



Murrindindi Shire Council
RECEIVED KINGLAKE

Office Use Only	
VicSmart:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Specify class of VicSmart application:	Trim No:.....
Application No:	Date Lodged: / /

Application for Planning Permit

If you need help to complete this form, read [How to complete the Application for Planning Permit form](#).

⚠ Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*. If you have any concerns, please contact Council's planning department.

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

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

Planning Enquiries
Phone: (03) 5772 0317
Email: planning@murrindindi.vic.gov.au
Web: <http://www.murrindindi.vic.gov.au>

Application type

Is this a VicSmart Application?*

No Yes

If yes, please specify which VicSmart class or classes: _____

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

Pre-application meeting

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

No Yes

If 'yes', with whom? _____

Date: _____ day / month / year

The Land ⓘ

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

Street Address*

Unit No:	St. No: 70	St. Name: MURRAYS ROAD
Suburb/Locality: KINGLAKE		Postcode: 3763

Formal Land Description*
Complete either A or B

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

A Lot No: _____ Lodged Plan Title Plan Plan of Subdivision No: _____


OR

B Crown Allotment No: 44A & 44B Section No: _____

Parish/Township Name: KINGLAKE

If this application relates to more than one address, please attach details.


The Proposal

 You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application.

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

CONSTRUCTION OF A HOUSE & SHED

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

 Provide additional information on the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist, and if required, a description of the likely effect of the proposal.

1 Estimated cost of development for which the permit is required*

Cost \$ 150 000

 You may be required to verify this estimate


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

Existing Conditions

Describe how the land is used and developed now*

GRAZING. . VACANT.

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

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


Title Information

Encumbrances on title*

If you need help about the title, read: [How to complete the Application for Planning Permit form](#)

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

- Yes. (if 'yes' contact Council for advice on how to proceed before continuing with this application.)
- No
- Not applicable (no such encumbrance applies).

 Provide a full, current copy of the title for each individual parcel of land forming the subject site. (The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments' eg restrictive covenants.)

Applicant and Owner Details

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

Applicant *

The person who wants the permit

Name:
 Title: MR First Name: JAMES Surname: MCMANON

Organisation (if applicable):

Postal Address:
 Unit No: St. No: 70 If it is a PO Box, enter the details here:
 St. Name MORRAYS RD.

Suburb/Locality: KINGLAKE State: VIC Postcode: 3763

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

Contact person's details* Same as applicant (if so, go to 'contact information')

Name:

Title: **MR** First Name: **MICHAEL** Surname: **MCMALON**

Organisation (if applicable):

Postal Address If it is a PO Box, enter the details here:

Unit No.: St. No.: **70** St. Name **MURRAYS RD**

Suburb/Locality: **KINGLAKE** State: **VIC** Postcode: **3783**

Please provide at least one contact phone number *

Contact Information

Business Phone: **57 861 222** * Email:

Mobile Phone: * If an email address is provided, all correspondence regarding your application will be sent to you via email, unless requested otherwise

Owner *

The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

Name:

Title: **MR** First Name: **JP REM** Surname: **MCMALON**

Organisation (if applicable):

Postal Address If it is a PO Box, enter the details here:

Unit No.: St. No.: **70** St. Name **MURRAYS ROAD**

Suburb/Locality: **KINGLAKE** State: **VIC** Postcode: **3763**

Owner's Signature (optional): Date: **4/10/15**
day / month / year

Information Requirements

Is the required information provided?

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

Yes

No

Declaration ①

This form must be signed by the applicant*



Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit

I declare that I am the applicant; and that all the information in this application is true and correct and the owner (if not myself) has been notified of the permit application.

Signature: **[Signature]** Date: **4/10/15**
day / month / year

Checklist ⓘ

Have you:

<input checked="" type="checkbox"/>	Filled in the form completely?	 Most applications require a fee to be paid. Contact Council to determine the appropriate fee.
<input checked="" type="checkbox"/>	Paid or included the application fee?	
	Provided all necessary supporting information and document?	
<input type="checkbox"/>	A full and current copy of the information for each individual parcel of land forming the subject site.	
<input checked="" type="checkbox"/>	A plan of existing conditions.	
<input checked="" type="checkbox"/>	Plans showing the layout and details of the proposal.	
<input checked="" type="checkbox"/>	Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.	
<input type="checkbox"/>	If required, a description of the likely effect of the proposal (eg traffic, noise, environmental impacts).	
<input checked="" type="checkbox"/>	Completed the relevant Council planning permit checklist?	
<input checked="" type="checkbox"/>	Signed the declaration (section 7)?	

Need help with the Application? ⓘ

If you need help to complete this form, read [How to complete the Application for Planning Permit form](#).
General information about the planning process is available at www.dtpli.vic.gov.au/planning.

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

Lodgement ⓘ

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

Murrindindi Shire Council
PO Box 138 Alexandra VIC 3714
Perkins Street, Alexandra VIC 3714

Contact Information:

Phone: 03 5772 0317
Fax: 03 5772 2291
Email: planning@murrindindi.vic.gov.au
DX: 71402

Deliver application in person, by email, or by post:

Make sure you deliver any required supporting information and necessary payment when you deliver this form to the above mentioned address. If submitting your application electronically, contact Council's planning department to discuss payment options.



Our Ref: 16003
Your Ref: 2015/210

12 May 2016



Melissa Crane
Senior Statutory Planner
Murrindindi Shire Council
PO Box 138
ALEXANDRA VIC 3714

Dear Melissa,

**Planning Permit Application 2015/210 – Dwelling, Garage and Farm Storage Shed
70 Murrays Road, Kinglake (Crown Allotment 44A & 44B, Kinglake)**

I refer to your letter dated 23 February 2016, requesting further information to address specific concerns. Please find attached, the following amended documents:

- Amended Management Action Plan to include actions and timeframes for the culinary herb enterprise, including soil preparation, propagation, seeding, planting, maintenance and harvesting.
- Amended Business Plan to align the monetary figure to accord with the cropping area from (i.e. \$22,000 = 2000m² and \$44,000 = 4000m²).

We have included a full copy of a recent Certificate of Title for the land as requested.

With regard to the proposed staging of the farm infrastructure, it is anticipated that the propagation and planting of the culinary herbs will take place between February and April 2017. The Management Action Plan at Appendix 5 specifies that the crop will be planted out by 31 March 2017. Before this occurs, there are a number of actions that will be completed including the establishment of stock exclusion zone fencing to protect native vegetation. This is proposed to occur in October 2016. The fencing will be post and 5 wire construction and its proposed location is illustrated on the Proposed Improvements Plan at Appendix 4. In addition to this fencing, the crop will also be fenced to prevent invasion by pest animals. The access driveway will be extended to the proposed dwelling and shed site as soon as possible. The shed will be used to keep equipment and plant for the farming enterprise, and will also contain a cold storage vehicle used in the business. This shed needs to be

constructed in time for the propagation process which commences in February 2017. Remediation works will be undertaken within an eroded area of the land by May 2017. The control of pest plants and animals including exclusion fencing measures will commence in August 2016.

Ideally, the dwelling and garage would be underway at the same time as the business commencing, however at the very least the shed needs to be constructed and the driveway needs to be extended for the business to start.

The land was selected due to its high quality soil, the climate, elevation above sea-level and its high annual high rainfall. These factors provide all of the relevant elements for growing produce whilst having a low overhead for start-up of a small farming business. The value of land within the Shire's key agricultural precincts makes such properties unaffordable for many young farmers starting out in the industry. However, the investment of land within this precinct is considered to provide some assurance that the produce will be protected by its clean and green image, its higher chance of receiving an adequate rainfall, and its close proximity to consumers in the Yarra Valley and Melbourne. The proposed size of the cultivated culinary herb crop will commence with 2000m² to ensure that the future enterprise is not relying on plants that are of the same maturity, and to provide seed for the growth of the entire crop. This approach is cost effective, and gives the operator an opportunity to establish a different variety of herbs if any of the established plants are not proving to be successful. The goal for five years is to increase the crop to an area of 4000m². This is by no means the only cropping area anticipated for the land. There are several other sites within the property that will be cropped in future.

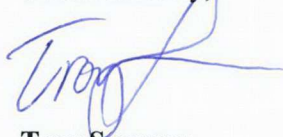
This property is suited to the proposed use and development and is considered to provide an opportunity for the establishment of a desirable farm that produces food from a small area of land. The anticipated income ranges between \$22,000 and \$44,000 from targeting niche markets including the commercial kitchen industry. There have been VCAT cases more recently which identified the need for entry level farmers to be able to start out on smaller properties in areas where they could expand as the opportunity arose. These instances have meant that young farmers and new farmers can purchase what they can afford, undertake the enterprise and be available onsite to run their own farm and work on neighbouring farms and share equipment and knowledge between older farming families and the farmers just starting out. The need to be present on this farm to carry out the enterprise and to grow it into something even bigger, can only occur if the landowner is able to harvest produce around the clock at times where the plant is succulent, which is sometimes in the middle of the night.

In order to continue farming in Kinglake, the availability of sufficient land needs to be accessible to new and emerging farmers. This will provide diversification in agriculture and we say that this proposal offers a starting point for a better farming future for the subject land.

Finally, our client has requested that we submit an amended Site Plan to enable the flexibility of a dwelling site on the land. Because the property will be used for growing culinary herbs, the location of the dwelling may be within a potential future cropping area. For this reason, we ask that Council accept the substitute Site Plan which illustrates a building envelope that allows some flexibility around the farm planning, whilst meeting setback requirements.

Should you wish to discuss the proposal, please contact me on (03) 5795 2181, or 0437 620 174.
Email: troy.spencer@tcdevelopments.com.au

Yours sincerely,



Troy Spencer
Manager Planning

Meeting of Council

21 Jun 2016

Page 8
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**REGISTER SEARCH STATEMENT (Title Search) Transfer of
Land Act 1958**

Page 1 of 1

VOLUME 06671 FOLIO 165

Security no : 124060350804D

Produced 11/05/2016 03:46 pm

CROWN GRANT

LAND DESCRIPTION

Crown Allotments 44A and 44B Parish of Kinglake.

REGISTERED PROPRIETOR

Estate Fee Simple

Joint Proprietors

JAMES PETER MCMAHON

ELIZABETH MARY MCMAHON both of 70 MURRAYS ROAD KINGLAKE VIC 3763

AJ789926P 12/07/2012

ENCUMBRANCES, CAVEATS AND NOTICES

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

DIAGRAM LOCATION

SEE TP529729H FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

DOCUMENT END



Imaged Document Cover Sheet

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

Document Type	plan
Document Identification	TP529729H
Number of Pages (excluding this cover sheet)	2
Document Assembled	11/05/2016 15:49

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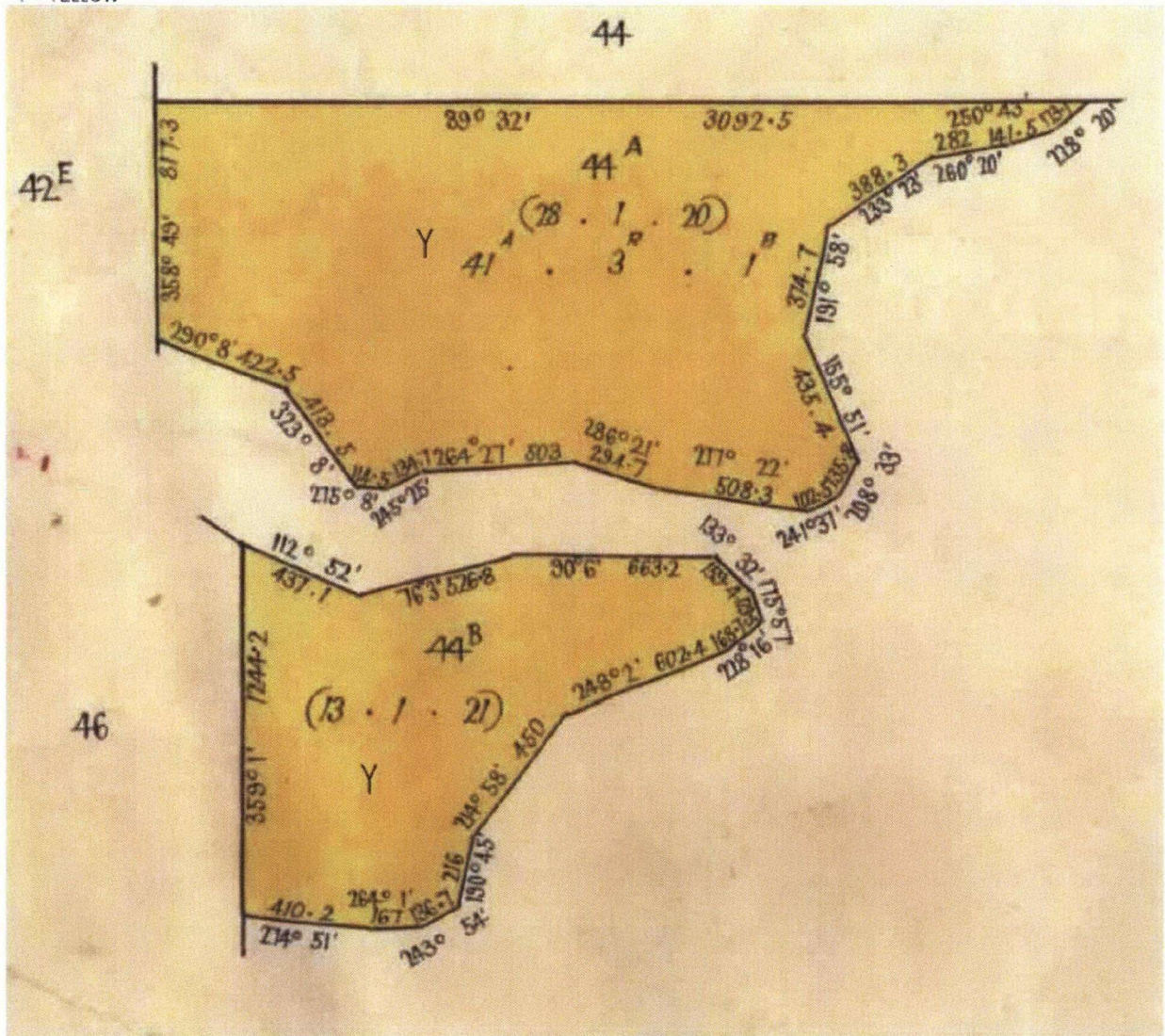
The document is invalid if this cover sheet is removed or altered.

TITLE PLAN		EDITION 1	TP 529729H
Location of Land Parish: KINGLAKE Township: Section: Crown Allotment: 44A, 44B Crown Portion: Last Plan Reference Derived From: VOL 6671 FOL 165 Depth Limitation: 50 FEET		Notations SUBJECT TO THE RESERVATIONS EXCEPTIONS CONDITIONS AND POWERS CONTAINED IN CROWN GRANT VOL. 6671 FOL. 165 AND NOTED ON SHEET 2 OF THIS PLAN ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN	

Description of Land / Easement Information

THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT
 COMPILED: 15/06/2000
 VERIFIED: GB

COLOUR CODE
 Y = YELLOW



LENGTHS ARE IN LINKS

Metres = 0.3048 x Feet
 Metres = 0.201168 x Links

Sheet 1 of 2 sheets

TITLE PLAN

TP 529729H

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

All THAT PIECE OF LAND in the said State containing
forty-one acres three roods and one perch more or less being Allotments forty-four^A and forty-four^B in the
Parish of Kinglake County of Anglesey

→ Together with a right of carriage-way over the land in Transfer
No. 1678234 in the Register Book of the Office of Titles

delimited with the measurements and abutments thereof in the map drawn in the margin of these presents, and therein colored yellow) PROVIDED nevertheless that the grantee shall be entitled to sink wells for water and to the use and enjoyment of any wells or springs of water upon or within the boundaries of the said land for any and for all purposes as though he held the land without limitation as to depth EXCEPTING nevertheless unto Us Our heirs and successors all gold and silver and minerals as defined in the *Mines Act 1928* in upon or under or within the boundaries of the land hereby granted AND reserving to Us Our heirs and successors free liberty and authority for Us Our heirs and successors and Our and their licensees agents and servants at any time or times hereafter to enter upon the said land and to search and mine therein for gold silver and minerals as aforesaid and to extract and remove therefrom any such gold silver and minerals and to search for and work dispose of and carry away the said gold silver and minerals lying in upon or under the land hereby granted and for the purposes aforesaid to sink shafts make drives erect machinery and to carry on any works and do any other things which may be necessary or usual in mining and with all other incidents that are necessary to be used for the getting of the said gold silver and minerals and the working of all mines seams lodes and deposits containing such gold silver and minerals in upon or under the land hereby granted AND ALSO reserving to Us Our heirs and successors—

- (i) all petroleum as defined in the *Mines (Petroleum) Act 1935* on or below the surface of the said land and
- (ii) the right of access for the purpose of searching for and for the operations of obtaining such petroleum in any part or parts of the said land and
- (iii) rights of way for access and for pipe-lines and other purposes necessary for obtaining and conveying such petroleum in the event of such petroleum being obtained in any part or parts of the said land

PROVIDED ALWAYS that the said land is and shall be subject to be resumed for mining purposes under Section 168 of the *Land Act 1928*.

AND PROVIDED also that the said land is and shall be subject to the right of any person being the holder of a miner's right or of a mining lease or mineral lease under the *Mines Act 1928* or any corresponding previous enactment to enter therein and to mine for gold silver or minerals within the meaning of the said Act and to erect and occupy mining plant or machinery thereon in the same manner and under the same conditions and provisions as those to which such person would for the time being be entitled to mine for gold and silver in and upon Crown lands.

PROVIDED FURTHER and this grant is upon this express condition that neither the grantee nor any one claiming from through or under him shall claim or be entitled to any compensation in respect of damage to be done to the land hereby granted or to any part thereof or to any improvements thereon by mining therein or thereon within the meaning of the *Mines Act 1928* or of any Act for the time being in force relating to mining or by the cutting or removing of any live or dead timber thereon or therefrom for mining purposes within the meaning of the said Act or for any purpose authorized by the said Act.

LENGTHS ARE IN
LINKS

Metres = 0.3048 x Feet
Metres = 0.201168 x Links

Sheet 2 of 2 sheets

Business Plan

Culinary Herb Farm



Crown Allotment 44A & 44B
Murrays Road, Kinglake

Amended 11 May 2016

Mission Statement:

We are growers of highly sought after culinary herbs for commercial kitchens and farmers markets. Our horticultural enterprise invests in best practice farm management at all times to maintain a prosperous and sustainable income, whilst always improving the land to be more capable of producing at a higher level each year into the future.

Starting our business with the healthiest plants will ensure the best chance of successfully producing high quality herbs for the food market.

1. Specific Goals of My Culinary Herb Growing Operation:

Goal #1: Achieve \$44,000 in annual profits within 5 years

Goal #2: Introduce additional cropping areas within 5 years

Goal #3: Be selling 25% of herbs online within 5 years

2. The niche my culinary herb business will specialise in will be:

- Provide fresh herbs to regular sources on demand
- Supply larger growers with additional seedlings
- Provide commercial kitchens within the Yarra Valley and beyond with consistently A Class herbs

3. The geographic area that my Herb Growing business will focus on will be:

- Victoria

4. The ideal customer for my Herb Growing business will be:

Commercial Kitchens.

5. My major competitors will be:

- Imported herb traders

6. The main ways I will market my Herb Growing business will be through:

- Internet website
- Contacting buyers directly
- Provide samples to likely customers
- Sell at Farmers Markets

7. Horticulture Area:

The land contains 16 hectares. A viable Culinary Herb Growing business needs to be a minimum of 1 acre to operate effectively and to provide enough herbs to maintain a regular supply of produce and remain a reliable supplier of herbs when they are in demand.

We propose to grow Peppermint, Oregano, Flat-leafed Parsley, Basil and Coriander. These are anticipated to yield plants estimated to return \$22,000 per annum in the first years on ½ acre and progressively increase the cropping area to 1 acre, and be yielding enough produce to return \$44,000 per annum.



Coriander

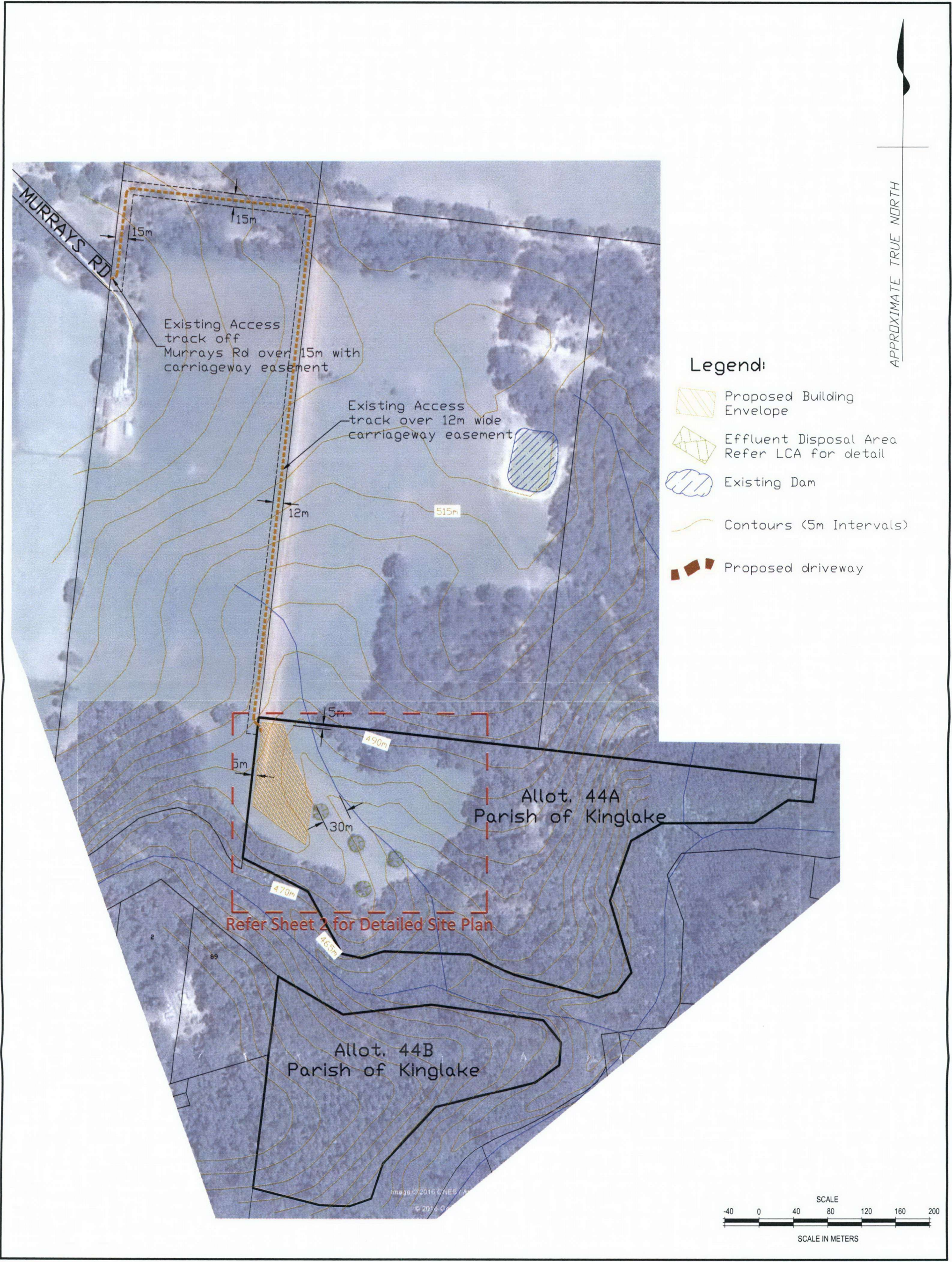
8. Capital Investments Required to Set Up Culinary Herb Business

	Investment
Land	
16ha Property	\$350,000
Improvements and Facilities	
Perimeter fencing Crop	\$1,000
Total Improvements and Facilities	\$351,000
Seed	
Herb	\$1,500
Total Stock	\$1,500
Equipment	
Pots	\$250
Small Tools	\$2,000
Trailer	\$3,500
Shed & cool storage unit	\$20,000
Total Equipment	\$25,750
Total Investment	\$378,250






Projected Revenues	Current	Year 5	Snapshot
Herbs	\$22,000	\$44,000	\$44,000
Total Projected Revenues		N/A	\$44,000
Projected Direct Costs		N/A	
Soil Preparation and Management Expense		N/A	\$800
Marketing		N/A	\$350
Fuel and Repairs		N/A	\$500
Utilities		N/A	\$400
Office Expenses		N/A	\$300
Land taxes, licences, and insurance		N/A	\$2,000
Total Projected Indirect Costs		N/A	\$4,350
Gross Operating Profit		N/A	\$39,650

9. Conclusion

The culinary industry is proposed to grow steadily in Victoria and its recent resurgence has resulted from its profound health benefits, particularly when consumed on a regular basis. This enterprise is an opportunity to profit from the increased demand for fresh herbs in Victoria. This Business Plan and the Whole Farm Plan should be read in conjunction with one another to undertake this Enterprise.



Legend:

-  Proposed Building Envelope
-  Effluent Disposal Area Refer LCA for detail
-  Existing Dam
-  Contours (5m Intervals)
-  Proposed driveway



T & C DEVELOPMENT SERVICES PTY LTD

5 Clifton Street
Euroa Vic 3666
P.O. Box 434
Email: admin@tcdevelopments.com.au

Tel No.: (03) 5795 2181
Fax No.: (03) 5795 2181

Site Plan

Crown Allotment 44A & 44B
Parish of Kinglake
70 Murrays Road, Kinglake

JOB REF. 16003	REVISION: 02
SCALE: 1 : 4000	SIZE: A3
SHEET NO. 1 of 2	
DRAWN: CR	DATE: 27/01/2016
DESIGNED: CR	DATE: 27/01/2016
CHECKED: -	DATE: -



T & C DEVELOPMENT SERVICES PTY LTD

5 Clifton Street
Euroa Vic 3666
P.O. Box 434
Tel No.: (03) 5795 2181
Fax No.: (03) 5795 2181
Email: admin@tcdevelopments.com.au

**Site Plan
Detail
Crown Allotment 44A & 44B
Parish of Kinglake
70 Murrays Road, Kinglake**

JOB REF. **16003** REVISION: 02
SCALE: 1000 SIZE: A3
SHEET NO. 2 of 2

DRAWN: CR DATE: 27/01/2016
DESIGNED: CR DATE: 27/01/2016
CHECKED: - DATE: -