

Description of the land affected by the agreement	375 Pollocksford Road, GNARWARRE
Description of the proposal:	Amend Land Management Plan referenced in Section 173 Agreement
Who initiated the proposal:	The proposal was initiated by Fastnet Consulting, who applied to the responsible authority for agreement to the proposal under section 178A of the Planning and Environment Act 1987. In accordance with Section 178A(3) of the Planning and Environment Act 1987 the responsible authority has notified the applicant that it agrees in principle to the proposal.
The application reference number is:	PG24/0335 <i>(Please quote this number when making enquiries)</i>

You may look at the application free of charge and any documents that support the application at the office of the responsible authority:

Surf Coast Shire Council, 1 Merrijig Drive, Torquay VIC 3228
Office hours: Monday to Friday 8.30am – 5.00pm

The application can be viewed online: www.surfcoast.vic.gov.au/Property/Planning/Current-applications

Any person who is given notice of the proposal, or who ought to have been given notice of the proposal under section 178C of the *Planning and Environment Act 1987*, may object to, or make any other submission in relation to, the proposal.

If the responsible authority decides to amend or end the agreement, or refuses to amend or end the agreement, the responsible authority will give notice of its decision to any person who made a submission.

If the responsible authority proposes to amend or end the agreement in a manner that is substantively different from the proposal, the responsible authority will give notice of the new proposal to all parties to the agreement and any other persons to whom the responsible authority considers the decision to amend or end the agreement may cause material detriment.

The Responsible Authority will not make a decision on the proposal under section 178E of the *Planning and Environment Act 1987* before:
(or until a minimum of 14 days after the last notice is given)

06 June 2025



Information about this notice of application to end or amend an agreement under Section 173 of the Planning and Environment Act 1987

What is a Section 173 Agreement?

Council can negotiate an agreement with an owner of land to set out conditions or restrictions on the use or development of the land, or to achieve other planning objectives in relation to the land. These agreements are commonly known as 'section 173 agreements'. The power to enter into the agreement arises under section 173 of the Planning and Environment Act 1987 (PE Act). These agreements can be changed or amended under the provisions of the Act.

Why this notice was sent to you

This application has been advertised in accordance with Section 178C of the Planning and Environment Act, 1987.

We advertise in order to notify other parties to the agreement and surrounding property owners, occupiers, and other interested parties of changes which may affect them. This provides you with the opportunity to raise any concerns with us regarding the application.

How to view plans

You are invited to view the application and associated documents at the Surf Coast Shire Planning Offices – 1 Merrijig Drive, Torquay prior to the closing date nominated on the front of the form (during business hours).

The application can also be viewed online through the following link:

eplanning.surfcoast.vic.gov.au/Account/Login.aspx

Instructions on how to view applications currently on public notice are located on Council's website titled "How to view an application on Public Notification and Make a Submission (surfcoast.vic.gov.au/Property/Planning-and-Building/Planning/Current-applications)

Objections

If you have any related concerns that you want Council to consider, these must be submitted in writing before a decision is made on the application. Your concerns should relate to the planning merits of the application and should outline how you are affected.

How to submit an objection

Instructions on how to **View an Application on Public Notification and Make a Submission** are located on our website through the **Current Applications** tab.

- You can email your objection to us at planningapps@surfcoast.vic.gov.au
- You can mail your objection to us at PO Box 350, Torquay Vic 3228

We will acknowledge receipt of your objection in writing.

Availability of objector information under the *Planning and Environment Act 1987*

A copy of your objection may be provided to the applicant but private information such as phone number and email address will not be shared.

Wadawurrung Country

1 Merrijig Drive (PO Box 350) Torquay Vic 3228

Phone (03)5261 0600 Email planningapps@surfcoast.vic.gov.au

You may become aware of an application to end or amend an agreement in a number of ways. Perhaps you received a letter in the mail, seen an advertisement in your local newspaper or a public notice sign on site. Alternatively, your neighbour or developer may have approached you to discuss their plans.

Regardless of how you became aware of it, if the decision to amend or end the agreement may affect you, you may object. If you are supportive of the application, you also have an opportunity to lodge a submission in favour of the proposal. This fact sheet provides information on what to think about when you are considering making a submission to an application.

There are two important stages to lodging a submission.

Stage 1 – Work out how the proposal will affect you

Information about the application (such as plans and reports) can be found online through Council's Eplanning Portal <https://eplanning.surfcoast.vic.gov.au/Public/PlanningRegister.aspx?search=basic>. When applying to end or amend an agreement under Section 173 of the Planning and Environment Act 1987, the applicant may not have a detailed use or development plan. Instead, the purpose of ending or amending the agreement could be to enable potential future land use or development that is currently restricted by the existing agreement. If you are finding it difficult to understand the plans or application information, ask one of Council's planners to explain the application to you.

Council must consider all submissions received when making its decision but can only take into account matters which relate to the effect of ending or amending the agreement as proposed, this may include how the land may be used and developed in the future.

In addition to any submissions, before deciding on the application, Council will consider matters such as the purpose of the agreement and why it was entered into, the purpose of the amendment or why the agreement may no longer be required, any changes in circumstances and whether other people would be disadvantaged by the agreement being ended or amended. You may wish to consider these in thinking about how you may be affected.

You can also engage a town planning consultant or a planning lawyer for their opinions on the proposal or plans.

Step 2 – Prepare a submission and lodge it with Council

If you have decided that you wish to lodge a submission it must be in writing and include your name, address and contact details together with how the proposal will affect you. You can outline your concerns using Council's Eportal or supply a written submission via email, post or it can be handed in over the counter at the Council offices.

A date will be included on the notice of application, Council cannot make a decision on the application prior to this date. You should try to lodge a submission prior to this date, although you can lodge a submission at any time prior to Council making a decision. If you have lodged a submission, you will receive an acknowledgement letter advising your submission has been received by Council. You will also be notified in writing of Council's decision either by email or mail depending on how it is lodged.

Consultation

In some cases, Council Officers will request a consultation meeting between all objectors and the Applicant. This is an opportunity to listen and seek to understand concerns and aspirations from all parties, and to focus on finding solutions to the issues wherever possible. If one is offered, it is highly recommended that you participate in the process.

In other cases, the Applicant may provide a written response to objections received, and also make changes to the proposal to resolve concerns. You may wish to indicate how the proposal could be changed in order to make it acceptable. Council planners will circulate revised documents to all submitters if the applicant makes changes to address

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concerns raised or further notice of the application may be given. This provides you with further opportunity to comment on the amended proposal.

If as part of the consultation you no longer have concerns about the application, you can write to Council withdrawing your objection. However, if you withdraw your objection, you will not be informed of the decision and you will lose your right of appeal if you are unhappy with the outcome.

Other important things to know about making a submission

Petitions

If you submit a petition, all correspondence will be sent to the first name and address listed on the petition. It is the responsibility of this individual to inform all other participants in the petition. A petition is counted as one individual submission irrespective of how many signatures are on the petition.

Precedent

Each application is considered on its individual merits based on the specifics of the proposal

Can I appeal against Council's decision?

If you have lodged a submission, notice of Council's decision will be given to you. You may lodge an appeal against that decision. An appeal, formally called an 'Application for Review' and must be lodged with VCAT within 28 days of Council's giving notice of the decision (the dated it was posted or emailed). The applicant can also appeal Council's decision to refuse the application. As a submitter, you will be notified if an application for review has been lodged by the applicant.

An application for review involves a VCAT hearing where Council's representative, review applicants and respondents (the applicant in a submitter review or submitters in an applicant review) present their cases to a Tribunal member (or members). Details of how and when to appeal are also contained on the reverse side of the written decision that you receive from Council.

If you would like to find out more or speak to one of Council's planners, please call 5261 0800 or email planningapps@surfcoast.vic.gov.au

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Application Form for Amending or Ending a Section 173 Agreement

Applicant Details

Note: Pursuant to Section 178A of the Planning and Environment Act only the owner of land, or a person who has entered into an agreement under Section 173 in anticipation of becoming the owner of the land, may apply to the responsible authority for agreement to a proposal to amend an agreement in respect of that land, or end an agreement in respect of that land

Name	Falnash Pty Ltd
Postal Address	[REDACTED]
Email Address	[REDACTED]
Contact Phone Number	[REDACTED]

Section 173 Agreement Details

Reference and Date of Section 173 Agreement	27/09/2017
Planning Permit Number that Required the Section 173 Agreement	13/0141 here
Address of Subject Land	375 Pollocksford Road, Gnarwarre
Volume, Folio and Plan of Subdivision Number	Lot 1, Volume 12360 Folio 825 - Plan of Subdivision No. PS741008A

Please Detail

The nature of the change sought to the Section 173 Agreement (eg amend or end):	Amending the Land Management Plan referenced in the 173 Agreement for Lot 1.
Reason for the proposed change to the Section 173 Agreement:	To enable amended location of the proposed dwelling.
Has written consent to the proposed change been obtained from the parties to the Section 173 Agreement?	Owner parties have consented

Declaration

I declare that I am the applicant and that all the information is true and correct.

Signature: [REDACTED]

Date: 17/10/24

SURF COAST SHIRE COUNCIL
Planning Department

18/10/2024

PG24/0335 / D24/198503

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Application Form for Amending or Ending a Section 173 Agreement



Ending or Amending a Section 173 Agreement Checklist

When making an application to Council to amend or end a Section 173 Agreement the following documentation must be submitted:

Checklist item	Have you provided?
A completed application form This form can be downloaded from https://www.surfcoast.vic.gov.au/Property/Planning-and-building/Planning-FAQs/Section-173-Agreements#section-2 Remember it is against the law to give false and misleading information	YES
A Copy of Title A full, current copy of Title for the property including any restrictions/ covenants listed. A copy of Title can be obtained from https://www.landata.vic.gov.au/ Copies of Title must be no older than 30 days	YES
Details of all Parties to the Section 173 Agreement A suitably qualified legal practitioner may be required to prepare this information	YES
Written Consent from the Parties to the Section 173 Agreement	
A Company Search If the subject land is owned by a company, a company search must be submitted with the application to confirm correct ownership details. The company search must be no older than 30 days	YES
Fee An application fee of \$726.70. Please note: Fees may be subject to change	YES
Written Statement Outlining the Reasons for Amending or Ending the Agreement The application must be accompanied by a written statement that outlines the purpose of the amendment or ending of the Agreement, why the amendment or ending of the agreement is required, and any changes in circumstances that necessitates the proposed amendment/ ending of the Agreement.	YES

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16 October 2024

Jennifer Davidson
Surf Coast Shire

Via Email: jdavidson@surfcoast.vic.gov.au

Dear Jennifer,

SURF COAST SHIRE COUNCIL
Planning Department

18/10/2024

PG24/0335 / D24/198527

Re: Planning Permit No. 13/0141
Varying the location of the approved dwelling envelope, Lot 1
375 Pollocksford Road, Gnarwarre

We act on behalf of the owner of Lots 1 & 2, 375 Pollocksford Road, Gnarwarre in this matter.

Planning Permit No. 13/0141 was approved on the 2nd May 2014 and allowed a '2 Lot subdivision of 375 Pollocksford Road, Gnarwarre in accordance with the endorsed plans'¹.

Council included a permit condition requiring the owner of the land to enter into a s.173 Agreement (the Agreement) pursuant to the Planning & Environment Act (1987) (the Act) and to have the Agreement registered on the title pursuant to Section 181 of the Act.

The matters for which the Agreement provided for were:

- a) *The Land Management Plan² endorsed under the permit shall be implemented and the land thereafter managed in accordance with the endorsed plan, as may be amended from time to time with the written consent of the responsible authority.*
- b) *A dwelling must only be constructed within the envelope shown on the endorsed plans of the permit.*
- c) *At all times vehicle access to Lot 2 must be available via the carriageway easement over Lot 1.*

Section 3.2 of the Agreement allows the owner to apply to Council to vary or substitute the Land Management Plan referred to in the Agreement.

Plans were endorsed under Permit No. 13/0141 on the 17th June 2016. The endorsed plan showed proposed building sites for future dwellings on the northern portion of each lot in proximity to Pollocksford Road and Barwon River.

The location of the building envelopes was informed by a second report prepared by A J Forbes & Associates titled 'Land Management Strategy Report dated 14th September 2016.

¹ The permit was issued in accordance with a VCAT order dated 22nd April 2014, VCAT Ref: 16/2013.

² Meaning the document prepared by AJ Forbes & Associates dated the 9th June 2017 and titled 'Land Use & Agricultural Productivity at 375 Pollocksford Road, Gnarwarre.

The Land Management Plan was endorsed by Council on the 4th September 2017 and confirmed the location of housing envelopes in accordance with the endorsed plans, noting a location immediately south of the designated vineyards on Lots 1 & 2.

The 173 Agreement was executed on the 27th September 2017 and titles issued on the 1st March 2022.

The owner of the land is seeking Council's 'in principal support' to relocate Lot 1's building envelope approximately 30 metres south of the approved building envelope. The relocation is not in conflict with the amended Land Management Plan and Land Management Strategy report, both dated the 14th October 2024 and attached.

Section 178 of the Act provides that a s.173 Agreement can be amended by agreement between the responsible authority and everyone who is bound by a covenant in the s.173 Agreement.

In this case, the parties to the Agreement are limited to Council and the landowner of Lots 1 & 2 seeking the amendment.

Section 3.2 of the Agreement states *that the owner may apply to the responsible authority for consent to vary or substitute the Management Plan* on the occurrence of a specified event being, in this case the ongoing effectiveness of the management of the land.

It is submitted that the ongoing effectiveness of the management of the land will not be undermined by the relocation of Lot 1's building envelope 30 metres further to the south of the existing building envelope having regard to the following considerations:

- The relocation is inconsequential in terms of its physical impact on the lot i.e. will not impede the nominated planting on the Lot and is not located in an area identified where erosion could occur as a result of buildings and works.
- The relocated building envelope for Lot 1 is well removed from, the Flood Overlay, Land Subject to Inundation Overlay and Salinity Management Overlay identified in the planning scheme and the productive agricultural land identified in the Land Management Plan and Management Strategy report, both existing and amended.
- Will not remove productive agricultural land from the existing agricultural base as the proposed site for the dwelling, like the approved site, is not high value agricultural land. This point is supported by the Land Management Plans and Land Management Strategy reports attached.
- The new building envelope is to be located on poorer quality land where it will not compromise the agricultural character or use of Lot 1. The impact of the subject site in terms of its agricultural objectives can be said to be neutral.
- There will be minimal, if any impact on adjacent agricultural land as a result of the proposed relocation.

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Surf Coast Shire
375 Pollocksford Road, Gnarwarre

Our Ref: 8915
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- The proposed building envelope is of similar size and location to that already approved and there is no potential interface issues created to surrounding farming uses over and above that considered acceptable with the existing building envelope.
- Provides a greater buffer zone to the vineyard therefore lessening potential pesticide spray drift impacts to future residents and their water supply.
- The relocated building envelope will not result in further rural fragmentation, Lot 1 will still only provide for one dwelling in compliance with the minimum lot size detailed for a dwelling in the schedule to the Farming Zone i.e. 40 hectares.

I welcome the opportunity to discuss any issues you may have.

Yours Faithfully
For Eastnet Consulting



Attachments

Existing

- Endorsed Plan under Permit No. 13/0141 dated 17/6/2016
- Endorsed Land Management Plan (referred to as Land Use & Agricultural Productivity at 375 Pollocksford Road, Gnarwarre report) dated 4/9/2017.
- Land Management Strategy report dated 14th September 2016.
- 173 Agreement dated 27/9/2017.

Proposed

- Amended Plan for endorsement, Version 09.
- Amended Land Management Plan (referred to as Land Use & Agricultural Productivity at 375 Pollocksford Road, Gnarwarre report) dated 14 October 2024
- Amended Land Management Strategy report dated 14th October 2024

SURF COAST SHIRE COUNCIL
Planning Department

18/10/2024
PROPERTY DEVELOPMENT AND TOWN PLANNING SERVICES FASTNET CONSULTING PTY LTD (ABN 18 692 463 497)

PG2

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Lodged by:

Name: Harwood Andrews

Phone: [REDACTED]

Address:

Ref: 2SSM:21605738

Customer code: 2235J

The responsible authority, having made an agreement referred to in section 181(1) of the **Planning and Environment Act 1987**, requires a recording to be made in the Register for the land.

Land: *(insert Volume and Folio reference) (if part only, define the part)*

Volume 2692 Folio 338

Responsible authority: *(name and address)*

Surf Coast Shire Council of 1 Merrijig Drive, Torquay 3228

Section and Act under which agreement made:

Section 173 Planning and Environment Act 1987

A copy of the agreement is attached to this application:

[REDACTED]

Signature for the responsible authority:

[REDACTED]

Name of officer:

Date:

SURF COAST SHIRE COUNCIL
Planning Department

18/10/2024

PG24/0335 / D24/198533



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

VOLUME 12360 FOLIO 825

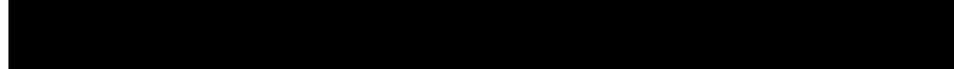
Security no : 124119095979B
Produced 17/10/2024 09:32 AM

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 741008A.
PARENT TITLE Volume 02692 Folio 338
Created by instrument PS741008A 01/03/2022

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor



ENCUMBRANCES, CAVEATS AND NOTICES

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

AGREEMENT Section 173 Planning and Environment Act 1987
AQ291240Q 27/09/2017

DIAGRAM LOCATION

SEE PS741008A 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: 375 POLLOCKS FORD ROAD GNARWARRE VIC 3221

ADMINISTRATIVE NOTICES

NIL

eCT Control 18544F MANN LEGAL
Effective from 01/03/2022

DOCUMENT END

SURF COAST SHIRE COUNCIL
Planning Department

18/10/2024

PG24/0335 / D24/198504

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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	PS741008A
Number of Pages (excluding this cover sheet)	3
Document Assembled	17/10/2024 09:32

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18/10/2024

PG24/0335 / D24/198504

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PLAN OF SUBDIVISION

EDITION 1

PS 741008A

Location of Land

Parish: BARRARBOOL

Township: -

Section: -

Crown Allotment: -

Crown Portion: 19 (PART)

Title References

C/T VOL 02692 FOL 338

Last Plan Reference: LOT 1 ON TP516268R

Postal Address: 375 POLLOCKS FORD ROAD
(at time of subdivision) GNARWARRE 3221

MGA Co-ordinates: E: 253 530 Zone 55
(of approx centre of land in plan) N: 5 773 610 MGA 94

Council Name: Surf Coast Shire Council

Council Reference Number: s4295
Planning Permit Reference: 13/0141
SPEAR Reference Number: S074378V

Certification

This plan is certified under section 11 (7) of the Subdivision Act 1988
Date of original certification under section 6: 27/04/2018

Public Open Space

A requirement for public open space under section 18 of the Subdivision Act 1988 has not been made

Digitally signed by: Benjamin Schmied for Surf Coast Shire Council on 16/11/2020

Statement of Compliance issued: 16/12/2021

Vesting of Roads and/or Reserves

Notations

Identifier	Council/Body/Person
NIL	NIL

Planning Permit No. 13/0141

Survey: This plan is based on survey

Staging: This is not a staged subdivision

This survey has been connected to permanent marks No(s). MURGHEBOLUC 12 in Proclaimed Survey Area no. -

Notations

Depth Limitations: DOES NOT APPLY

Additional Purpose of Plan

Removal of Easement:

Land coloured blue (BL) on TP 516268R

Grounds for Removal:

By agreement of interested parties - Subdivision Act 1988, Section 6(1)(k)(iv)

SURF COAST SHIRE COUNCIL
Planning Department

18/10/2024

PG24/0335 / D24/198504

Easement Information

LEGEND: Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1 & E-3 E-2 & E-3	Carriageway Powerline	see diag. see diag.	This Plan This plan / Section 88 Electricity Industry Act 2000	Lot 2 on This Plan Powercor Australia Ltd

Smith

SURVEYORS FILE REF: 0270-01POS

ORIGINAL SHEET
SIZE: A3

SHEET 1 OF 3

Digitally signed by [Redacted] Licensed Surveyor,
Surveyor's Plan Version (7),
05/11/2020, SPEAR Ref: S074378V

PLAN REGISTERED

TIME: 11:48am DATE: 01/03/2022

Assistant Registrar of Titles

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PLAN OF SUBDIVISION

PS 741008A

SURF COAST SHIRE COUNCIL
Planning Department

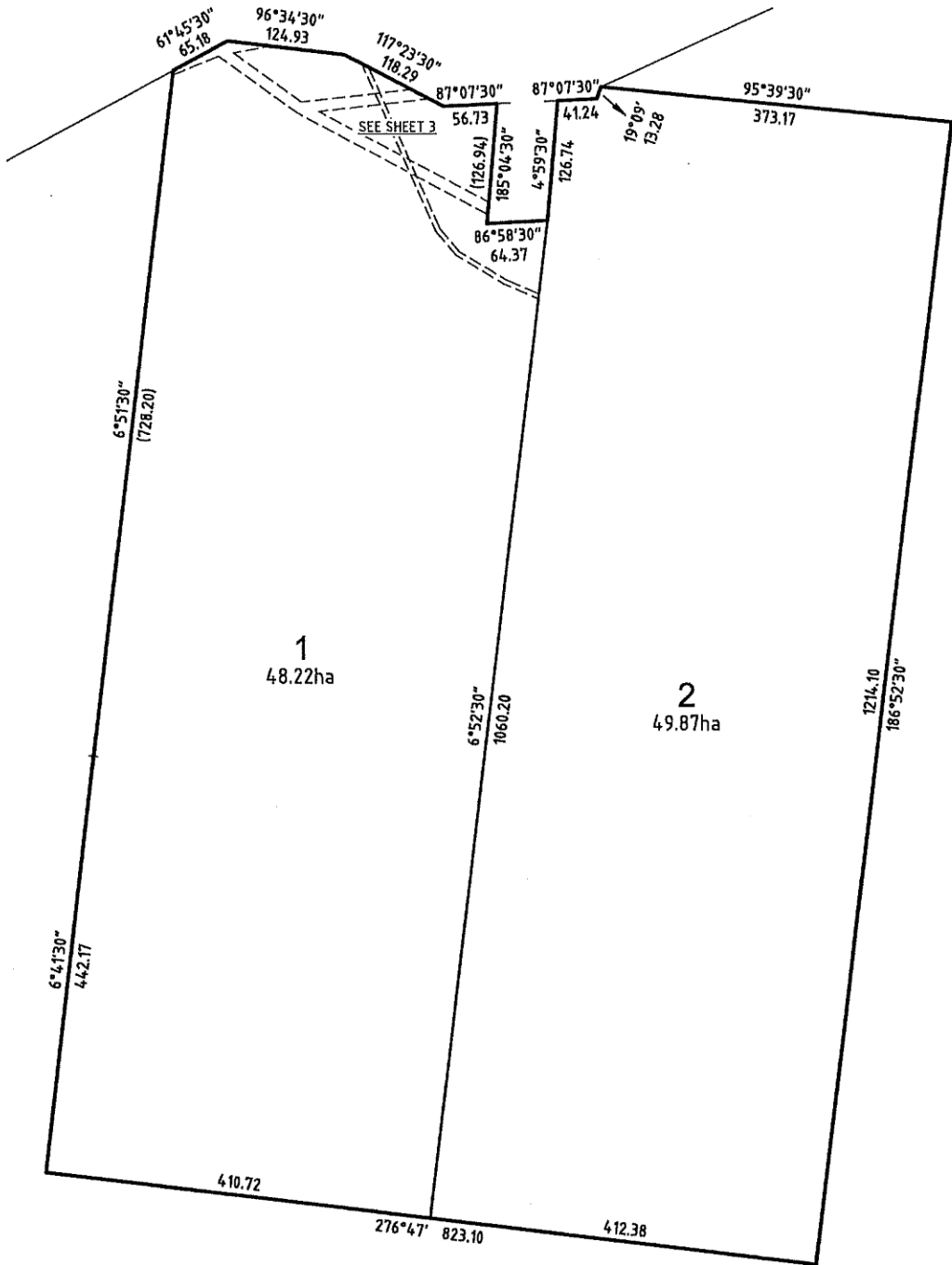
18/10/2024

PG24/0335 / D24/198504

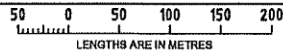
MGA94, ZONE 55



POLLOCKS FORD ROAD



SCALE
1:5000



ORIGINAL SHEET
SIZE: A3

SHEET 2

Smith

Digitally signed by [Redacted] Licensed Surveyor,
 Surveyor's Plan Version (7),
 05/11/2020, SPEAR Ref: S074378V

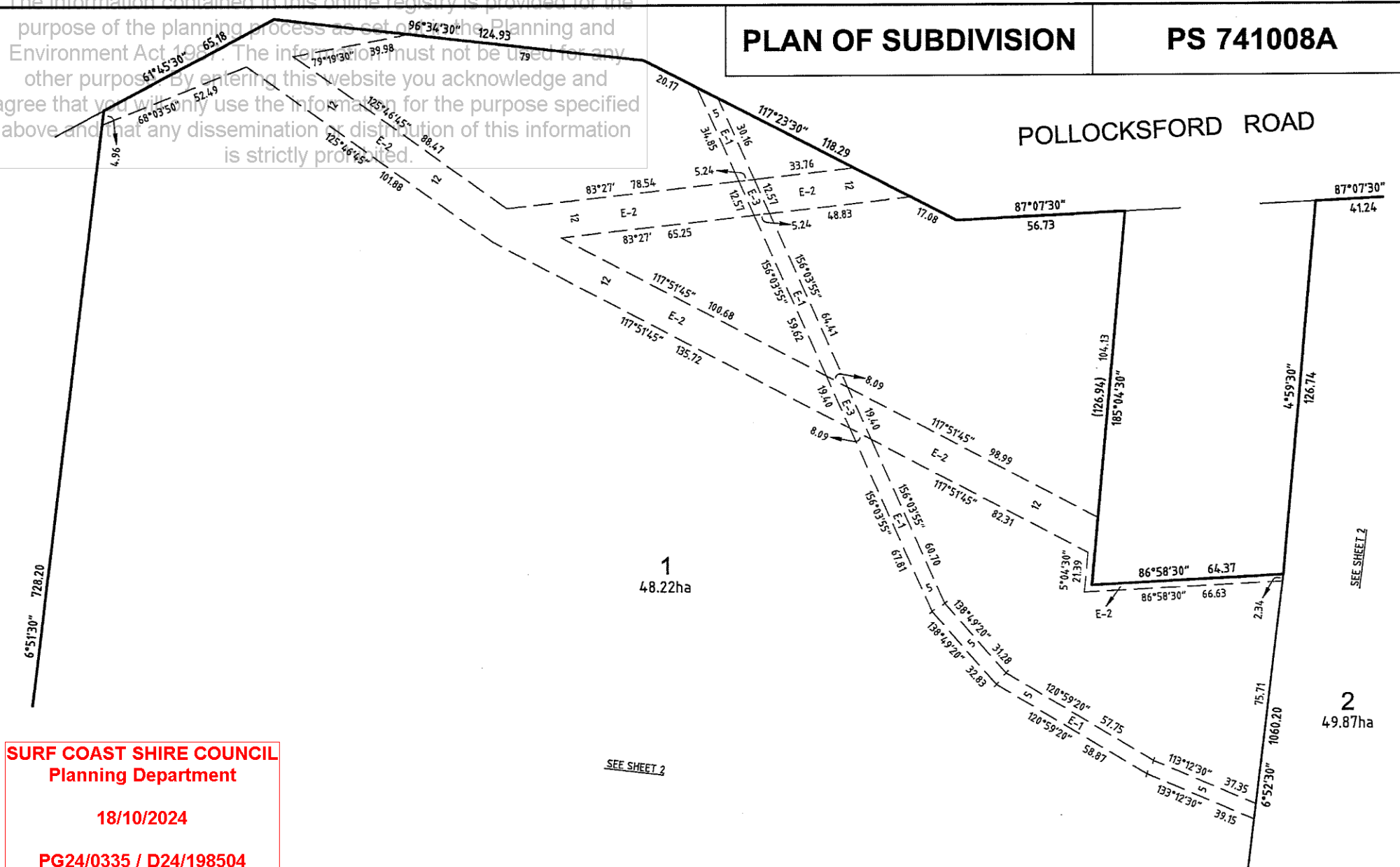
Digitally signed by:
 Surf Coast Shire Council,
 16/11/2020,
 SPEAR Ref: S074378V

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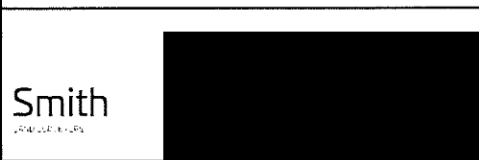
PLAN OF SUBDIVISION

PS 741008A

POLLOCKSFORD ROAD



SURF COAST SHIRE COUNCIL
Planning Department
 18/10/2024
 PG24/0335 / D24/198504



SCALE 1:1200
 12 0 12 24 36 48
 LENGTHS ARE IN METRES
 Digitally signed by: [Redacted] Licensed Surveyor,
 Surveyor's Plan Version (7),
 05/11/2020, SPEAR Ref: S074378V

ORIGINAL SHEET SIZE: A3
 SHEET 3
 Digitally signed by:
 Surf Coast Shire Council,
 16/11/2020,
 SPEAR Ref: S074378V

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**HARWOOD
ANDREWS**

**SECTION 173 AGREEMENT
PLANNING AND ENVIRONMENT ACT 1987**

SURF COAST SHIRE COUNCIL

Responsible Authority

- and -

FAL NASH PTY LTD

Registered Land Owner

in relation to land at:

375 POLLOCKSFORD ROAD, GNARWARRE

2SSM:21605738

**SURF COAST SHIRE COUNCIL
Planning Department**

18/10/2024

PG24/0335 / D24/198533

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THIS AGREEMENT is made the _____ day of _____

PARTIES:

1. **Surf Coast Shire Council** of 1 Merrijig Drive, Torquay, 3228 (Responsible Authority)
2. **Falnash Pty Ltd** [REDACTED] (Owner)

RECITALS:

- R.1. The Owner is the registered proprietor of the land known as 375 Pollocksford Road, Gnarwarre, being the land described in Certificate of Title volume 2692 folio 338 (**Land**).
- R.2. The Responsible Authority is responsible for the administration and enforcement of the Planning Scheme pursuant to the provisions of the Act.
- R.3. The Responsible Authority issued planning permit number 13/0141 on 2 May 2014 allowing a two lot plan of subdivision of the Land generally in accordance with the endorsed plans (**Permit**).
- R.4. Condition 3 of the Permit provides as follows:
 - "3 Before a statement of compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the responsible authority made pursuant to section 173 of the Planning and Environment Act 1987, and make application to the Registrar of Titles to have the agreement registered on title to the land under section 181 of the Act, which provides that:
 - a) The Land Management Plan endorsed under this permit shall be implemented and the land thereafter managed in accordance with the endorsed plan, as may be amended from time to time with the written consent of the responsible authority.
 - b) A dwelling must only be constructed within the envelope shown on the endorsed plans of this permit.
 - c) At all times vehicle access to Lot 2 must be available via the carriageway easement over Lot 1."
- R.5. This Agreement is entered into between the Responsible Authority and the Owner pursuant to section 173 of the Act in order to meet the requirements of condition 3 of the Permit and to achieve the objectives of planning in Victoria.

IT IS AGREED AS FOLLOWS:

1. DEFINITIONS

In this Agreement unless inconsistent with the context or subject matter:

- 1.1. **Act** means the *Planning and Environment Act 1987* (Vic).
- 1.2. **Agreement** means this Agreement and any agreement executed by the parties varying or expressed to be supplemental to this Agreement.

SURF COAST SHIRE COUNCIL
Planning Department

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1.3. Current Address for Service

1.3.1. for the Responsible Authority means the address shown under the heading "Parties" in Agreement, or any other principal office address listed on the website of the Responsible Authority; and

1.3.2. for the Owner means the address shown under the heading "Parties" this Agreement or any other address provided by the Owner to the Responsible Authority for any purpose or purposes relating to the Land.

1.4. Current Email Address for Service

1.4.1. for the Responsible Authority means info@surfcoast.vic.gov.au, or any other email address listed on the website of the Responsible Authority; and

1.4.2. for the Owner means any email address provided by the Owner to the Responsible Authority for the express purpose of electronic communication regarding this Agreement.

1.5. Current Number for Service

1.5.1. for the Responsible Authority means 03 5261 0525, or any other facsimile number listed on the website of the Responsible Authority; and

1.5.2. for the Owner means any facsimile number provided by the Owner to the Responsible Authority for the express purpose of facsimile communication regarding this Agreement.

1.6. **Land** means the land described in Recital R.1 and any reference to the Land includes any lot created by the subdivision of the Land or any part of it.

1.7. **Management Plan** means the document prepared by A J Forbes and Associates, Agricultural Consultants dated 9 June 2017 and titled "*Land Use and Agricultural Productivity*" at 375 Pollocksford Road, Gnarwarre and endorsed with the Permit and as amended from time to time under clause 3.2.

1.8. **Owner** means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as the proprietor or proprietors of an estate in fee simple of the Land or any part of it, and includes a Mortgagee in possession.

1.9. **Owner's Obligations** means the covenants, promises, agreements, indemnities, undertakings and warranties given by the Owner under this Agreement including the specific obligations imposed under clause 3.

1.10. **party** or **parties** means the Owner and the Responsible Authority under this Agreement as appropriate.

1.11. **Permit** means the planning permit issued by the Responsible Authority described in Recital R.3 including the plans endorsed under it and as amended from time to time.

1.12. **Planning Scheme** means the Surf Coast Planning Scheme and any successor instrument or other planning scheme which applies to the Land.

1.13. **Responsible Authority** means Surf Coast Shire Council in its capacity as:

1.13.1. the authority responsible for administering and enforcing the Planning Scheme; and

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Planning Department**

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2. INTERPRETATION

In the interpretation of this Agreement unless inconsistent with the context or subject matter:

- 2.1. The singular includes the plural and the plural includes the singular.
- 2.2. A reference to a gender includes a reference to all other genders.
- 2.3. Words (including defined expressions) denoting persons will be deemed to include all trusts, bodies and associations, corporate or unincorporated, and vice versa.
- 2.4. A reference to a person includes a reference to a firm, corporation, association or other entity and their successors in law.
- 2.5. A reference to a statute includes any statute amending, consolidating or replacing that statute and includes any subordinate instruments made under that statute.
- 2.6. The Recitals to this Agreement are and will be deemed to form part of this Agreement including any terms defined within the Recitals.
- 2.7. References to the parties will include their transferees, heirs, assigns, and liquidators, executors and legal personal representatives as the case may be.
- 2.8. Reference to a document or agreement includes reference to that document or agreement as changed, novated or replaced from time to time.
- 2.9. Where a word or phrase is given a definite meaning in this Agreement, a part of speech or other grammatical form for that word or phrase has a corresponding meaning.
- 2.10. Where a word or phrase is not defined in this Agreement, it has the meaning as defined in the Act, or, if it is not defined in the Act, it has its ordinary meaning.

3. SPECIFIC OBLIGATIONS OF THE OWNER

- 3.1. The Owner covenants, acknowledges and agrees with the Responsible Authority to:
 - 3.1.1. manage the Land in accordance with the Management Plan or any subsequent land management plan approved by the Responsible Authority, to the satisfaction of the Responsible Authority;
 - 3.1.2. only construct a dwelling within the envelope shown on the plans endorsed with the Permit; and
 - 3.1.3. in the event of the land being subdivided in accordance with the plans endorsed with the Permit, vehicular access to the eastern lot from Pollocksford Road must be over a carriageway easement, the burden of which must fall on the western lot.

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4. FURTHER COVENANTS OF THE OWNER

The Owner warrants and covenants with the Responsible Authority that:

- 4.1. It is the registered proprietor (or entitled to be so) of the Land.
- 4.2. Save as shown in the certificate of title to the Land, there are no mortgages, liens, charges, easements or other encumbrances or any rights inherent in any person affecting the Land or any part of it and not disclosed by the usual searches.
- 4.3. Neither the Land nor any part of it is subject to any right obtained by adverse possession or subject to any easements, rights or encumbrances mentioned in section 42 of the *Transfer of Land Act 1958* (Vic).
- 4.4. It will not sell, transfer, dispose of, assign, mortgage or otherwise part with possession of the Land or any part of it without first providing to its successors a copy of this Agreement.
- 4.5. It will within 28 days of written demand pay to the Responsible Authority the Responsible Authority's reasonable costs (including legal or other professional costs) and expenses of and incidental to the:
 - 4.5.1. negotiation, preparation, execution and recording of this Agreement;
 - 4.5.2. assessment, negotiation, preparation, execution and recording of any proposed amendment to this Agreement; and
 - 4.5.3. determination of whether any of the Owner's obligations have been undertaken to the satisfaction of the Responsible Authority or to give consent to anything under this Agreement.

To the extent that such costs and expenses constitute legal professional costs, the Responsible Authority may at its absolute discretion have these costs assessed by the Law Institute of Victoria and in that event the parties will be bound by the amount of that assessment, with any fee for obtaining such an assessment being borne equally by the Responsible Authority and the Owner. Such costs payable by the Owner will include the costs and disbursements associated with the recording, cancellation or alteration of this Agreement in the Register.

- 4.6. It will do all that is necessary to enable the Responsible Authority to make application to the Registrar of Titles to record this Agreement in the Register in accordance with the Act, including the signing of any further agreement, acknowledgment or other document.
- 4.7. Until such time as this Agreement is recorded in the Register, the Owner must ensure that successors in title will give effect to this Agreement, and do all acts and sign all documents which will require those successors to give effect to this Agreement, including executing a deed agreeing to be bound by the terms of this Agreement.

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5. FURTHER ASSURANCE

The parties to this Agreement will do all things necessary (including signing any further agreement, acknowledgement or document) to give full effect to the terms of this Agreement and to enable this Agreement to be recorded in the Register in accordance with the Act.

6. AMENDMENT

This Agreement may be amended only in accordance with the requirements of the Act.

7. NO WAIVER

No waiver by any party of any default in the strict and literal performance of or compliance with any provision, condition or requirement in this Agreement will be deemed to be a waiver of strict and literal performance of and compliance with any other provision, condition or requirement of this Agreement nor to be a waiver of or in any way release any party from compliance with any provision, condition or requirement in the future nor will any delay or omission of any party to exercise any right under this Agreement in any manner impair the exercise of such right accruing to it thereafter.

8. NO FETTERING OF POWERS OF RESPONSIBLE AUTHORITY

The parties acknowledge and agree that this Agreement does not fetter or restrict the power or discretion of the Responsible Authority to make any decision or impose any requirements or conditions in connection with the granting of any planning approval or certification of any plans of subdivision applicable to the Land or relating to any use or development of the Land.

9. INTEREST ON OVERDUE MONEYS

Any amount due under this Agreement but unpaid by the due date incurs interest at the rate prescribed under section 227A of the *Local Government Act 1989* (Vic) and any payment made shall be first directed to payment of interest and then principal amount owing.

10. NOTICES

All notices and other communications under this Agreement will be sent by prepaid mail, by hand delivery, email or by facsimile to the Current Addresses for Service, Current Email Address for Service or Current Number for Service of the parties, and may be sent by an agent of the party sending the notice. Each notice or communication will be deemed to have been duly received:

- 10.1. not later than two business days after being deposited in the mail with postage prepaid;
- 10.2. when delivered by hand;
- 10.3. if sent by email, at the time of receipt in accordance with the *Electronic Transactions (Victoria) Act 2000* (Vic); or
- 10.4. if sent by facsimile transmission upon completion of that transmission and production of a transmission report stating that the facsimile was sent to the addressee's facsimile number.

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11. COSTS ON DEFAULT

If the Owner defaults in the performance of any obligations under this Agreement it will pay to the Responsible Authority its reasonable costs of action taken to achieve compliance with this Agreement.

12. INVALIDITY OF ANY CLAUSE

Notwithstanding anything to the contrary in this Agreement, if any provision of this Agreement will be invalid and not enforceable in accordance with its terms, all other provisions which are self-sustaining and capable of separate enforcement without regard to the invalid provisions will be and continue to be valid and enforceable in accordance with those terms.

13. AGREEMENT BINDING ON SUCCESSORS OF OWNERS

This Agreement will extend to and bind the Owner's successors, assigns, administrators, transferees and legal personal representatives and the obligations imposed upon them will also be binding on their successors, transferees, purchasers, mortgagees and assigns as if each of them had separately executed this Agreement.

14. JOINT OBLIGATIONS

In the case of each party that consists of more than one person (including in that expression any corporation) each of those persons covenants, agrees and declares that all of the covenants, agreements, declarations and consents contained in this Agreement and made and given by that party have been entered into, made and given and are binding upon that person both severally and also jointly with the other person or persons constituting that party.

15. ENTIRE AGREEMENT

This Agreement constitutes the entire agreement between the parties in connection with its subject matter and supersedes all previous agreements or understandings between the parties in connection with its subject matter.

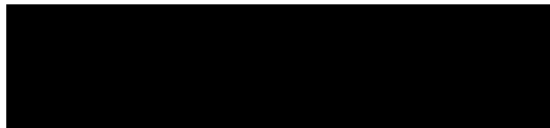
16. COMMENCEMENT AND ENDING OF AGREEMENT

16.1. This Agreement will commence on date that it bears.

16.2. This Agreement will end by agreement between the parties or otherwise in accordance with the provisions of the Act.

EXECUTED AS A DEED

Signed on behalf of the Surf Coast Shire Council
by the Chief Executive Officer under delegation
in the presence of:



Witness

SURF COAST SHIRE COUNCIL
Planning Department

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Director

Director

Full Name

Full Name

Address

Address

SURF COAST SHIRE COUNCIL
Planning Department

18/10/2024

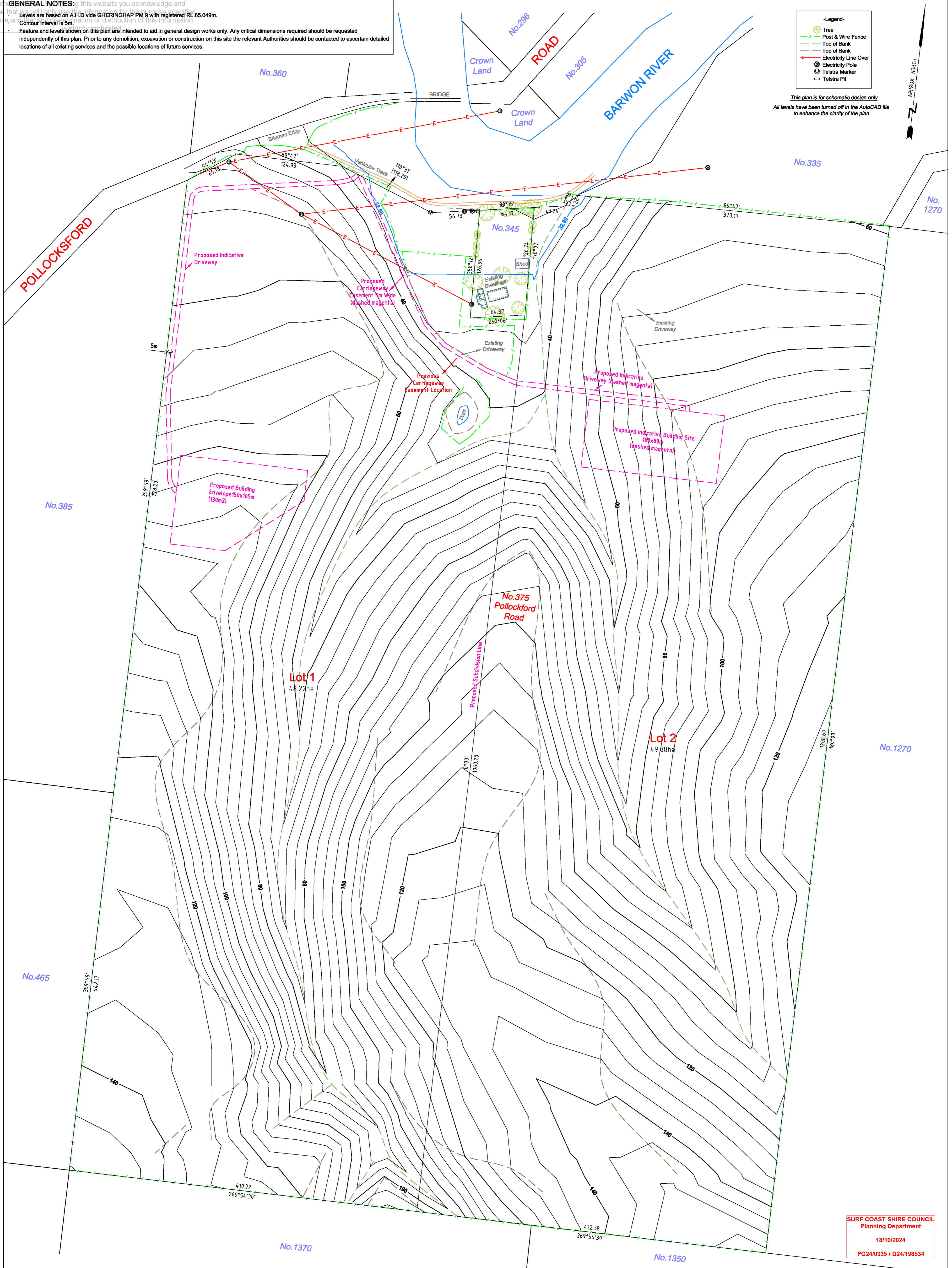
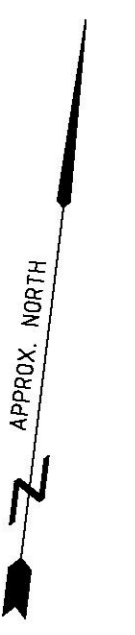
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GENERAL NOTES:
 Levels are based on A.H.D vide GHERINGHAP PM 9 with registered RL 65.049m.
 Contour interval is 5m.
 Feature and levels shown on this plan are intended to aid in general design works only. Any critical dimensions required should be requested independently of this plan. Prior to any demolition, excavation or construction on this site the relevant Authorities should be contacted to ascertain detailed locations of all existing services and the possible locations of future services.

- Legend-**
- Tree
 - Post & Wire Fence
 - Toe of Bank
 - Top of Bank
 - Electricity Line Over
 - Electricity Pole
 - Telstra Marker
 - Telstra Pit

This plan is for schematic design only
 All levels have been turned off in the AutoCAD file to enhance the clarity of the plan



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WARNING:
 Please refer to Certificate of Title for any easements or encumbrances.
 Before proceeding with any design, construction or use of the land adjoining neighbours must be consulted to resolve any differences between fencing and the title position shown on this plan.
 The title boundaries shown beyond the subject land have been imported from the Digital Cadastral Map Base (DCMB) and are approximate only.

SITE ANALYSIS & DESIGN RESPONSE
 375 POLLOCKSFORD ROAD
 GNARWARRE
 FASTNET CONSULTING

SCALE: 1:2000	SURVEY DATE: 13/02/13
DATE: 25/08/20	DATUM: A.H.D
DRAFTED: A.W	JOB: 0270-01F
SURVEYOR: C.M	VERSION: 09
SHEET: 1 OF 1 ORIGINAL SHEET A1	

THIS ELECTRONIC DRAWING IS PRODUCED BY AND REMAINS THE PROPERTY OF SMITH LAND SURVEYORS PTY. LTD. IT MAY NOT BE REPRODUCED IN ANY FORM WITHOUT WRITTEN PERMISSION.

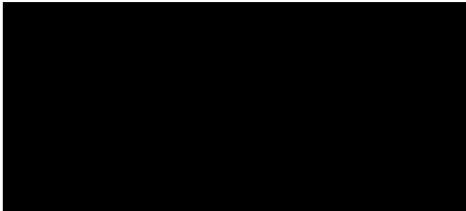
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Land Use and Agricultural Productivity

at

375 Pollocksford Road, Gnarwarre

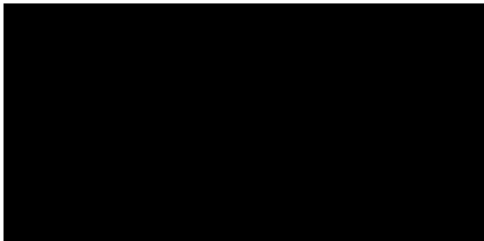
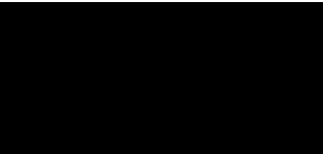
commissioned by



prepared by

A J Forbes and Associates

Agricultural Consultants



14th October 2024

SURF COAST SHIRE COUNCIL
Planning Department

08/04/2025

PG24/0335 / D25/72559

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Introduction

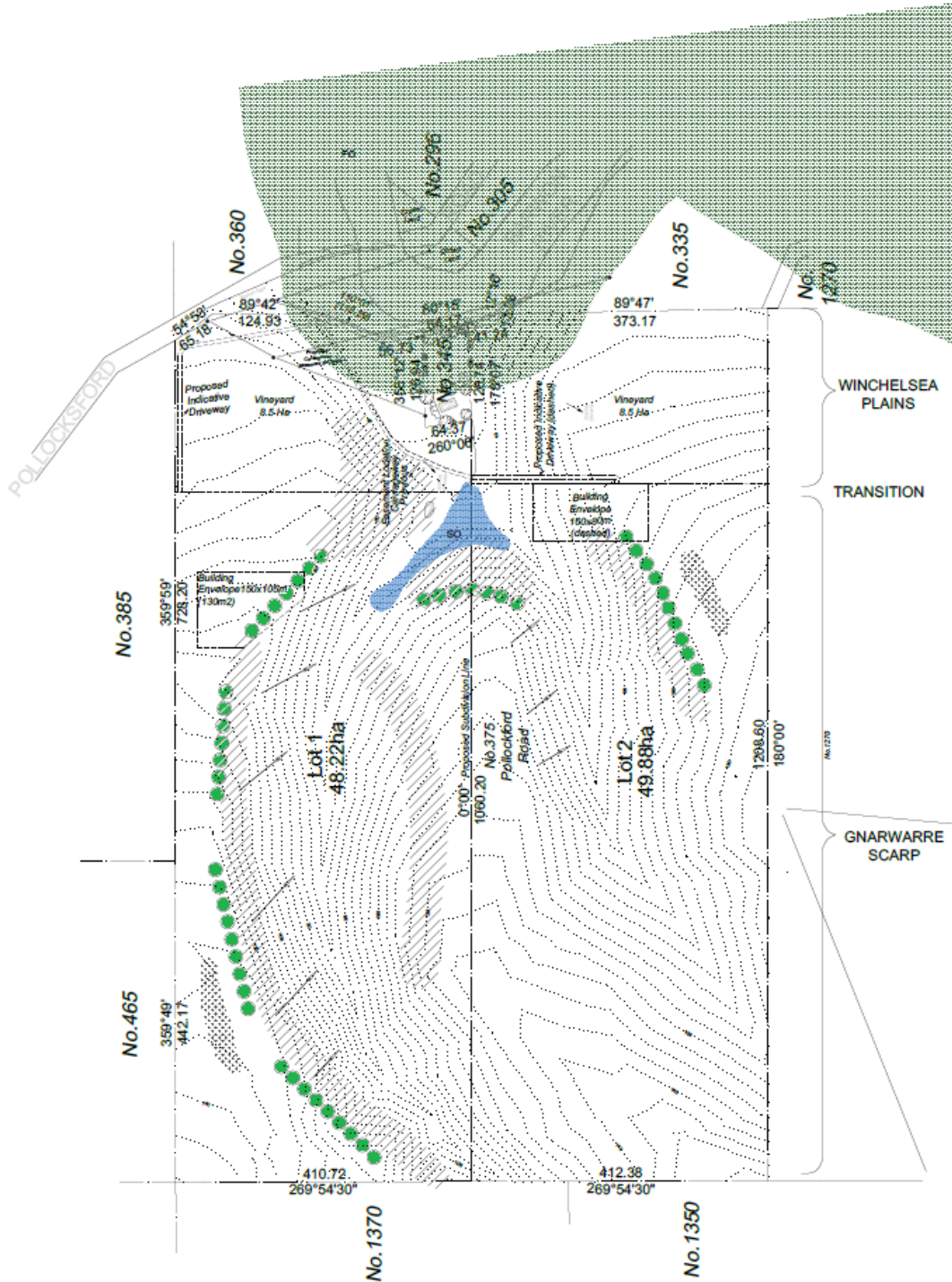
This report has been prepared in response to Condition 2 of Planning Permit 13/014 issued on 2nd May 2014 for the two lot subdivision at 375 Pollocksford Road, Gnarwarre. The plan has been prepared as an extension on the Land Use and Productivity report dated 13 August 2013, and provides the following details set out under Condition 2 (a)-(f) of the Permit.

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Condition 2a

The Retention and Enhancement of Native Vegetation, particularly Native Grasslands

The southern elevated areas of lots 1 and 2 support swards of the native perennial, Kangaroo Grass (Themeda sp.) as identified in Figure below.



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-  Erosion
-  Land slip
-  Native plantation
-  Kangaroo Grass
-  Salinity overlay
-  Flood overlay

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The management and enhancement of native grasslands requires “Some form of defoliation management is essential to maintaining the structure and botanical composition of native grasslands.

Without regular removal of some herbage, excess grass will accumulate and die”inadequate defoliation can result in to species richness as (much as does) excessive defoliation, and can inhibit major species. For example, Kangaroo Grass one of the most

commonly dominant native perennial grasses, is known to be comes less vigorous and even die out when heavy growth has accumulated after a number of years without defoliation”¹.

Thus in most grassland systems, the retention and enhancement of native grasslands, herbage mass must be managed. This is achieved by grazing, mowing or burning.

On the subject site, mowing and controlled burn offs to reduce herbage are not options, because of the steep terrain and significant presence of surface and subsurface basalt rocks; which preclude the supervision by fire trucks and mowers and slashers.

Grazing Management

Grazing management is therefore the only management option available to reserve and enhance the subject site’s grassland communities.

Grazing Management has three principal components; being

- Stocking rate, Refer to 2C below
- Stock intensity and
- Seasonality of grazing

¹ Managing Australian Grasslands (WWF Australia, p 11.

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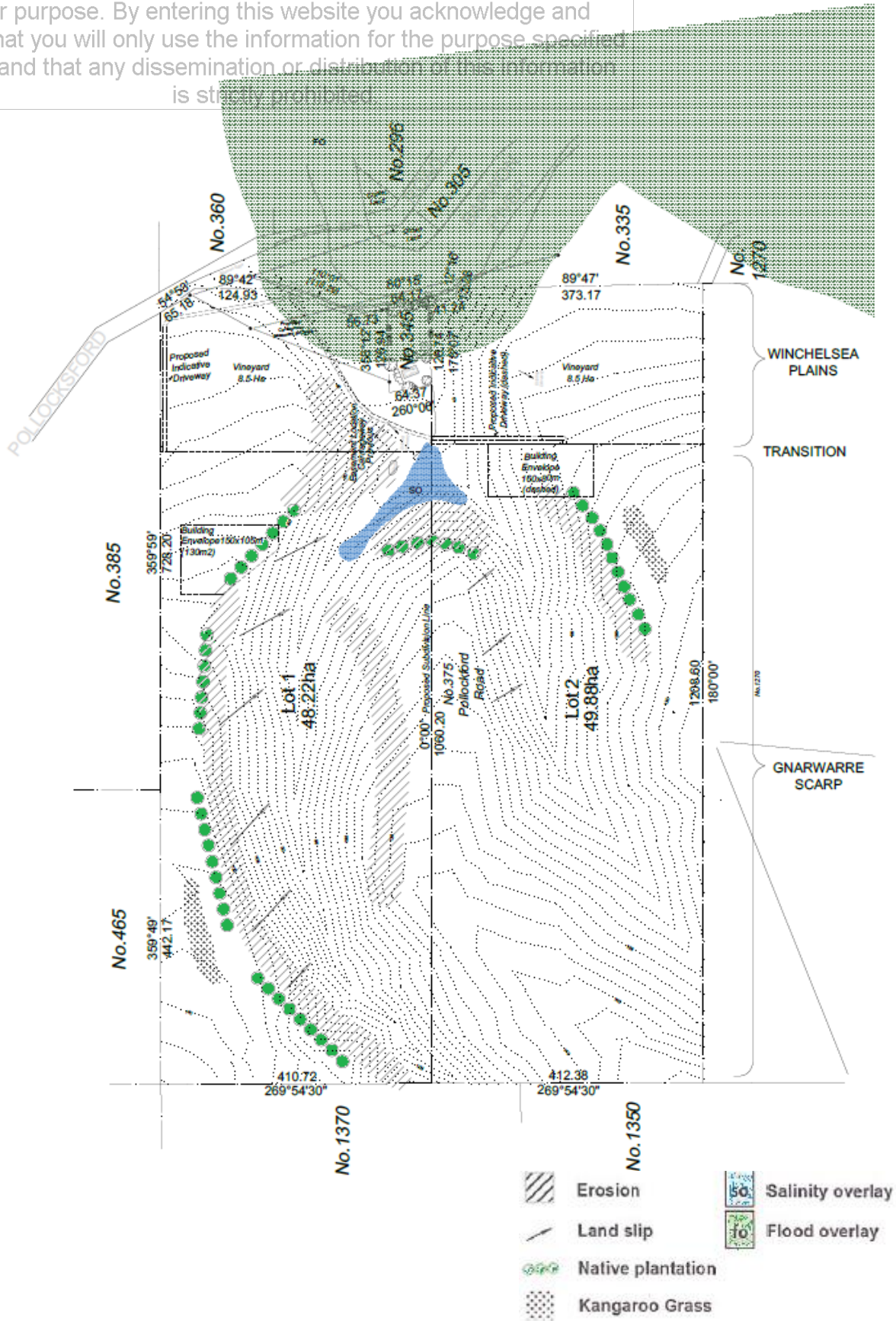


Figure 1 Topography and Land Use 375 Pollocksford Road, Gnarwarre

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Condition 2 b Consideration of opportunities for financial returns from retained and enhanced native grasslands (e.g. trading of offset credits).

This approach relates to the protection of high quality areas of native grasslands (and other vegetation) from being lost to ongoing development of agriculture in the Farming Zone(s) across Victoria.

The establishment of an Offset area is achieved by the creation of a defined and secure area of native grassland of suitable quality, which is isolated and protected from the agricultural impacts of normal farming activities.

The Offset can be purchased at a market value in a system overseen by Department of Environment, Land Water and Planning (DELWP) in order to permit agricultural activities and developments elsewhere.

The selection of native grasslands for incorporation in this market driven Offset trade, is subject to a number of conditions relating to the ecological value of the site and the acceptance of conditions which protect the site into the future.

Advice from the Corangamite Catchment Authority

Advice was sought from the Corangamite Catchment Authority in relation to the creation of Offsets on the subject site.

A meeting was held on 11th September 2014, with Mr Wayne McLaren, the Catchment Officer of the Corangamite Catchment Management Authority in relation suitability of the site as a candidate for offset trades. The CCMA's view was that the site's kangaroo grass areas were probably not likely to meet the stringent requirements/ criteria to qualify for this program.

This was followed up by a site inspection on 18 September 2014 which also attended Elissa Ashton-Smith, the Environmental officer of the Inverleigh Landcare Network

Their consensus view was that the site was non compliant, and this was further conveyed in a follow up email dated 22nd September 2014.

Consideration on a site specific basis was also negative: On the subject site, the scarp area of 48.5 hectares (of 57 hectares) which would have to be isolated, is too large, resulting in excessive restrictions in any form of agricultural use on this broader scarp area. Similarly if this area was subject to an Offset contract, it would also lead to a number of other consequences which appear to conflict with the objectives of the Farming Zone; - in particular, it would:

- expose the sites to an unacceptable fire risk.
- deny any income from the major area(s) of the site(s) which is currently 'as of right' in the Farming Zone.
- deny any synergies with agricultural enterprises on the Winchelsea Plain area(s) of the site(s).
- deny any future agricultural developments of higher value outcome.

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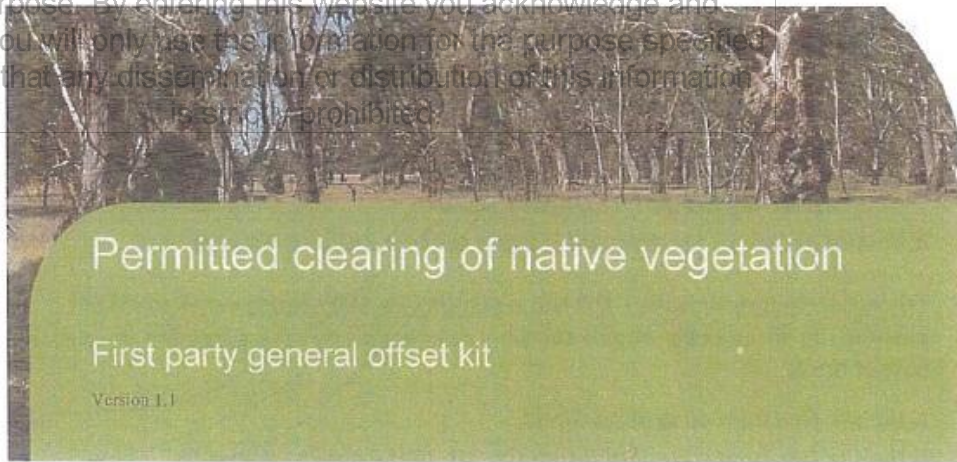
[Offset Guidelines](#)

The Department of Environment, Land Water and Planning (DELWP) offers guidelines to this issue in its publication, entitled

“Permitted Clearing of Native Vegetation, First party general offset kit Version 1.1

The publication offers a checklist in which four principal conditions need to be met when considering creating offset. Answers “Yes” or “No” determine whether the site complies with the conditions.

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Is this kit for you? Quick reference checklist

Are you considering creating an offset on your property to meet the conditions of your permit to remove native vegetation? Before reading this kit, answer the following questions to see whether this kit is relevant to your circumstances.

#1	Permit to remove native vegetation	Do you have, or are you expecting to be granted, a permit to remove native vegetation that includes a condition that you secure a general offset?	Yes	No	n/a
42	Details of the potential offset site	Do you have a site on your property that contains native vegetation, OR can be revegetated with native vegetation, that you want to use an offset site?	Yes	No	-
		Is the potential offset site approximately five times the area of the site where you cleared (or plan to clear) native vegetation?	Yes	No	n/a
		If the potential offset site is to be revegetated, is the site at least 1 hectare in area?	Yes	No	n/a
43	Eligibility of potential offset site to be protected and managed for conservation	Is the site outside of the defensible space area for bushfire management?	Yes	No	
		Is the site free from an existing offset?	Yes	No	
		Is the site free of current or future threats to the native vegetation?	Yes	No	
		Are you willing to enter into a security agreement to permanently protect the offset site?	Yes	No	
44	Are you willing and able to undertake the following offset management commitments?		Yes	No	
		• Retain all dead and living standing trees	Yes	No	
		• Exclude stock and other threats	Yes	No	
		• Ensure that weed cover does not increase beyond the current level	Yes	No	
		• Monitor for new and emerging weeds and eliminate to less than 1 per cent	Yes	No	
		• Retain all logs, fallen timber and organic litter	Yes	No	
		• Control the threat of rabbits	Yes	No	
		• Revegetate to the minimal standard (only required if it is a revegetation offset site)	Yes	No	n/a
		• Report yearly on the condition of the site	Yes	No	

If you answered 'No' to any one of these question then you are not able to create a first party general offset on your property. Refer to *Meeting permit conditions – Third party offsets* fact sheet on DELWP's website for information on other ways you can secure offsets or contact your local council for further information.

www.delwp.vic.gov.au



The questionnaire under the four main headings and answers are set out below:

(1) *Permit to remove vegetation.*

- No – (not applicable).

(2) *Details of the potential offset site.*

- Do you have a site on your property that contains native vegetation? Yes

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(3) *Eligibility of potential offset site to be protected and managed for conservation.*

- *Is the site outside of the defendable space area for bushfire management?* Yes

This question is misleading – the site is completely defenseless in the event of bushfire, by virtue of the hostile terrain – not possible to access by a fire truck at the best of times.

- *Is the site free from an existing Offset?* Yes
- *Is the site free from current or future threats to the native vegetation?* No

Cannot be protected against fire

Cannot be protected against excessive grazing by kangaroos (albeit natives etc)

Cannot be protected against introduced species – especially phalaris - (and possibly canola) which is well established in these areas, and which out-competes native grasses for both light and nutrients.

In this context, Phalaris (and canola) is a significant weed.

- *Are you willing to enter into a security agreement to permanently protect the offset site?* No

“No” because of the above limitations

(4) *Are you willing and able to undertake the following offsets management commitments?*

- *Retain all dead and living standing trees?* Yes

- *Exclude stock and other threats?* No

Stock access is important on this site because there are no other realistic ways to reduce fuel burdens in order to minimize bushfire impacts.

The threat of bushfire on this site is high; virtually no local water available, no ready access for fire trucks and crew, no ready escape pathways, because of the terrain and the widespread presence of surface scoria rock – all of which deny any prospect of a safe exit in the event of fire. Fire fronts travel up gullies at great speed – which further elevates the risk to fire crews.

- *Ensure that weed cover does not increase beyond the current level.* No

The hostility of the site precludes free and rapid access to vehicles. Most of it is inaccessible to normal tractors and other farm machinery – such as boom sprays, rippers etc.

Most of the area is strewn with basalt floaters which preclude cultivation spraying and scarifying.

- *Monitor for new and merging weeds and eliminate less than one per cent?* No

Monitoring is possible, but as per the reasoning discussed above, eliminating to one per cent is not -

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Control of the threat of rabbits

No

Machinery access is extremely difficult - as discussed above and most control mechanisms depend on machinery such as tractors, rippers, gas blowing burrows, laying poison etc.

Fencing is also extremely difficult because of the basalt – as discussed above.

- Report yearly on the condition of the site

Yes

The Guidelines for the Offset List (above) say that

“If you answered No to any of these questions, then you are not able to create a first party general offset”.

Six and possibly seven of the questions in the Guidelines above were answered “No”.

In Summary

Land Capability and topography and geology all limit the capacity to

- Manage grasslands in a way such that preserve remnant grassland species.
- Manage fire prevention and suppression in any effective way
- Manage weeds in any effective way

Consultations with Corangamite Catchment Authority and subsequent site inspection both support this view.

The Assessment Guidelines in the Offset Handbook Questionnaire ranked six or seven negative responses, indicating that the site is not suitable, nor eligible to establish an Offset Contract.

Condition 2C Land Measures for unproductive land.

Stock Management and Stocking Rate

The concern is to maintain stocking rate at a level which ensures the ongoing presence of the kangaroo grass areas on the higher southern areas.

The background stocking rate on the southern scarp has been estimated as 1-2 Dry Sheep Equivalent/ha.

At this low level, the grazing has had no impact on the survival of the extensive swards of kangaroo grass, which exist on these areas to the south (Figure 1). Yet some short periods of more intensive grazing are beneficial to the preservation of the sward, and are essential for fuel reduction, as discussed elsewhere in this report.

The key to preserving the kangaroo grass stands lies in ensuring that the area is not subject to *prolonged overgrazing at times of seed formation and seed set*.

This can be achieved by restricting the annual stocking rate at four DSEs/ha, in the period of seed formation and set in late spring (mid August to the end of September).

Stocking rates at higher levels outside of seed set are acceptable, and are necessary if grazing is the prime option for managing and limiting the spread of Phalaris.

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In summary stock movements, numbers, and stocking rate are to be monitored and logged as per Condition 2f.

Land Management

Land management is severely limited by the nature of the terrain and the basalt rock in and on the top soil.

The main threats to *land per se* (and hence the focus of land management relate to runoff and soil erosion in its various forms.

The main tools are the management of stocking rates conservatively to prevent overgrazing (discussed above) and the reduction in run-off, by planting local indigenous trees along the scarp (which has been done).

Condition 2d Details of works to be carried out on the site to Implement the recommendations of the plan

and

Condition 2e Timelines for the implementation of the plan.

The economic model shows that a vineyard of 5-7.5 hectares is viable based on the production of grapes alone (details of works are attached in Table 1 below).

However vineyard sizes on the Bellarine Peninsula, show that a vineyard of 1.5-2 hectares can also be viable, where the vineyard markets its own wine, and where it has the opportunity to have wine made under contract at a larger vineyard which has its own winery. The use of these resources to value add and increase the revenue from grape production without tying up capital expenses, has a significant increase in profit and a significant reduction in the time to positive cash flow.

These resources are available on the Bellarine and also west of Geelong.

Accordingly, it is proposed that the initial vineyard establishment target is

- One hectare established by the end of Year 2
- A further half of a hectare by the end of Year 3
- A further one hectare by the end of Year 4
- A further half a hectare established Year 5

The cost of this program

Year 2	Capex \$15,000	Opex \$6000	Total \$21,000
Year 3	Capex \$ 7,500	Opex \$3,000	Total \$10,500
Year 4	Capex \$15,000	Opex \$6,000	Total \$21,000
Year 5	Capex \$7,500	Opex \$3,000	Total \$10,500
Total Cost for vine establishment alone			\$63,000

This does not include manager's labour, the cost of fencing, shedding and machinery etc.

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Table 1 Actions and Implementations in the Vineyard

Income	Year	1	2	3	4	5	6	7	8	9	10
Farm area	ha	7.5									
Established Vine	ha	0	2.5	4.5	5.5	6.5	7.5	7.5	7.5	7.5	7.5
New vine	ha	1.5	2	1	1	1					
Total under vines	ha	1.5	4.5	5.5	6.5	7.5	7.5	7.5	7.5	7.5	7.5
Water use	ML/ha	1.5	6.8	8.3	9.8	11.3	11.3	11.3	11.3	11.3	11.3
Vines	No/ha	4000									
Yield (t/Ha)	tonnes	7.5	11.3	18.8	34	43.3	52	62.8	65.3	65.3	65.3
Price		2300									
Equity injections			50000	0							
Cash Income			75875	43125	78200	99590	119600	144440	150190	150190	150190
CAPITAL EXPENSES (VINE ESTABLISHMENT)											
Ground prep	\$/ha	300	300	600	300						
Fertilizer	\$/ha	750	750	1500	750						
Irrigation	\$/ha	2500	2500	5000	2500						
Wire	\$/ha	3000	3000	6000	3000						
Posts	\$/ha	6000	6000	12000	6000						
Vines	\$/unit	0.65	2600	2600	5200	2600					
Plant, shedding & equipment			75000	3000	25000	2000					
Total Capex			45150	55300	35150						
OPERATING COSTS											
Fungicides	\$/ha	275	688	1238	1513	1788	2063	2063	2063	2063	2063
herbicides	\$/ha	75	188	338	413	488	563	563	563	563	563
Fertilizer	\$/ha	100	250	450	550	650	750	750	750	750	750
Casual labour: hrs/ha	100	\$20/Hr	2200	5500	9900	12100	14300	16500	16500	16500	16500
Harvestine			100	0	250	450	450	550	650	750	750
Fuel			150	0	375	675	675	825	975	1125	1125
Repatos:plant			300 00	1500	1500	1500	1500	1500	1500	1500	1500
Structures			30000	1200	1200	1200	1200	1200	1200	1200	1200
Irrigation			25000	1000	1000	1000	1000	1000	1000	1000	1000
Water (\$ML)				375	675	825	975	1125	1125	1125	1125
power			100	150	675	2063	4388	6188	7313	8438	8438
FIXED COSTS											
Administration				2000	2000	2000	2000	2000	2000	2000	2000
Permanent labour: no		\$50,000	1	5000	5000	5000	5000	5000	5000	5000	5000
Insurance				2250	2250	2250	2250	2250	2250	2250	2250
Rates				2500	2500	2500	2500	2500	2500	2500	2500
Depreciation			0.75	3386	7534	9750	11250	11250	11250	11250	11250
TOTALS				116137	137185	123938	95414	100264	101639	103014	103014
DEPICT/SURPLUS				-40262	-94060	-45739	4177	19337	42802	47177	47177
CUMULATIVE				-40262	-134322	-180060.5	-175884	-156548	-113746	-66569.5	-19393
IRR(%) (20 years)	16%		PERIOD (years)		20						

of these recommendations of the plan, including the submission of progress reports to the responsible authority

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A log book is to be kept which records the following data, as per the pro forma below.

Ongoing farm inspections by the owner are indicated four times a year.

These inspections should translate into actions when necessary.

Both inspections and activities should be recorded in a dedicated Log Book as they arise.

The log book is to be summarized and submitted to Council annually for the first three years.

REFER TO APPENDIX 1 FOR LOG BOOK OF INSPECTIONS 2020 – 2024.

Livestock Movements

Potential Farming Impacts include

- soil erosion, sheet erosion and gully erosion, loss of pasture, etc – economic loss & changes in grassland ecology from competition by environmental weeds (esp. phalaris)

The above potential farming impacts may result from the following actions:-

- overgrazing and grazing during Themada seed formation and seed set (late spring)
- overgrazing resulting in erosion, increased runoff etc.
- under-grazing of Phalaris stands
- changes in soil fertility from nutrient translocation and uncontrolled /selective grazing.

Date	Paddock Name	Stock in	Stock out	No of DSEs	Area/days	Monitoring/Evaluation Comment
						Grazing pressure

Vermin Rabbits

Potential Farming Impacts include soil erosion, sheet erosion and gully erosion, loss of pasture, - economic loss

Potential Environmental Impacts include threats to grassland species, erosion, changes in grassland ecology

Date	Activity & Location		Description/magnitude	Monitoring/Evaluation Comment Evaluation
	Poison burrows			
	Ripping			
	Blasting			
	Release Calici virus			

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Noxious Weeds

Serrated Tussock

Potential Impacts economic loss through alienation of significant areas of pasture

Potential Environmental Impacts, as above.

Date	Activity & Location	Magnitude	Monitoring/Assessment		Monitoring/Evaluation Comment
			Date & Activity		
	Serrated Tussock	Singletons Area etc	Date	Activity	Method Spray type Cost etc

Phalaris

Potential Impacts, economic loss through alienation of significant areas of both pasture and native grasses by outcompeting native species for light and moisture.

Date	Activity & Location	Magnitude/score	Monitoring Assessment		Monitoring/Evaluation Comment Evaluation

Box Thorn

Potential Impacts loss of significant areas of pasture and native grasses

Date	Activity & Location	Magnitude/score	Monitoring Assessment		Monitoring/Evaluation Comment Evaluation

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Year	Management Action	Activity	Timing	Standard	Log Book Entry	Date of completion
(1a) Retention and Management of Native Vegetation (2a)						
2014	Revegetation of Escarpment	5000 trees understorey Site preparation and planting	2014	Overplant: 7000 trees and understorey	2014	2014
2014	Weed control	Simazine & Roundup	2014	Pre and post planting	2014	2014
2014	Infill replacements (x3)		2014	Infill replacements	2014	2014
(1b) Protection & Management of Native Grasslands (2c) & (2d)						
Year 1 2017+	Minimise grazing during seed set (<4 DSE/Ha)	Restrict access to water via gate below scarp	Annually Late spring	100% stock movement off scarp (2f)	On activity	Monthly Annually
	Grazing to manage scarp fuel burden reduction and Phalaris control	Open the gate	After seed set	Record stock movements in Log (2f)	On activity	Monthly Annually
(2) Livestock Movements and Land Management (2f)						
Annually	Manage stock movements & grazing intensity to prevent erosion, Themada seed set and germination & establishment	Record movements of stock (sheep/cattle type) Number onto scarp and off scarp.	Record movement in Log book	100% stock movement off scarp prior to seed set (2f)	On activity	Monthly Annually
(1c) Pest Animal Management						
	Rabbit eradication, habitat destruction Erosion prevention. Grassland protection	Ripping Blasting Poisoning burrows Calici virus release	Year round Year round Year round On availability	Ongoing (2f)	On activity	Monthly Annually
Noxious Weeds:						
	Serrated Tussock					
	Locate, and eradicate, esp on scarp	Spot spray &/or dig out Graze at any opportunity	Post grazing in winter where possible	Opportunity based,	On activity	Monthly Annually
	Box thorn	Prune and poison with Roundup or similar	Year round	Opportunity based -	On activity	Monthly Annually
	Phalaris (note Phalaris is a perennial pasture species)	Grazing to allow Themada to complete for light and nutrients	Any time save for seed set and germination		See stock management log above	Monthly Annually

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APPENDIX 1

Log Book – Environmental Monitoring - Condition 2 f

Years 2020 - 2024

Permit No. 13/0141

375 Pollocksford Road, Gnarwarre

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Summary
This Log Book provides a summary of land condition assessments and management activities conducted over a three-year period at 375 Pollocksford Road, Gnarwarre, Lots 1 & 2. The monitoring process follows the framework established in the endorsed Land Management Plan and satisfies the requirements of Condition 2f of Permit No. 13/0141 for regular site evaluation, ecological stability, and infrastructure integrity.

Site inspections were undertaken on the following dates:

- 2020: 19 October
- 2021: 11 August
- 2022: 18 January, 12 February, 2 October, 30 October
- 2024: 18 May, 25 May, 6 July, 2 August

Observation / visits encompassed multiple seasonal conditions and formed the basis for observations on land use, vegetation health, erosion risk, maintenance needs and revegetation schedules

Livestock Movements

Date	Paddock Name	Stock in	Stock out	No of DSEs	Area/days	Monitoring/Evaluation Comment
19.10.2020	Lot 1, No commercial livestock.	N/A	N/A	N/A	N/A	No commercial livestock present on Lot 1, exception being domesticated horse in a controlled setting. Native kangaroos access the site regularly resulting in minor vegetation patching in open paddocks. Continuance of decade's long stable scarp erosion only with no loss of pasture observed. No action deemed necessary.
	Lot 2, No commercial livestock.	N/A	N/A	N/A	N/A	No commercial livestock present on Lot 2. Native kangaroos access the site regularly resulting in minor vegetation patching in open paddocks. No soil erosion, gully erosion or loss of pasture observed. No action deemed necessary.

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11.08.2021	Lot 1, No commercial livestock.	N/A. Note, unable to visit site given covid restrictions.	N/A. Note, unable to visit site given covid restrictions.	N/A. Note, unable to visit site given covid restrictions.	N/A	No commercial livestock present on Lot 1, exception being domesticated horse in a controlled setting. Native kangaroos access the site regularly resulting in minor vegetation patching in open paddocks. Continuance of decade's long stable scarp erosion only with no loss of pasture observed. No action deemed necessary.
	Lot 2, No commercial livestock.	N/A. Note, unable to visit site given covid restrictions.	Note, unable to visit site given covid restrictions.	N/A. Note, unable to visit site given covid restrictions.	N/A	No commercial livestock present on Lot 1, Native kangaroos access the site regularly resulting in minor vegetation patching in open paddocks. No soil erosion, gully erosion or loss of pasture observed. No action deemed necessary.
18.01.2022	Lot 1, No commercial livestock.	N/A	N/A	N/A	N/A	No commercial livestock present on Lot 1, exception being domesticated horse in a controlled setting. Native kangaroos access the site regularly resulting in minor vegetation patching in open paddocks. Continuance of decade's long stable scarp erosion only with no loss of pasture observed. No action deemed necessary.
	Lot 2, No commercial live stock.	N/A	N/A	N/A	N/A	No commercial livestock present on Lot 1, Native kangaroos access the site regularly resulting in minor vegetation patching in open paddocks. No soil erosion, gully erosion or loss of pasture observed. No action deemed necessary.

12.02.2022	Lot 1, No commercial livestock.	N/A	N/A	N/A	N/A	No commercial livestock present on Lot 1, exception being domesticated horse in a controlled setting. Native kangaroos access the site regularly resulting in minor vegetation patching in open paddocks. Continuance of decade's long stable scarp erosion only with no loss of pasture observed. No action deemed necessary.
	Lot 2, No commercial livestock.	N/A	N/A	N/A	N/A	No commercial livestock present on Lot 1, Native kangaroos access the site regularly resulting in minor vegetation patching in open paddocks. No soil erosion, gully erosion or loss of pasture observed. No action deemed necessary.
18.05.2024	Lot 1, No commercial livestock.	No stock count undertaken	No stock count undertaken	No stock count undertaken	N/A	No commercial livestock present on Lot 1, exception being domesticated horse in a controlled setting. Native kangaroos access the site regularly resulting in minor vegetation patching in open paddocks. Continuance of decade's long stable scarp erosion only with no loss of pasture observed. No action deemed necessary.
	Lot 2, No commercial livestock.	No stock count undertaken	No stock count undertaken	No stock count undertaken	N/A	No commercial livestock present on Lot 1, Native kangaroos access the site regularly resulting in minor vegetation patching in open paddocks. No soil erosion, gully erosion or loss of pasture observed. No action deemed necessary.

25.05.2024	Lot 1, No commercial livestock.	No stock count undertaken	No stock count undertaken	No stock count undertaken	N/A	No commercial livestock present on Lot 1, exception being domesticated horse in a controlled setting. Native kangaroos access the site regularly resulting in minor vegetation patching in open paddocks. Continuance of decade's long stable scarp erosion only with no loss of pasture observed. No action deemed necessary.
	Lot 2, No commercial livestock.	No stock count undertaken	No stock count undertaken	No stock count undertaken	N/A	No commercial live stock present on Lot 1, Native kangaroos access the site regularly resulting in minor vegetation patching in open paddocks. No soil erosion, gully erosion or loss of pasture observed. No action deemed necessary.
06.07.2024	Lot 1, No commercial livestock.	No stock count undertaken	No stock count undertaken	No stock count undertaken	N/A	No commercial livestock present on Lot 1, exception being domesticated horse in a controlled setting. Native kangaroos access the site regularly resulting in minor vegetation patching in open paddocks. Continuance of decade's long stable scarp erosion only with no loss of pasture observed. No action deemed necessary.
	Lot 2, No commercial livestock.	No stock count undertaken	No stock count undertaken	No stock count undertaken	N/A	No commercial live stock present on Lot 1, Native kangaroos access the site regularly resulting in minor vegetation patching in open paddocks. No soil erosion, gully erosion or loss of pasture observed. No action deemed necessary.

02.08.2024	Lot 1, No commercial livestock.	No stock count undertaken	No stock count undertaken	No stock count undertaken	N/A	No commercial livestock present on Lot 1, exception being domesticated horse in a controlled setting. Native kangaroos access the site regularly resulting in minor vegetation patching in open paddocks. Continuance of decade's long stable scarp erosion only with no loss of pasture observed. No action deemed necessary.
	Lot 2, No commercial livestock.	No stock count undertaken	No stock count undertaken	No stock count undertaken	N/A	No commercial livestock present on Lot 1, Native kangaroos access the site regularly resulting in minor vegetation patching in open paddocks. No soil erosion, gully erosion or loss of pasture observed. No action deemed necessary.

Vermin Rabbits

Date	Activity & Location	Description/magnitude	Monitoring/Evaluation Comment Evaluation
19.10.2020 11.08.2021 18.01.2022 12.02.2022 02.10.2022 30.10.2022 18.05.2024 25.05.2024 02.08.2024	No major sign of degradation from rabbits, minimal impacts from kangaroo grazing. All inspections have confirmed that the site remains free from active erosion. No gully, rill, or sheet erosion was evident during any visit. Groundcover has been stable across paddock areas, and there is no sign of soil compaction, scalding, or excessive runoff. The site has maintained natural drainage patterns, and surface condition remains consistent with sustainable land management.	No adverse impacts. Good vegetation health with low erosion risk – no loss of pasture or other adverse environmental impacts.	Annual inspections to continue.

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Noxious Weeds

Serrated Tussock

Date	Activity & Location	Magnitude	Monitoring/Assessment Date & Activity	Monitoring/Evaluation Comment
19.10.2020 11.08.2021 18.01.2022 12.02.2022 02.10.2022 30.10.2022 18.05.2024 25.05.2024 02.08.2024	Serrated Tussock – Lots 1 & 2	20 to 50 individual plants found	Site inspection on nominated dates.	Individual specimens uprooted and disposed of prior to seed formation. Monitoring and removal programme has significantly limited the spread of Serrated Tussock allowing the preservation of native pastures across both lots. Monitoring to continue for the presence for Serrated Tussock and removal when found

Phalaris

Date	Activity & Location	Magnitude/score	Monitoring Assessment	Monitoring/Evaluation Comment Evaluation
19.10.2020 11.08.2021 18.01.2022 12.02.2022 02.10.2022 30.10.2022 18.05.2024 25.05.2024 02.08.2024	Lots 1 & 2	Phalaris and Themeda grass species remain well represented, and no weed dominance or selective grazing effects have been observed	Site inspection on nominated dates.	Monitoring to continue. Future limited live stock grazing combined with low impacts from kangaroo grazing are expected to ensure that Phalaris and Themeda grass specimens will remain well represented on site.

Box Thorn

Date	Activity & Location	Magnitude/score	Monitoring Assessment Date & Activity	Monitoring/Evaluation Comment Evaluation
19.10.2020 11.08.2021 18.01.2022 12.02.2022 02.10.2022 30.10.2022 18.05.2024 25.05.2024 02.08.2024	No Box Thorn evident on Lots 1 & 2. Monitoring to continue.	N/A	No loss of significant areas of pasture of native grasses given the absence of Box Thorn.	Monitoring to continue.

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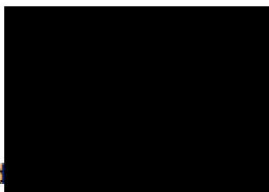
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General Land Management Activities

Date	Location	Activity	Monitoring
19.10.2020	Lots 1 & 2	Revegetation and Scarp Planting	Monitoring to continue.
11.08.2021			
18.01.2022			
12.02.2022			
02.10.2022			
30.10.2022			
18.05.2024			
25.05.2024			
02.08.2024			
		<p>The property has been subject to a progressive program of native revegetation through tube stock and tree planting. A large-scale planting event was conducted on 2 August 2024, further strengthening biodiversity and slope resilience. On every visit, I have walked the scarp planting zone in full, observing excellent planting density, species survival, and consistent vertical growth. These native plantings continue to thrive and play a significant role in soil stabilisation and habitat connectivity.</p>	
		<p>Dam and Waterbody Status</p> <p>The property's main dam has maintained a healthy level across all recorded inspections. It has remained full or near full, with no visual signs of algae, eutrophication, or sediment build-up. Surrounding vegetation buffers the catchment well, supporting water quality and limiting erosion or inflow contamination.</p>	Monitoring to continue.
		<p>Fencing and Infrastructure</p> <p>Fencing infrastructure has been reviewed at each inspection. Several sections of boundary and internal fencing have been impacted, primarily due to kangaroo movement. Damage includes dislodged wire, pushed-over posts, and minor strain to mesh in high-traffic areas. These issues have been logged for repair. No other major structural defects were identified during inspections.</p>	Monitoring to continue. Fencing repair schedule established.

End Log Book – Three Year Period



24/4/25

Signed Date:.....

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Land Management Strategy

375 Pollocksford Road,
Gnarwarre

Commissioned by



prepared by

A J Forbes and Associates
Agricultural Consultants



14th October 2024

**SURF COAST SHIRE COUNCIL
Planning Department**

18/10/2024

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**A J Forbes and Associates
Agricultural Consultants**



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1 Background Site Topography and Physiography

The subject site is located at 375 Pollocksford Road, Gnarwarre.

There are two separate physiographical components (with distinctly different characteristics) on the site;

- the Winchelsea plains
- and
- the Gnarwarre scarp associated with the Barrabool Fault

The dominant feature of the site are the two deep and precipitate gullies, which divide the southern scarp from the smaller areas of flat country adjacent to the Barwon River.

The plains and the scarp are components of one association or catena within the Winchelsea Plain complex.

(1) Winchelsea Plain

The northern areas of the site are typical (Winchelsea) plains derived from weathered basalt. The total area is 17 hectares.

This area is confined to the narrow area adjacent to the Barwon River. Because of its limited size, it is not well suited to broadacre agricultural use. It is however, well suited to vineyard expansion, and limited grazing, and is not considered further in this report.

(2) Gnarwarre Scarp

The scarp comprises the balance of the (hillside) land to the south. The parent material is basalt. Surface basalt and limestone outcrops are extensive. The total area of the escarpment is 81 hectares.

The soils of the scarped area differs from the Winchelsea Plain soils adjacent to the Barwon River, in that soils along the stony rises ridge line running down to the flats are skeletal, with a depth of soil from 0-100 mm, with surface basalt is common across the site, and much soil depth between 0-50 mm only.

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These areas are subject to hazards such as waterlogging, but are also subject to physical hazards such as gully erosion and runoff and sheet erosion if denuded by overgrazing. This is exacerbated by the (extreme) slope of the terrain (1:4 to 1:2).

The land is also is susceptible to erosion and land slip, because of

- the extreme slope.
- the soil type itself which is innately prone to erosion.
- the skeletal nature of the soils, which limits soil moisture retention, and therefore.
- limits the extent and nature of the climax vegetation; with a predominance of native grasses.

No trees are evident on this area, nor is there any evidence of trees ever having been a component of the site's native vegetation.

Given these traits, the site is prone to land slip and erosion, which is susceptible to and is exacerbated by

- overgrazing,
- impact damage caused by cloven hoof animals (sheep, goats and cattle) ,and
- the ravages of rabbits.

This area has little agricultural or forestry value because of the highly skeletal nature of the topsoil and difficult terrain/topography.

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Figure 1 Topography of 375 Pollocksford Road, Gnarwarre.

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1.1 Land Use in relation to Topography and Physiography

The subject site at 375 Pollocksford Road, lies within the Farming Zone of the Surfcoast Shire's Planning Scheme.

The scarp and flats are related in a physiographical sense, and form a local association or catena, and the usual features of a catena of soils related to topographical form are evident down the hillsides transect.

The northern 17 hectares adjacent to the Barwon River

- is suitable for viticulture and (limited) cultivation and grazing.
- benefits from the effects of weathering from hill country to the south.
- will have good levels of potassium and other macro elements, and higher levels of phosphorus derived from weathering basalt on the hill.
- soils are (relatively) deeper than the hillside soils, and of high clay content.

Gnarwarre Scarp

In contrast, the soil type of the dominant higher areas to the south are characterised by

- skeletal soils which are very shallow, with large areas of basalt evident on the soil surface and the immediately subsurface.
- high runoff –caused by bare rock, skeletal soil and the steep terrain,
- limited infiltration,
- a high wilting point.
- almost no water retention capacity and a low field capacity. (Field capacity approximates to the level of soil moisture available to plants.)
- essential elements derived from weathering of rock are also leached and washed down the catena to the plains below.

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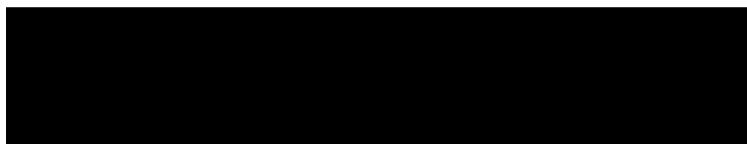
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- **recharge areas which do take in water, which supply water to saline discharge areas at the foot of the scarp, identified in the Salinity Overlay in (Figure 1).**

As a consequence the scarp area

- has a very short growing season, dries off very early in the season,
- is nutrient poor,
- cannot be cropped, is susceptible to overgrazing and erosion at even the lightest grazing pressure.
- can only be grazed for short periods and at very low stocking rates (often described as “opportunity grazing”.
- is in most areas difficult to traverse in a vehicle (or a tractor) because of both the steepness of the terrain and the rock on/above the soil surface.
- comprises almost totally of low value grass species and rock.
- would be very difficult to improve in any way.
- is effectively of no agricultural value.

The soils of the scarp conform with those outlined in Class 4 (poor) to Class 5 (very poor) of the Classification of Agricultural Land (Table 1) in the Surf Coast Rural Strategy (Section 21.07-1).

In the Strategy Document’s accompanying table (Table 2) the “Agricultural Quality Classifications by Land” the plains fit into Class 2 – (High Quality) while the adjacent hills fit into Class 4 (poor) to Class 5 (very poor).

1.2 Vegetation

The original vegetation of the northern flatter areas, like most of the Western Plains, and the Winchelsea Plain is uncertain, but thought to be open woodland. The dominant species was probably *E. camaldulensis* with a ground cover of native grasses (*Themeda* spp) and some native trefoils. These native grasses do not withstand any grazing pressure, and are rapidly displaced by other grasses.



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The higher areas of the scarp and gullies are likely to have had fewer trees again, because of the (extreme) shallow soil depth, and the dominant cover was likely to have been native grasses, with drought resistant trees (*Acacia implexa* and other) *Casuarina* and *Correa* sps.

No indigenous trees or understorey exist on the hillside areas, and this probably indicates that the area was predominately that of a native grassland.

Thick stands of *Themeda* were seen across the hillside sites on the farm inspection. These drought resistant perennial native species provide cover and protection from sheet and gully erosion, provided they are not overgrazed (by either livestock or rabbits).

The widespread existence and persistence of these native species are good indicators that little fertilizer has been historically applied, and that heavy grazing has not been a constant land use practice.

These species are, however, much more susceptible to overgrazing than introduced species such as *Phalaris*. Native grasses are also poor competitors relative to introduced species, when the soil fertility is increased with fertilizer applications. This means that grazing and fertilizer applications are likely to result in the displacement of these indigenous grassland species.

That this has not occurred to date reflects the rugged and difficult terrain, which presents real challenges in practical farming. By way of illustration, there are no internal fence lines (and therefore no stock control) within the southern 81 hectare escarpment area.

2 Land Capability Assessment

The matching of Land Capability and Land Use (or activity) provides the fundamental basis for sustainable land use, and the approach is endorsed and used by government in assessing appropriate land use. A formal Land Capability Assessment (or LCA) is therefore appropriate in assessing how to best deal with the site at 375 Pollocksford Road (see Table 1).

The LCA in shows that

- The existing site is dominated by the escarpment to the south, with extremely steep gullies descending to the (relatively) flatter areas towards the Barwon River in the north.

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- **The gullies and ridges in the scarp area is very exposed to sheet/gully erosion and to land slip**
- **The severity of the topography/terrain, and the high level of rock on the surface and the top 25 centimetres**
 - predispose the site to both soil erosion and land slip,
 - dictate the nature of the dominant vegetation (currently mostly drought resistant perennial native grasses of relatively low production.)
 - precludes cultivation and viable agricultural options for the southern areas of the subject sites.
 - Present difficulties in installing conventional fencing as the principal means of controlling stock movements, and of managing grazing pressure.

The LCA (and the site inspection) clearly shows that the land capability does not support any *current* agricultural pursuit, save some (infrequent) opportunity grazing, which would still be accompanied by high risk of erosion damage and land slip.

The only land suitable for farming is the 17 hectares of lower land on the northern end of the property.

The southern eighty hectares is of little or no agricultural value at all, and at best can only be used as an occasional adjunct to a more intensive irrigated farming pursuit on the northern area.

This reality then dominates and dictates the development of a sustainable land management strategy, and viable farming options, and ultimately if/how the existing Lot should be managed.

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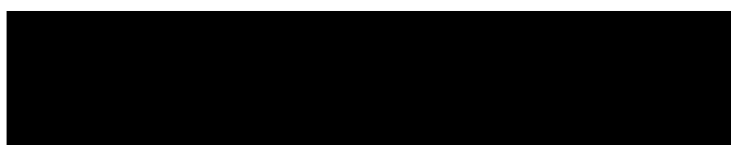
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Table 1 Summary Land Capability Assessment 375 Pollocksford Road

Feature	Land Quality Classes					Ranking	LCA Score
	1	2	3	4	5		
	Very high	High	Moderate	Poor	Very poor		
Growing season months	11 – 12	9 – 11	8 – 9	7 – 8	< 7	7 - 8	5
Supplementary water	Yes	Yes	No	No	No	No	5 ¹
Slope %	0 – 5	3 – 6	6 – 12	12 – 20	20 – 30	12-20	4-5
Drainage	Good	Moderate – easily drained	Moderate not easily drained	Poor	Very poor	Good	n/a
Soil	Friable loams	Friable loams	Clay Loams	Sands & clay	Sands & clay	Clay loams	3
Profile permeability	High	Moderate	Mod/low	Low	Low	Low	5
Friable soil	50 cm	20-30 cm	10–25 cm	5-10 cm	< 5 cm	5 – 10 cm	4-5
Soil fertility	High	Mod/high	Moderate	Low	Low	Moderate	3
Depth to rock	1 m	1 - 0.5 m	0.5 m	0.5-0.1m	< 0.1 m	< 0.1 m	5
Erosion (sheet/gully)	Low	Low	Moderate	High	Very high	Very High	5
Flood frequency (yrs)	None	1 in 15	1 in 10	Annual	Annual	None	n/a
Arability	Excellent	Good	Moderate	Poor	Nil	Nil	5
Land Capability Rating							5

1 This score applies to the scarp areas. The northern areas are adequately serviced with sufficient water for irrigation.

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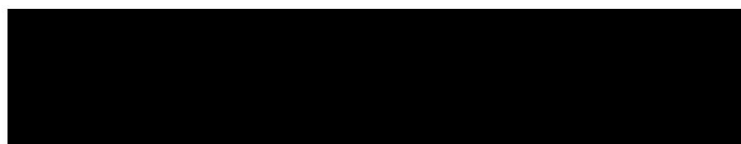
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The objective of the land management strategy must therefore be to

(1) Identify and preserve for viable farming any suitable land on the site; which effectively is confined to the northern more benign and flatter areas seventeen hectares of land

and

(2) Establish a Sustainable Land Management Program to better manage the sites' identified environmental threats.

3.2 Land Management measures for Unproductive Land

The land management strategy does not include the seventeen hectares of arable land to the north, but rather is confined to the 81 hectares of scarps and gullies to the south (Figure 1).

In effect, this translates to stabilising soils across the scarps and gullies in the south, to reduce land slip, erosion and subsoil water movement, from recharge areas to slip prone sites and saline discharge areas in the gullies and beyond. In order to achieve this, the susceptible sites need to be revegetated, by

- a. establishing strategic tree plantations at the top of the scarps thereby preventing gully erosion, land slip and salination, by reducing runoff
- b. preserving and enhancing the significant areas of native grasslands which dominate this 81 hectare area (which are susceptible to changes to soil fertility and overgrazing).

This can be best achieved by implementing the below activities:

- Where possible, establishing mixed plantations of trees, understory and grasses at the border between the scarp proper and the gullies.
- To redirect surface runoff away from the gullies and the recharge areas
- To protect and enhance grassland species by minimizing the impacts of grazing stock, consistent with fuel reduction grazing, and weed management.

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3.3 Tree Plantings

Escarpment Tree Plantings

Seedlings to be planted on the eastern and western sides of the two gullies, located at the top verge of the gully (Figure 1). The tree plantations are located along the top of the escarpment, to reduce runoff and land slip.

Species

Tree and shrub species lists are not definitive and are dependant on availability. Indicative species include;-

<u>Trees</u>	<u>ShrubsUnderstorey</u>
Yellow gum	Hedge wattle
Drooping sheoke	Black Wattle
Lightwood Acacia	Sweet Burseria
	Shrub violet

The total length of the plantations located over four sites is 2500 metres.

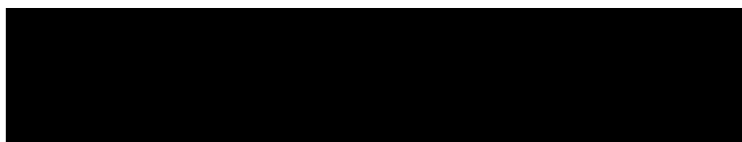
The plantation width: 20 metres, trees in up to four rows at 3 metre between rows

Distance between trees within each row is two metres

Total number of trees and/or understory bushes planted is ~ 4000 trees (depending on topography and access for ripper etc.).

Seedbed Preparation: Note that successful tree planting and sapling establishment and survival depends on the creation of satisfactory seed beds. In turn, this involves deep ripping and the preparation of raised beds for planting seedlings. In the short term the raised bed allows for weed control and initial root development and establishment. Deep ripping facilitates penetration of a tap root into deeper soil, and ensues access to additional soul moisture for the tree's survival and growth. This preparation gives the best strike rate and survival, and successful plantation establishment.

The soils of this area are skeletal in nature, and there is significant basalt strata at and immediately below the soil surface in many areas, and sandstone in other areas. Consequently this will present difficulties in the use of the ploughs, cultivators and associated mounding equipment to create deep ripping and seed raised bed, and determine the number of trees planted in these areas.



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Cost

\$4 - \$6 /tree depending on soil depth and tree-guard selected.

Seed bed preparation:

Each row to be deep ripped

Raised and formed beds to be prepared (300 hp 4wd tractor)

Weed control

Seed beds: spray Simazine and Roundup three times before planting out.

Seedlings to be planted out in either waxed cartons (25-30 cm) or in a rabbit proof tree guard, depending on rabbit numbers etc.

Fencing

Ideally the tree plantations should be fenced off from grazing by sheep, rabbits kangaroos and hares etc. However, the skeletal nature of the area (and the absence of existing fences) indicates that this might be a difficult task. If so then some form of temporary fencing and the exclusion of stock during the first twelve months may need to be considered. This can only be ascertained at the time of seed bed preparation, and planting the trees.

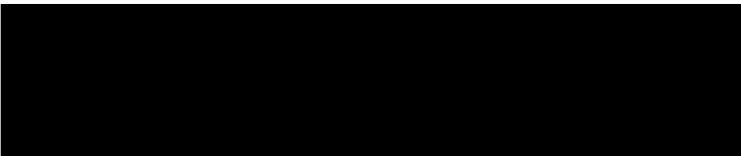
3.4 Native Grasslands

The site lies within Farming Zone of the Surfcoast Shire’s Planning Zone, and grazing is “as of right”.

It is apparent that grazing has in fact been very low over the years, and provided little return. This situation remains.

This site is dominated by native grasses which are perennial grasses. Perennials provide year round ground cover as long as they re not grazed out. Hence, so long as supporting soils are stable (ie are not denuded and washed away by overgrazing and drought, followed by excessive rainfall) the native grasses will prevent erosion down the gullies from the plateau.

The existence of extensive areas of soil slip, across the gullies (especially in the higher areas of the gullies) is probably more related to the short growing season, with insufficient moisture retention to support a persistent stand of perennial grasses along the top of the scarp.



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In turn this allows both erosion and the intake (recharge) of water in the now exposed soils at this point. This would also explain the soil slip and the saline soils in the gullies in the Salinity Overlay (Figure 1).

Australian indigenous grasses have evolved in a low nutrient, arid environment. In contrast, introduced pasture species respond well to increased fertilizer applications (originally superphosphate) and the increased growth rate of introduced species give introduced species a competitive edge over naive species. Consequently the presence of native grasses in the sward declines and introduced species have prevailed and dominated.

This sequence of transition from native grasses to introduced pasture species does not appear to have taken hold in this southern 81 hectare area; probably because the terrain is too hostile to be of much interest to farmers, and simply too difficult to allow fertilizers to be spread. Hence, the general level of fertility is low, and this has in large part worked in favour of the existing native grasses, which are still the climax community of grass species in the sward.

In the southern 81 hectares (Figure 1) fertilizer applications are limited by the terrain and the extreme difficulty in farming and grazing.

However, the northern areas (totalling 17 hectares) are suited to some forms of agriculture, (e.g. viticulture) then sheep can be an effective means of “cleaning up” between rows, etc, and this should not be curtailed.

Also there are circumstances where heavy grazing is a good practice; (Fuel reduction to minimize fire danger is a good example). Consequently, no recommendation is made in regard to controls of grazing. It is likely that sheep numbers will not be excessive, given the low fertility and the difficulty in managing and mustering stock on this site.



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4 Implementation of Condition 2 of the Planning Permit

In accordance with VCAT's determination of 22nd April, 2014; the following conditions were detailed in Condition #2 (p 3-4).

- a) *The retention and enhancement of native vegetation, particularly native grasslands.*
- b) *Details of works to be carried out on site to implement the recommendations of the plan.*
- c) *Land Management Measures for unproductive land.*
- d) *Timelines for the implementation of the recommendations of the plan.*
- e) *Measures for the monitoring and reporting of the implementation of the plan, including the submission of progress reports to the responsible authority.*
- f) *Consideration of opportunities for financial returns from retained and enhanced native vegetation (e.g. trading of offset credits).*

4.1 Retention and Enhancement of Native Vegetation

4.1.1 Native Tree Planting

Escarpment Tree Plantings

Seedlings to be planted on the eastern and western sides of the two gullies, located at the top verge of the gully (refer Figure 1). The tree plantations are located along the top of the escarpment, to reduce runoff, erosion and land slip.

Species

Tree and shrub species lists are not definitive and are dependant on availability. Indicative species include;-

Trees

Yellow gum

Drooping sheoke

Lightwood Acacia

Shrubs Understorey

Hedge wattle

Black Wattle

Sweet Burseria

Shrub violet

The total length of the plantations located over four sites is 2500 metres.

The plantation width: 20 metres, trees in up to four rows at 3 metre between rows

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Distance between trees within each row is two metres.

Total number of trees and/or understory bushes planted is ~ 4000 trees (depending on topography and access for ripper etc.).

Seed bed preparation:

Each row to be deep ripped

Raised and formed beds to be prepared (300 hp 4wd tractor)

Weed control

Seed beds: spray Simazine and Roundup three times before planting out.

Seedlings to be planted out in either waxed cartons (25-30 cm) or in a rabbit proof tree guard, depending on rabbit numbers etc.

Fencing

Ideally the tree plantations should ideally be fenced off from grazing by sheep, rabbits kangaroos and hares etc. However it is recognized that this is both a deterrent only, and is extremely expensive

Also the skeletal nature of the area (and the telling absence of existing fences) indicates that this might be a difficult task. If so then some form of temporary fencing or the exclusion of stock during the first twelve months may need to be considered.

Spoon Drains

It was proposed that spoon drains be located on the uphill side of the plantations to minimize runoff and erosion, while trees and shrubs were small, and the impacts of runoff high. This recommendation is no longer required.

4.1.2 Retention and Enhancement of Native Grasslands

The site lies within Farming Zone of the Surfcoast Shire's Planning Zone, and grazing is "as of right".

It is apparent that grazing has in fact been very low over the years, and provided little return. This situation remains.

This site is well represented by perennial native grasses. Perennials provide year round ground cover as long as they re not grazed out. Hence, so long as supporting soils are stable (ie are not denuded and washed away by overgrazing and drought,



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followed by excessive rainfall) the native grasses will prevent erosion down the gullies from the plateau.

The existence of extensive areas of soil slip, across the gullies (especially in the higher areas of the gullies) is probably more related to the short growing season, with insufficient moisture retention to support a persistent stand of perennial grasses along the top of the scarp.

In turn this allows both erosion and the intake (recharge) of water in the now exposed soils at this point. This would also explain the soil slip and the saline soils in the gullies in the Salinity Overlay (Figure 1).

Australian indigenous grasses have evolved in a low nutrient, arid environment. In contrast, introduced pasture species respond well to increased fertilizer applications (originally superphosphate) and the greater innate growth rate of introduced species give them competitive edge over native species. Consequently the presence of native grasses in the sward declines and introduced species have prevailed.

This sequence of transition from native grasses to introduced pasture species does not appear to have taken hold in this southern 81 hectare area; probably because the terrain is too hostile to be managed and grazed effectively, and simply too difficult to allow fertilizers to be spread. Hence, the general level of fertility is low, and this has in large part worked in favour of the existing native grasses, which are still the climax community of grass species in the sward.

4.2 Land Management Measures for Susceptible Areas

In the southern 81 hectares (Figure 1) fertilizer applications are limited by the terrain and the extreme difficulty in farming and grazing/animal husbandry.

However, the northern areas 17 hectares are suited to some forms of agriculture, (e.g. viticulture) then sheep can be an effective means of “cleaning up” between rows, etc, and this should not be curtailed.

Also there are circumstances where heavy grazing is a good practice (fuel reduction to minimize fire danger is a good example).



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Consequently,

- No hard and fast recommendation is made in regard to controls of grazing. It is likely that sheep numbers will not be excessive, given the low fertility and the difficulty in managing and mustering stock on this site.
- No grazing of the southern escarpment area in the period between late spring and the Autumn break should occur.

4.3 Timelines for the implementation of Recommendations.

Tree Planting

Site preparation and planting late winter spring, depending on site access (weather) and seedling availability. The timetable proposed was for

2014 plantings 50 per cent

2015 balance of program completed

Outcomes 2014

Tree Planting Schedule

The entire tree planting program has been implemented in spring 2014.

This has entailed the deep ripping and mounding of nursery beds along each of the three identified ridges which defines the relevant areas (see Figure 1).

Saplings have been planted in staked milk cartons on prepared raised beds in up to four rows of trees, with seedlings/saplings planted every 2.5 metres apart.

Planting of mixed native shrub and trees occurred in August 2014.

The contractors planting the trees issued an invoice to Dr Scott on 13th August 2014, for \$29,000 for the seed bed preparation and planting of 7000 trees.

The species listed are recorded in the invoice (see Appendix, page 19).

Subsequent to planting,

- the contractors have returned for post planting weedicide spays to improve competition and survival.

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- On the 18th September the Corangamite Catchment Management Authority (represented by Mr [REDACTED]) and Inverleigh Landcare (represented by M/s [REDACTED]) inspected the plantations.

Spoon Drains

It was proposed that spoon drains be located on the uphill side of the plantations to minimize runoff and erosion, while trees and shrubs were small, and the impacts of runoff high.

This is no longer a necessary requirement, because all the trees and shrubs have been planted into raised beds (ca 20-25 cm high).

As there are four rows of raised beds, the cutting of a spoon drain no longer serves any purpose, and has therefore not been cut.

Seedling & Sapling Maintenance

Annually in 2014 and 2015

- Repair replace tree guards,
- Replace seedling/saplings as required.

Spoon drains

Spoon drains were to be cut before autumn 2015– to reduce runoff - (as above) – this is now no longer required.

4.4 Monitoring and Reporting Requirements

- Annual monitoring of the following should occur over the first two years.

Plantation condition.

Seedling & sapling mortalities

Tree guard survival and/or replacement

This should occur in late spring –early summer, so that repairs and remediation can be effected over summer and during the following autumn break.

This requirement has been met in totality in year 1, and was inspected by the Corangamite Catchment Management Authority, and Landcare (Sept 2014)

- *Spoon Drain maintenance*

The information contained in this online registry is provided for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By entering the website, you acknowledge and agree that you will only use the information for the purpose specified above and that any dissemination or distribution of this information is strictly prohibited.

Ensure drains are clean and functional - Now not required (see above)

4.5 Carbon Farming Initiative

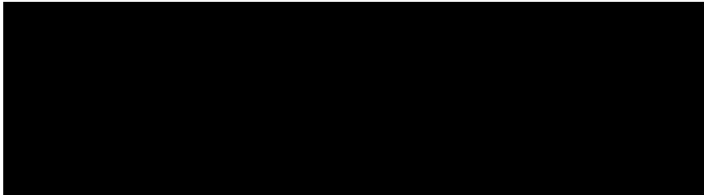
Preliminary inquiries with the federal Dept of Environment in relation to the Carbon Farming Initiative can be summarized thus:-.

Reforestation and revegetation (including the restoration of native grasses) would be considered eligible under the Carbon Farming Initiative.

The model is simple enough conceptually:

- carbon sequestrations/hectare are calculated, within the rainfall and other climatic limits of the subject site.
- The additional carbon inputs used are calculated and deducted.
- The net carbon sequestered is costed out at market price (ca \$23/tonne).
- Initial modelling using the website model was neither encouraging not conclusive.

The Dept advisors advised that the revenues generated were small and the model may not be well suited to the scale of the proposal.



Managing Director,

A J Forbes and Associates

14 October 2024

