sloped, falling away towards the south east corner, with elevations of around 500 metres. There is one large farm dam near the southern boundary, and a bore has been installed near the main house. Long term rainfall for the Merrijig area is about 900 mm per annum.

The property is in the Central Victoria Uplands bioregion, and within the upper parts of the Goulburn Broken Catchment Management Authority (GBCMA) region.

Under the Mansfield Shire Council Planning Scheme, the property is zoned Farming (FZ). It is also subject to two overlays, the Environmental Significance and the Significant Landscape Overlays (ESO and SLO).

2. Past and current land use

The property has been in current ownership and management since 2013. Since acquiring the property, the owners have used the land for grazing cattle and sometimes horses. Previously they raised cattle for sale, but have reduced stocking in recent years, as there is not sufficient feed for a larger herd. Currently there are only four cattle and one horse. In some years the pasture has also been cut for hay.

Fencing has been installed to create an additional small paddock, and to section out some land for the deciduous tree plantation, so that there are now two small paddocks and one large paddock for grazing. Grazing is rotated through the paddocks to rest the pasture in each section.

All the pasture areas were fertilized with super a few years ago, and grass cover is generally very good.

Blackberry has been controlled effectively throughout the property (see section 5 for more details on weeds and pest animals). Other weeds such as Spear Thistles and St John's Wort have also been treated.

3. Agricultural assets

Pasture is dense and generally in good condition, without bare patches. However, it tends to carry lower nutrient grasses, such as Sweet Vernal-grass, Yorkshire Fog, Panic Veldt-grass, Brown-top Bent and Paspalum, and/or herbaceous weeds such as Flatweed and Dock, although some more nutritious grasses, such as Cocksfoot and Rye-grass are found in limited areas. This suggests that pasture areas would benefit from pasture improvement that includes the sowing of more nutritious grasses and clovers.

A small horse holding area near the horse box in front of the cottages has more weedy plants, such as Capeweed, and some bare soil, because it has intentionally been grazed more intensively.

There are cattle yards near the main house area.

Good shade is available for stock throughout the property, either from remnant or planted trees on the property, or from the roadside vegetation around the property.

The dam provides a very good water supply for stock. It is thought to be spring fed, as the fill level remains high even during dry spells of weather. The new bore also provides water for a stock trough, and for the house and garden.

Erosion was not observed to be a problem anywhere on the property.

3. Native vegetation

3.1 Native vegetation

The property supports some native vegetation remnants, although historically most of the land has been cleared for agriculture. Native vegetation is the term used to describe any indigenous plants that are remnants, or natural regeneration, of the original pre-European landscapes. In addition to any trees, it includes shrubs, and smaller plants such as native grasses, herbs, ferns, rushes and sedges.

There are 14 large old remnant trees on the property, as shown in Figure 3, plus a large standing dead tree, which still has habitat value. All are Eurabbie, or Victorian Blue Gums (*Eucalyptus globulus subsp. bicostata*). Many of these trees are exceptionally large; all have a DBH (diameter at breast height) of over one metre, with some over two metres in diameter (see Table 1). It is likely that some of these trees have been growing here since before the arrival of Europeans to the area. Eurabbie, or blue gums, have been preferentially taken for

timber in Merrijig and surrounding areas, or cleared for farming, and it is highly unusual to see any of this age.

Table 1: Large old trees

All trees are the same species: *Eucalyptus globulus subsp. bicostata* (Eurabbie, or Victorian Blue Gum)

Identifier	DBH (Diameter at breast height)	Location
A	199 cm	West of cottages
B	214 cm	West of cottages
C	130 cm	West of cottages
D	119 cm (almost dead)	West of cottages
E	175 cm	South of cottages
F	196 cm	South of cottages
G	101 cm	South of cottages
H	180 cm	South of cottages
I	261 cm	East of cottages
J	147 cm	East of cottages
K	170 cm	East of cottages
L	206 cm	East of cottages
M	193 cm	East of cottages
N	259 cm	Western corner of property
O	174 cm - dead	Western corner of property

These large old native trees are particularly valuable for wildlife habitat due to the formation of hollows, and cannot be replaced in the landscape, except in the very long term. All are significantly larger than the Department of Energy, Environment and Climate Action (DEECA) definition of a large tree for their native vegetation class (Herb-rich Foothill Forest - DSE 2004). The health of these trees varies from poor to very good.

There are also some smaller paddock trees, that have either been planted or regenerated naturally (Figure 3). Some naturally occurring native plants are also present in and around the dam: Slender Spike-sedge, Native Rushes and Furrowed Pondweed. However, the White Waterlily, which has large, conspicuous floating leaves, is an introduced species.

The roadsides around the property also carry native vegetation, including some larger trees. Buttercup Road has retained some diversity of native vegetation, including understorey species, and has higher cover than Schools Lane and Purcells Road, which have been cleared along some parts of the property boundaries.

3.2 Flora

The property was surveyed for vascular flora species. A total of 41 flora species or genera were recorded; of these 13 are indigenous flora and 28 are introduced species. For the full list refer to Appendix 1. The species list does not include all the planted flora, such as garden ornamentals around the buildings, or the deciduous trees planted in a paddock near the main house.

Some pasture species, grasses, or small introduced herbaceous plants may also have been omitted. However, the survey was expanded to include some species found on adjacent roadsides.

3.3 Ecological Vegetation Classes

Ecological Vegetation Classes (EVCs) describe the native vegetation that was present before European settlement, and whatever is still present in bushland areas, or as remnants such as paddock trees, in agricultural or urban landscapes.

EVCs are mapped by DEECA. For this property, maps indicate that the original vegetation was Valley Grassy Forest (EVC 47), but the remnant native vegetation suggests that Herb-rich Foothill Forest (EVC 23), which occurs nearby, is likely a better match. In largely cleared areas, where little native vegetation remains, these mapped EVCs can guide the selection of plant species for any revegetation or indigenous planting.

4. Pest plants and animals

4.1 Declared noxious weeds

Four declared noxious weeds – Cape Broom, Spear Thistle, St John's Wort and Blackberry - were found to occur on the property, but the number of plants is very low. Locations where weeds occur are shown in Figure 4.

Blackberry, Cape Broom and St John's Wort are all listed under the *Catchment and Land Protection Act 1994* (CaLP Act) and have the status of Regionally Controlled in the Goulburn Broken Catchment regional area (Agriculture Victoria 2017). Regionally Controlled weeds are declared noxious weeds that are already present in the region and are usually widespread. Continued control measures are required to prevent further spread to clean land. Land managers must meet obligations under the CaLP Act to prevent the growth and spread of all Regionally Controlled weeds.

Herbicide has been used very effectively reduce and control Blackberry on this property. Several clumps of dead canes were observed, but only one small live plant. Monitoring for Blackberry throughout the property is recommended as a long term measure, as the weed will tend to reappear, sometimes at the site of past infestations, or from berries spread by birds and animals.

Cape Broom can also be controlled by use of herbicide, but individual shrubs can also be dug out. In either case the area needs to be monitored for young plants as a follow up, as Cape Broom seed remains viable in the soil for many years.

St John's Wort is usually controlled with herbicide. It can be dug out, but rhizomes tend to remain in the soil where they will regerminate.

Under the CaLP Act Spear Thistle (*Cirsium vulgare*) has a less serious status than Blackberry, as it is classified as a Restricted weed. Restricted weeds threaten primary production, public land, the environment or community health, but do not carry the same obligations for control under the CaLP Act. However, it is recommended that the control of Spear Thistle is continued on this property. This can be achieved by manual hoeing, or treatment with a suitable herbicide.

In summary, due to existing management, the property is almost free of declared noxious weeds, and with some follow up, as described above, it is likely these could be eliminated.

4.2 Environmental weeds

Two recognised environmental weeds were found at the property, Cootamundra Wattle (*Acacia baileyana*) and Egg-leaf Spurge (*Euphorbia oblongata*). Environmental weeds are plants that invade natural ecosystems such as national parks and bushland, and which have a serious impact on indigenous biodiversity.

There are two Cootamundra Wattles, which have probably been planted on the property. While these small trees are native to Australia, they are not native to Victoria, and tend to be invasive in bushland or roadsides, beyond their naturally occurring range. While removal of Cootamundra Wattle is recommended, in an environment such as a farm, that is already highly modified, it is not a high priority for action.

The Egg-leaf Spurge, which spreads from the property across into the adjacent roadside, is likely to spread further and invade the roadside vegetation and may also become a problem on the cleared land of the property. Control or removal of the Spurge is recommended.

4.2 Pest animals

Under the *Catchment and Land Protection Act 1994* (CaLP Act) landowners are obligated to control established pest animals on their land. Established in this sense means established in Victoria, not necessarily on any particular property. These pest animals include European Rabbit, Fox and Cat. The Act states: *'In relation to his or her land a land owner must take all reasonable steps to prevent the spread of, and as far as possible eradicate, established pest animals.'*

No evidence suggesting the presence of rabbits or foxes was observed on the property. The landowners report occasional sightings of rabbits, foxes and hares. Pest animals are unlikely to be a problem at this property.

5. Potential impacts of proposed subdivision

The proposed subdivision is unlikely to have substantial impacts on farm management. Possible changes to agricultural activities are discussed in section 6.1 below.

However, the proposal does include a new driveway, from Purcells Road, to access the cottages. In addition, the present owners may wish to construct a new dam on Lot 1, as the existing large dam is within proposed Lot 2.

5.1 New driveway – Lot 2

In locating the optimum position for the proposed new driveway, impacts on native vegetation, in this case scattered native trees, need to be considered. Although there is a limited exemption from a permit to remove native vegetation on roadsides, in order to construct an access road, the requirement to avoid and minimise removal of native vegetation is still applicable.

In addition to avoiding the removal of trees where possible, impacts on trees that could affect their health and future survival should also be considered. The standard way of gauging these impacts is to determine the Tree Protection Zone (TPZ). This circular area around each tree is calculated by the radius of the tree trunk (taken from DBH measurement) multiplied by 12. This area acts as a proxy for the extent of the living root system of each tree. Tree roots can be adversely affected by activities such as compaction, soil disturbance, stockpiling of materials, and surface sealing. Under native vegetation legislation, any tree where more than 10% of the TPZ is affected by construction is deemed as lost, to allow for the foreseeable risks.

Other considerations for the new entrance point and driveway were minimising the length of the driveway, and siting on level ground, to minimise any potential erosion resulting from earthworks.

Figure 5 shows three entrance points:

- Initial placement – a visual assessment of trees, on both the property and the roadside, showed that there is insufficient space at this point on the boundary to avoid impacts on trees once the TPZ of all trees is considered.
- Preferred placement - this also shows placement of the driveway through to one of the cottages. At this point there is sufficient space to avoid significant impacts on roadside trees.
- Existing farm gate – this offers very good clearance of roadside trees but results in a longer driveway.

Impacts on the large old Eurabbie trees near the cottages were also considered. The proposed driveway (preferred) passes between two groups of the trees (A to D and E to H) while avoiding any incursions into the Tree Protection Zones. At the cottage fence two or three small trees will need to be removed; but these are all planted species, including a Cootamundra Wattle, documented as an environmental weed (section 4.2), so are not native vegetation.

The preferred placement of the entrance is also shown in Photo 5.

5.2 New dam – Lot 1

It is possible that a new dam could be constructed on Lot 1 if subdivision is approved. An area that appears suitable exists near the south east corner of Lot 1, where the land slopes down towards the boundary in a broad drainage hollow.

However, there is a good supply of water for both stock and domestic use, from the bore currently operating near the main dwelling, so a new dam is not essential for the continuation of current farming activities.

6. Future farming activities and management recommendations

6.1 Agriculture

If the proposed subdivision is approved, the present landowners wish to retain their current four head of cattle on proposed Lot 1. The cattle would be kept and managed to keep the pasture low, rather than as a commercial enterprise.

Lot 2, as proposed, may be a suitable property for horses. Alternatively, a small number of other animals, such as sheep, cattle or alpacas, could also be kept, depending on the new land owner or manager's wishes.

On both proposed lots, the land managers could continue to cut hay as wanted.

Pastures could be improved to a more nutritious mix by reseeding and possibly additional fertilising. Soil testing would help to identify if fertiliser is needed. Cropping and mulching to improve soil condition may also be an option. Professional advice from an agronomist is recommended if pasture improvement is undertaken.

While the proposed subdivision obviously results in smaller lots, the existing land, at a size of 9.7 hectares, is already too small to run as a commercial grazing property. Hence it seems unlikely that agricultural land use will change substantially if the subdivision into two lots is approved.

6.2 Protection and enhancement of large old trees

The large group of old Eurabbie (blue gum) trees on this property are a valuable and irreplaceable part of the local landscape, for biodiversity and habitat. While some are in good health, others are deteriorating. The decline in health is unlikely to be related only to the age of the trees. Stock grazing and any vehicle traffic create compaction, and the presence of stock also increases nutrient levels, which usually has adverse effects on native species. To improve the health and survival of these trees, it is recommended that they are fenced to exclude grazing and any vehicle traffic.

In siting the proposed protection area, the TPZs of all the old trees in the main group near the cottages were considered (see Figure 6). As discussed previously (when recommending placement of the proposed new driveway - section 5.1) the TPZ is intended to give an indication of how far out each tree's living root system extends from the base of the trunk.

However, due to the existing cottage infrastructure, not every part of each tree's TPZ can be included in the protection zone.

In addition, the proposed new driveway for Lot 2 has been allowed for by creating a five metre fenced corridor, that divides the protection area into two parts.

Enhancement of the protection area with local indigenous understorey species is also recommended. Once established, the indigenous native plants will support many beneficial insects. These insects, and other food resources such as nectar and seeds from the plants, will attract a greater diversity of indigenous bird species. The birds will in turn support the health of the trees by consuming unfavourable or damaging insects and other invertebrates.

There is unlikely to be substantial loss of grazing land from establishing this tree protection and enhancement area. This section of the property cannot easily be cut for hay. Given the height of the trees, they will continue to provide shade for stock immediately outside the fenced area.

Three of the large old trees are currently within the garden fence of the cottage further to the north west. This cottage fence will need to be realigned, as shown in Figure 6. The trees are unsuitable for a garden area, and there has been some concern regarding fallen branches, although blue gums are not known for this. Fencing them out of the cottage garden area will reduce the risk of any limbs falling into frequently used outdoor spaces. The measures recommended to improve the health of the trees should also reduce the probability of more branches dying or falling.

Stock will need to be fully excluded from grazing the proposed enhancement zone, as grazing inhibits natural regeneration and is damaging to young plants. For newly planted trees and other plants, small guards are recommended, to reduce grazing by any native animals or rabbits, while the plants are becoming established. However, small guards will not prevent plants being knocked, trampled, or browsed by cattle or horses. A stock proof fence will need to be constructed around the perimeter of the protection area, including the realignment of the cottage fence. It is recommended that the fence is made of multistrand plain wire, as barbed wire can be harmful to wildlife.

The minimum time before stock can be reintroduced is five years, to allow plants to become fully established. Permanent exclusion or a longer time frame is recommended if possible, and then only occasional light grazing, to keep any remaining pasture grasses low.

Within the tree protection zone all trees and remnant native vegetation, including dead trees, need to be retained. Fallen trees or logs are also a valuable habitat component, supporting fauna such as insects and small reptiles which in turn provide food for larger animals and birds. Finer organic matter, such as small branches, twigs and leaves on the ground are also beneficial, and should also be retained where they fall. Piling up, burning or removal of any fallen timber or organic matter should be avoided.

Suitable indigenous plants for revegetation are listed in Table 1. These have been selected from plants recorded as already growing on the immediate roadside, and from the Herb-rich Foothill Forest revegetation guide for the Mansfield area (GBCMA website 2023). Local sources

of indigenous plants should be used wherever possible, as these are best adapted to local conditions.

Table 1: Enhancement planting list

Species to be planted			
Bioregion	Central Victoria Uplands		
EVCs	23: Herb-rich Foothill Forest		
Area	0.79 ha		
Lifeform	Scientific name	Common name	Number
Small trees	<i>Acacia melanoxylon</i>	Blackwood	25
	<i>Acacia dealbata</i>	Silver Wattle	
	<i>Acacia mearnsii</i>	Black Wattle	
	<i>Pomaderris aspera</i>	Hazel Pomaderris	
Shrubs (1-3 m tall)	<i>Acacia pravissima</i>	Ovens Wattle	150
	<i>Bursaria spinosa</i>	Sweet Bursaria	
	<i>Cassinia aculeata</i>	Common Cassinia	
	<i>Cassinia longifolia</i>	Shiny Cassinia	
	<i>Coprosma quadrifida</i>	Prickly Currant-bush	
	<i>Daviesia latifolia</i>	Hop Bitter-pea	
	<i>Daviesia leptophylla</i>	Narrow-leaf Bitter-pea	
	<i>Leptospermum continentale</i>	Prickly Tea-tree	
	<i>Melicytus dentatus</i>	Tree Violet	
	<i>Prostanthera lasianthos</i>	Victorian Christmas-bush	
Groundcovers and climbers (<1 m tall)	<i>Billardiera mutabilis</i>	Common Apple-berry	175
	<i>Bossiaea prostrata</i>	Creeping Bossiaea	
	<i>Chrysocephalum semipapposum</i>	Clustered Everlasting	
	<i>Clematis aristata</i>	Mountain Clematis	
	<i>Comesperma volubile</i>	Love Creeper	
	<i>Coronidium scorpioides</i>	Button Everlasting	
	<i>Dianella tasmanica</i>	Tasman Flax-lily	
	<i>Hardenbergia violacea</i>	Purple Coral-pea	
	<i>Lomandra longifolia</i>	Spiny-headed Mat-rush	
	<i>Platylobium montanum</i>	Mountain Flat-pea	
	<i>Poa labillardierei</i>	Common Tussock-grass	
	<i>Poa sieberiana</i>	Grey Tussock-grass	
	<i>Stylidium graminifolium</i>	Grass Triggerplant	
	<i>Viola hederacea</i>	Ivy-leaf Violet	
TOTAL			350

Densities of planting, which determine the number of plantings shown in Table 1, are derived from native vegetation offset standards (DELWP 2017), modified to allow for the remnant trees already present. A combination of species from different plant life forms – small trees, shrubs and groundcovers - will improve habitat and shading. Only understorey species are recommended, due to the mature trees already present, which are likely to further regenerate in the absence of grazing. Planting of eucalypt trees should not be needed.

Plants need to be ordered as tube stock in the spring (prior to planting in autumn or winter), as well as stakes, weed mat and a guard for each plant. The recommended weed mats are the circular recycled cardboard discs sometimes known as ‘pizza plates’. These provide suppression of pasture grasses and weeds while the new plant establishes but break down harmlessly in the environment over time.

In preparing this site for enhancement planting, deep ripping must be avoided as it could damage the roots of the old Eurabbie trees. The use of herbicide should also be avoided, as it is liable to have an adverse effect on the trees. Brushcutting of tall grasses and weeds at planting sites, immediately before planting, is recommended to reduce competition with the new plants.

When planting it is best to wait until there has been good rainfall in late autumn or winter. Do not plant in rows; instead, create a natural effect with clumps of vegetation, small clearings and varied plant heights.

Grants may be available for fencing or the purchase of native plants. Further advice can be obtained by contacting local Landcare groups, or the Goulburn Broken Catchment Management Authority.

Note that this protection and enhancement zone proposal does not include two very large trees in the south west corner of the property, marked as N and O in Figure 3. This corner could be considered for similar protection in the future. Although Tree O is dead, it should be retained, as standing dead trees in the landscape, especially those that are large, provide valuable habitat.

References

Agriculture Victoria 2017. *Victorian Noxious Weeds List*. Victorian Government Gazette G29, 20 July 2017 (from page 1579).

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Goulburn Broken Catchment Management Authority (website) 2023. *Revegetation Guide for the Goulburn Broken Catchment*.

Royal Botanic Gardens Victoria 2023. *VICFLORA - Flora of Victoria* (website) <https://vicflora.rbg.vic.gov.au>

Figures

Figure 1: Property location

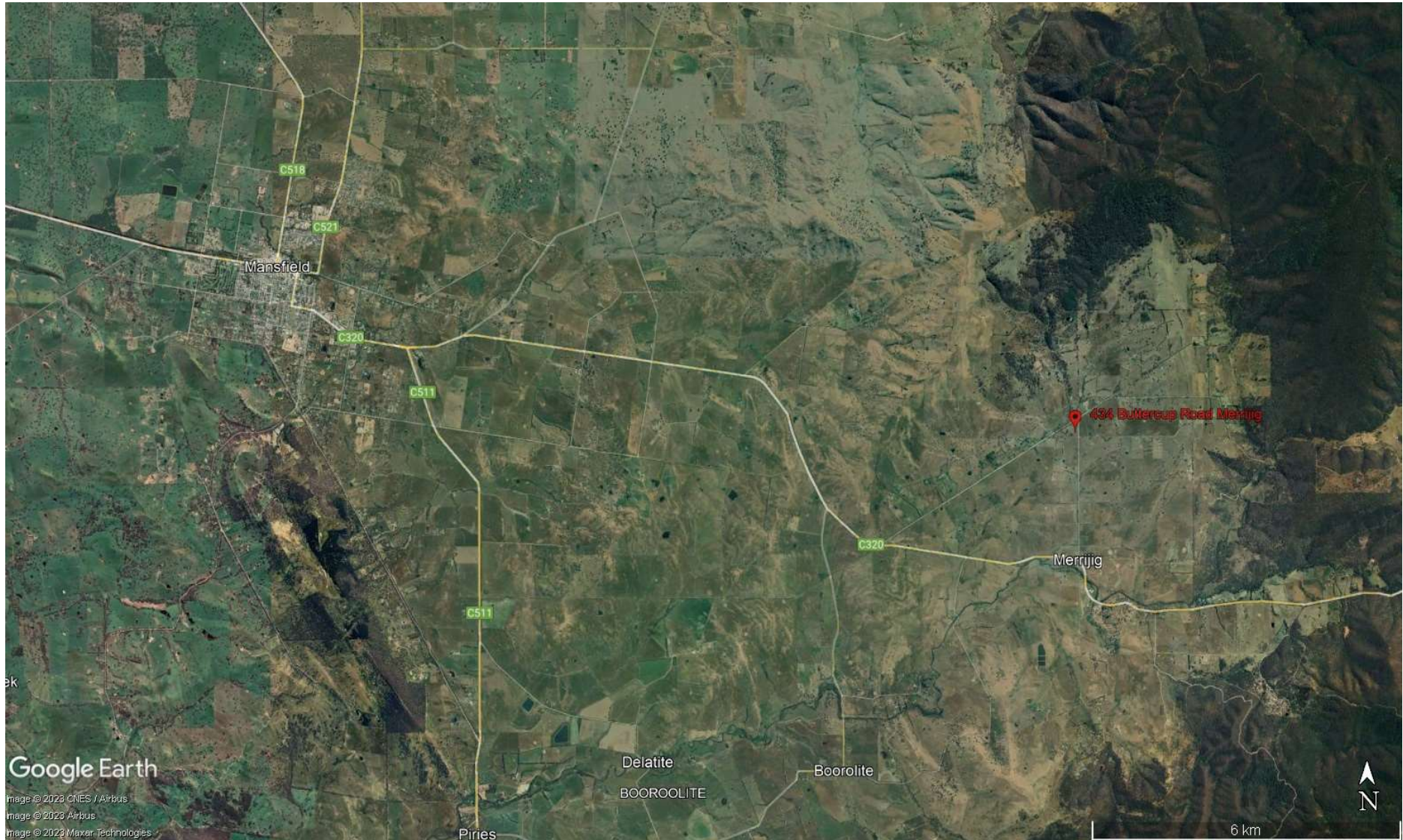


Figure 2: Property overview, proposed subdivision and landscape features



Figure 3: Large old native trees



Figure 4: Noxious and environmental weeds



Figure 5: Proposed new driveway – Lot 2

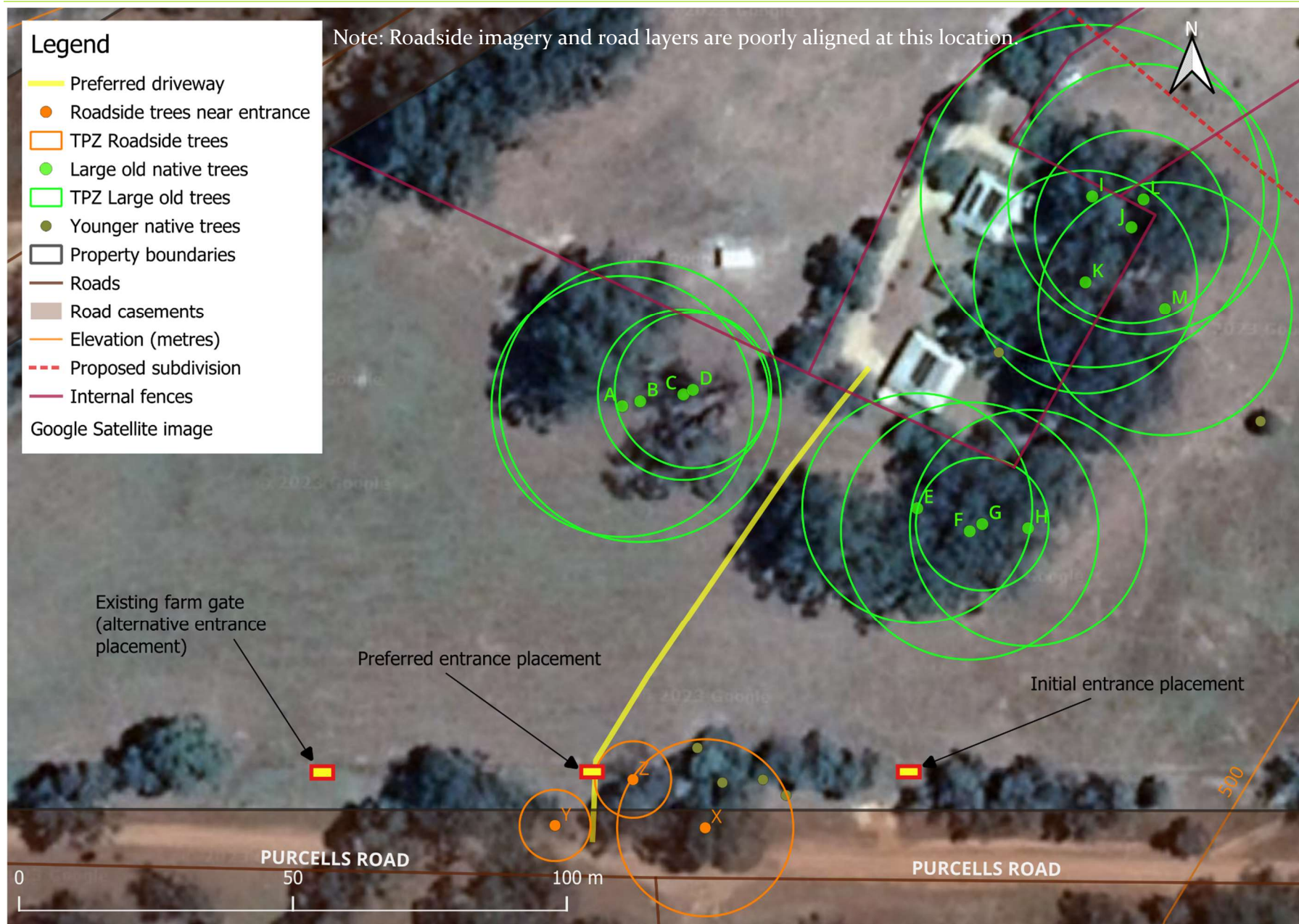


Figure 6: Tree protection and enhancement



Figure 7: Photographs



1. Main house and pasture, from NE.



2. Cattle on property, near School Lane boundary, from N.



3. Deciduous tree paddock established by owners, from W.



4. Hay baled on the property, with NW roadside behind, from SE.



5. Preferred entrance point of driveway to Lot 2, looking outwards to Purcells Road, from N.



6. Edge of dam, with large old trees and cottages behind, from SE.



7. Farm dam, with Schoolhouse Lane boundary behind, from SW.



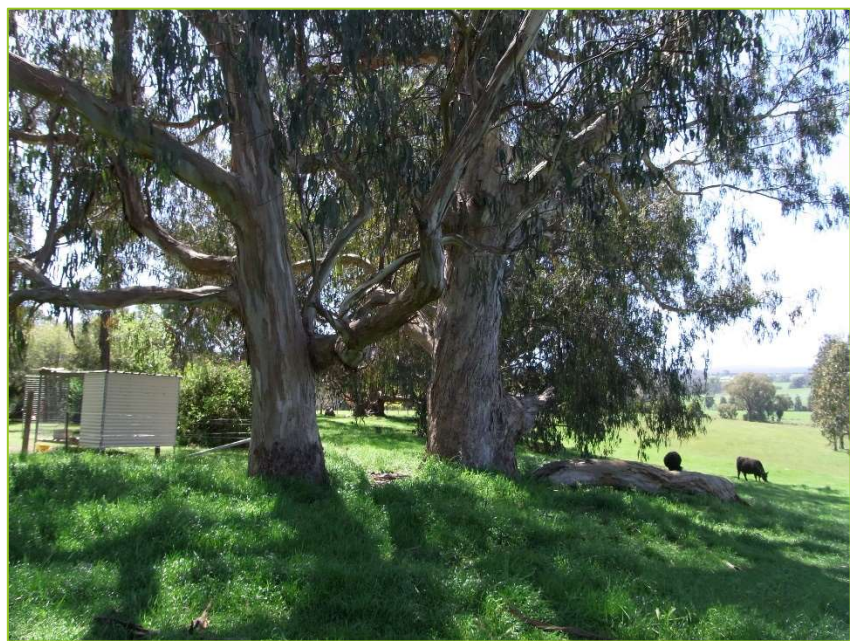
8. Native plants Furrowed Pondweed and Slender Spike-sedge growing in farm dam.



9. Trees A and B, from S.



10. Trees A and B, from E.



11. Trees G and H, from SW.



12. Trees I and J in cottage garden, with Tree L behind J, from SW.



13. Trees C and D (almost dead), Trees E and F in background, from W.



14. Tree E, with Trees A to D behind, cottage area to right, from SE.



15. Trees E and F, from N.



16. Trees N and O, from N.

Key to directions: N – north, S – south, E – east, W – west, NE – north east, SE – south east, SW – south west, NW – north west.

Appendices

Appendix 1: Flora species recorded

* Introduced species (not native)

P Planted

Origin	Scientific Name	Common Name	Location
	<i>Eleocharis gracilis</i>	Slender Spike-sedge	Dam and surrounds
	<i>Juncus spp</i>	Native Rushes	Dam and surrounds
*	<i>Nymphaea alba</i>	White Waterlily	Dam and surrounds
	<i>Potamogeton sulcatus</i>	Furrowed Pondweed	Dam and surrounds
	<i>Eucalyptus globulus</i> <i>subsp. bicostata</i>	Eurabbie	Mapped (Fig xx)
*	<i>Genista monspessulana</i>	Montpellier Broom	Mapped (Fig xx)
P	<i>Eucalyptus melliodora</i>	Yellow Box	Near main house
P	<i>Eucalyptus polyanthemus</i>	Red Box	Near main house
*	<i>Euphorbia oblongata</i>	Egg-leaf Spurge	North-west boundary
*	<i>Acetosella vulgaris</i>	Sheep Sorrel	Paddocks
*	<i>Agrostis capillaris</i>	Brown-top Bent	Paddocks
*	<i>Anthoxanthum odoratum</i>	Sweet Vernal-grass	Paddocks
*	<i>Arctotheca calendula</i>	Cape weed	Paddocks
	<i>Carex breviculmis</i>	Common Grass-sedge	Paddocks
*	<i>Cirsium vulgare</i>	Spear Thistle	Paddocks
*	<i>Dactylis glomerata</i>	Cocksfoot	Paddocks
*	<i>Ehrharta erecta</i>	Panic Veldt-grass	Paddocks
*	<i>Holcus lanatus</i>	Yorkshire Fog	Paddocks
*	<i>Hordeum spp</i>	Barley-grass	Paddocks
*	<i>Hypericum perforatum</i> <i>subsp. veronense</i>	St John` s Wort	Paddocks
*	<i>Hypochaeris radicata</i>	Flatweed	Paddocks
*	<i>Lolium spp</i>	Rye-grass	Paddocks
*	<i>Malva spp</i>	Mallow	Paddocks
*	<i>Medicago spp</i>	Medic	Paddocks
*	<i>Paspalum dilatatum</i>	Paspalum	Paddocks
*	<i>Plantago lanceolata</i>	Ribwort	Paddocks
*	<i>Romulea rosea</i>	Onion Grass	Paddocks
*	<i>Rumex sp</i>	Dock	Paddocks
*	<i>Stellaria media</i>	Chickweed	Paddocks
	<i>Themeda triandra</i>	Kangaroo Grass	Paddocks
*	<i>Trifolium spp</i>	Clovers	Paddocks
	<i>Acacia melanoxylon</i>	Blackwood	Roadside

	<i>Acacia pravissima</i>	Ovens Wattle	Roadside
*	<i>Amyema miquelii</i>	Box Mistletoe	Roadside
	<i>Eucalyptus dives</i>	Broad-leaf Peppermint	Roadside
*	<i>Malus pumila</i>	Apple	Roadside
	<i>Melicytus dentatus</i>	Tree Violet	Roadside
*	<i>Pinus radiata</i>	Radiata Pine	Roadside
*	<i>Prunus cerasifera</i>	Cherry Plum	Roadside
*	<i>Acacia baileyana</i>	Cootamundra Wattle	South boundary
	<i>Acacia mearnsii</i>	Black Wattle	South boundary