Notice of Application for a Planning Permit



The land affected by the application is located at:		L1 PS801876 408 Paternoster Road, Mount Burnett VIC 3781	
The application is for a permit to:		Buildings and Works (Construction of an Outbuilding) and Associated Earthworks	
A permit is re	A permit is required under the following clauses of the planning scheme:		
35.06-5	Construct a building or construct or carry out works		
35.06-5	Construct or carry out earthworks specified in a schedule to this zone		
42.01-2	Construct a building or construct or carry out works		
44.06-2	-2 Construct a building or construct or carry out works associated with (Dwelling)		
APPLICATION DETAILS			
The applicant for the permit is:		Belgraphik Building Design	
Application number:		T240651	

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

Cardinia Shire Council, 20 Siding Avenue, Officer 3809.

This can be done during office hours and is free of charge.

Documents can also be viewed on Council's website at cardinia.vic.gov.au/advertisedplans or by scanning the QR code.



HOW CAN I MAKE A SUBMISSION?

This application has not been decided. You can still make a submission before a decision has been made. The Responsible Authority will not decide on the application before:

02 May 2025

WHAT ARE MY OPTIONS?

Any person who may be affected by the granting of the permit may object or make other submissions to the responsible authority.

If you object, the Responsible Authority will notify you of the decision when it is issued. An objection must:

- be made to the Responsible Authority in writing;
- include the reasons for the objection; and
- state how the objector would be affected.

The Responsible Authority must make a copy of every objection available at its office for any person to inspect during office hours free of charge until the end of the period during which an application may be made for review of a decision on the application.





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Application is here







Application Council initial lodged assessment

Notice

Consideration of submissions

Assessment

Decision

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ePlanning

Application Summary

Basic Information

Proposed Use	" As Built" Outbuilding & Earthworks exceeding 1m
Current Use	Existing dwelling currently occupied.
Cost of Works	\$40,000
Site Address	408 Paternoster Road Mount Burnett 3781

Covenant Disclaimer

Does the proposal breach, in any way, an encumbrance on title such as restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?	No such encumbrances are breached
□ Note: During the application process you may be required to provide more information in relation to any encumbrances.	

Contacts

Туре	Name	Address	Contact Details
Applicant	Belgraphik Building Design	1680/1680 Burwood Highway, Belgrave VIC 3160	W: 3-9754-7464 E: info@belgraphik.com
Preferred Contact	Belgraphik Building Design	1680/1680 Burwood Highway, Belgrave VIC 3160	W: 3-9754-7464 E: info@belgraphik.com

Fees

Regulation Fee Condition		Amount	Modifier	Payable
9 - Class 3	More than \$10,000 but not more than \$100,000	\$694.00	100%	\$694.00
		Total		\$694.00

Documents Uploaded

Date	Туре	Filename
03-12-2024	A Copy of ⊺itle	Title.pdf
03-12-2024	Alteration statement	RH Cover Letter - PPA.pdf
03-12-2024	Site plans	B24-025_KOTNIK_TP_02.12.2024pdf



Civic Centre20 Siding Avenue, Officer, Victoria

Council's Operations Centre (Depot) Purton Road, Pakenham, Victoria Postal Address
Cardinia Shire Council
P.O. Box7, Pakenham VC, 3810

Email: mail@cardinia.vic.gov.au

Mondayto Friday 8.30am-

5pm

Phone: 1300 787 624
After Hours: 1300 787 624
Fax: 03 5941 3784

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

Fax: 03 5941 3784



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The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past present and emerging

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

Page 1 of 1

VOLUME 11853 FOLIO 832

Security no : 124120346786E Produced 03/12/2024 11:14 AM

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LAND DESCRIPTION

Lot 1 on Plan of Subdivision 801876Q.

PARENT TITLES:

Volume 08459 Folio 697 Volume 10300 Folio 738

Created by instrument PS801876Q 13/02/2017



ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AN666294D 21/03/2017 WESTPAC BANKING CORPORATION

COVENANT PS801876Q 13/02/2017

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.

DIAGRAM LOCATION

SEE PS801876Q 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)

ADMINISTRATIVE NOTICES

NIL

eCT Control 16320Q WESTPAC BANKING CORPORATION Effective from 21/03/2017

DOCUMENT END

Title 11853/832 Page 1 of 1



Imaged Document Cover Sheet

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Number of Pages	2
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Millar Merrigan

M(03) 8720 9500 R (03) 5134 8611

survey@millarmerrigan.com.au

www.millarmerrigan.com.au

SAI GLOBAL Quality ISO 9001

Land Development Consultants Millar & Merrigan Pty Ltd ACN 005 541 668 Metro 2/126 Merrindale Drive, Croydon 3136 Regional 156 Commercial Road, Morwell 3840 Mail PO Box 247 Croydon, Victoria 3136

SURVEYOR'S REF: 19140S1

Surveyor's Plan Version (1),

Ltd),

25/07/2016

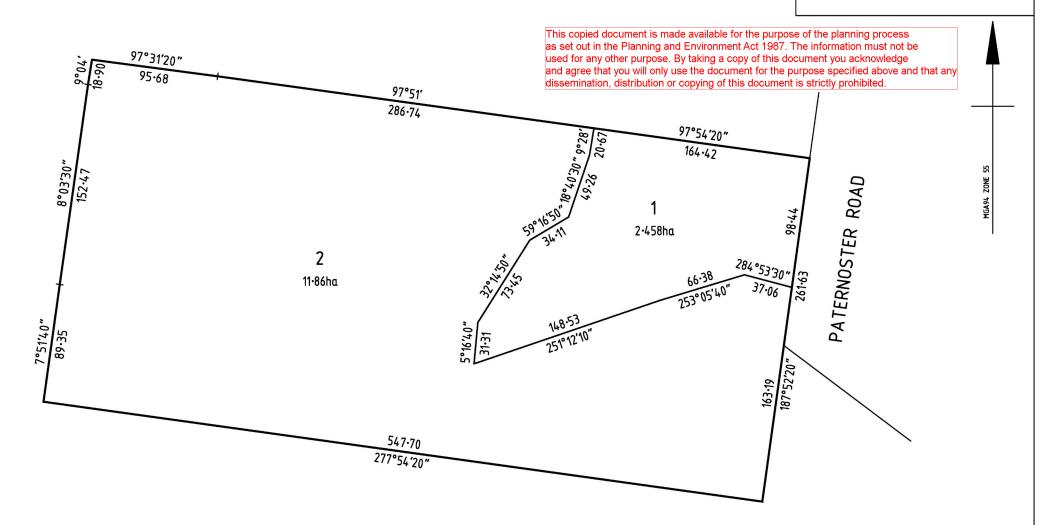
17/05/2016

ORIGINAL SHEET SIZE: A3

SHEET 1 OF 2

PLAN REGISTERED Digitally signed by: Leah Simmons (Millar and Merrigan Pty TIME: 5:21 PM

DATE: 13/02/17 White Assistant Registrar of Titles



Millar | Merrigar

M(03) 8720 9500 R (03) 5134 8611
www.millarmerrigan.com.au
survey@millarmerrigan.com.au
sal GLOBAL Quality ISO 9001

Land Development Consultants

Millar & Merrigan Pty Ltd ACN 005 541 668
Metro 2/126 Merrindale Drive, Croydon 3136
Regional 156 Commercial Road, Morwell 3840
Mail PO Box 247 Croydon, Victoria 3136

25/07/2016

17/05/2016

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SCALE

AL SHEET 2 ZE: A3 SHEET 2

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LENGTHS ARE IN METRES

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Surveyor's Plan Version (1),

Digitally signed by: Cardinia Shire Council, 29/09/2016,

29/09/2016, SPEAR Ref: S089183J This copied document is made available 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 taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that an dissemination, distribution or copying of this document is strictly prohibited.

- 1. I believe the owner of the property has paid the relevant fees.
- 2. Please find attached a copy of the Certificate of Title, though I do believe this was supplied with the original application. The covenant PS801876 refers to a permit to be obtained where trees are to be removed for the purpose of building a boundary fence between Lot 1 & Lot 2, however this is not part of this application.
- 3. a) No existing easements.
 - b) No vegetation removed.
 - c) All identified trees have measurements from the shed (see TP 2 of 6)
 - d) Please find attached revised drawings indicating the location of the existing septic system now shown on partial site plan (see TP 2 of 6)
- 4. To our knowledge NO vegetation has been removed or altered during the building and works. Please see attached aerial photo of the area prior to the construction of the shed (dated 24 Dec 2021) and a more recent one (dated 3 Jan 2025) showing the constructed shed. There are NO obvious changes to the vegetation.

Previous and Potential Vegetation Impacts

1. The owner has indicated there were some trees on the property that were impacted by the severe storms during 2022- 2023 as were a lot of properties on Paternoster Rd at that time. I don't have any specific details about number & location but they were not impacted by the building works. Further to this the BMP suggests NO trees to be removed or trimmed as none overhang the building, the canopies are well separated and there is clearance of 2m between the lower

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branches and the ground. Within the 10m defendable space grass is to be short cropped & maintained during declared fire danger period.



Belgraphik Building Design 1680 Burwood Highway Belgrave VIC 3160

Ph: (03) 9754 7464



Hoping you are well.

I refer to your application for a planning permit and wish to advise that under Section 54 of the Planning and Environment Act 1987, more information is required before Council can consider your application (see letter attached).

As always, should you have any queries or wish to discuss matters further, please do not hesitate to contact myself directly.

Kindest regards,





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Planning Permit Application

Details

Site Address:	No. 408 Paternoster Road, Mount Burnett, 3781
Existing Use:	Existing Dwelling
Proposal:	"As Built" Outbuilding & Earthworks exceeding 1m.
Applicant:	Belgraphik Building Design
Zone:	Rural Conservation Zone (RCZ)
Overlay(s):	BMO & ESO

Attached Documents

1 x	Copy of Plans including Site Plan, Floor Plans, Elevations & Section
1 x	Current copy of Title (Vol. 11853 Folio. 832)
1 x	Bush Fire Management Plan Version A Dated 18.10.2024

Email:- info@belgraphik.com

1. The Proposal

This property is zoned Rural Conservation Zone (RCZ), with Bushfire Management Overlay (BMO) & Environmental Significance Overlay (ESO). Our client seeks retrospective permission for an illegal outbuilding & earthworks.

Neighbourhood and Site Description

408 Paternoster Road nestled in the heart of Mount Burnett, offering a sense of seclusion and tranquillity. Numerous walking trails are offered for public use. The landscape is a mix of dense native forests, open grazing land, providing a rich habitat for local wildlife, including kangaroos, wombats, and a variety of bird species.

Neighbouring properties and associated outbuildings are mainly constructed of lightweight material and colorbond rooves to suit the rural surroundings. Most boundary fences are constructed out of post and wire and properties along the road practice sustainable farming, permaculture, and ecofriendly living, contributing to the area's overall sustainability and preservation efforts.

The site is irregular in shape that shares a consistent slope to neighbours' properties. The site slopes from the Eastern boundary being the highest point down towards the Western boundary. Most areas are often shaded by tall, mature trees, with views of rolling hills and distant mountain ranges in the background. The surrounding area is dotted with private properties, many of which feature large, well-kept gardens, farming allotments, and spacious homes, each tucked away in harmony with the natural surroundings.

Works

There are no changes to the existing dwelling. The already constructed Barn style outbuilding with a lean-to has a total roofed area of approx. 161.14 m2 and some levelling earthworks have occurred.

The current dwelling does not have an enclosed garage, this building is for the accommodation of vehicles and storage.

The outbuilding is more than 10m from the dwelling and is located to the south of the existing dwelling. The barn is set back approx. 28.5 m from the Paternoster Road frontage. Access is via an existing gravel driveway. The shed's heritage red cladding and classic cream roofing match the existing nearby structures of lightweight materials and colorbond roof. There is an existing log retaining wall approximately 800mm high to the west of the proposed site which will be already retaining fill to the proposed location of the outbuilding.

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2. Planning Zones

RURAL CONSERVATION ZONE (RCZ)

35.06 RURAL CONSERVATION ZONE - BUILDING WORKS

A permit is required to construct or carry out any of the following:

- A building or works associated with a use in Section 2 of Clause 35.06-1. This does not apply to:
- An out-building associated with an existing dwelling provided the floor area of the out-building does not exceed the area specified in a schedule to this zone or, if no area is specified, 100 square metres. Any area specified must be more than 100 square metres.

Outbuilding will exceed 100 square meters. Therefore, a permit will be required.

- Earthworks specified in a schedule to this zone, if on land specified in a schedule.
- A building which is within any of the following setbacks:
- 20 metres from any other road.

Outbuilding is greater than 20 metres from the road.

SCHEDULE 2 TO CLAUSE 35.06 RURAL CONSERVATION ZONE

A permit is required for earthworks:

• Earthworks which change the rate of flow or the discharge point of water across a property boundary (All Land)

Earthworks will change the discharge point of water. Therefore, a permit will be required.

Outcome

PERMIT REQUIRED as per above.

3. Planning Overlays

BUSHFIRE MANAGEMENT OVERLAY (BMO)

44.06 BUSHFIRE MANAGEMENT OVERLAY - BUILDING WORKS

 A building or works with a floor area of less than 100 square metres not used for accommodation and ancillary to a dwelling. Outbuilding will exceed 100 square meters floor area and not used for accommodation.
Therefore, permit will be required.

Outcome

PERMIT REQUIRED as per above.

ENVIRONMENTAL SIGNIFICANCE OVERLAY (ESO)

42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

A permit is required to:

• Construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required.

SCHEDULE 1 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

- A permit is not required to construct a building or construct or carry out works provided all of the following requirements are met:
- The height of any dwelling must not exceed 7 metres above natural ground level, and the height of all other buildings must not exceed 4 metres above natural ground level.
- The works must not involve the excavation of land exceeding 1 metre or filling of land exceeding 1 metre and any disturbed area must be stabilised by engineering works or revegetation to prevent erosion.
- If the building is an outbuilding ancillary to a dwelling, the gross floor area of all outbuildings on the land must not exceed 120 square metres.
- If the building is in a Green Wedge or Rural Conservation Zone and is associated with the existing use of the land for the purposes of agriculture, the gross floor area of the building must not exceed 160 square metres.
- The vegetation is to be removed, destroyed or lopped by cutting only to obtain reasonable amounts of wood for personal use by the owner or occupier of the land. Personal use is wood used for firewood, the construction of fences on the same land and hobbies such as craft.

More than 1m of fill. Therefore, a permit will be required.

Outcome

PERMIT REQUIRED as per above.

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4. Site Photos

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Image 1:

View from East of proposed location of Subject Site



Image 2:

View from North of proposed location of Subject Site



Image 3:

View from West of proposed location of Subject Site



Image 4:

View from South of proposed location of Subject Site

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Image 5:

Tree 1, located East on the Subject Site



Image 6:

Tree 2, located North on the Subject Site

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Image 7:

Tree 3, located also North on the Subject Site

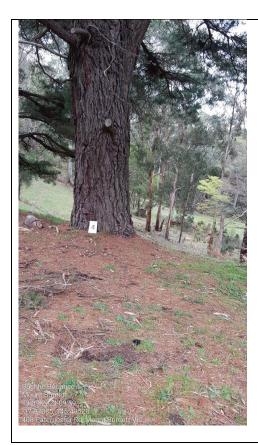


Image 8:

Tree , located South on the Subject Site

5. Summary

Due to the reasons documented in this letter and summarised below we feel that the application is acceptable for approval as documented.

- No adverse impact to neighbouring dwellings.
- No adverse impact to traffic as proposed front setback is further back.
- Materials and finishes are non reflective & match the existing residence.
- More than 10m from dwelling.
- No trees impacted or to be removed.

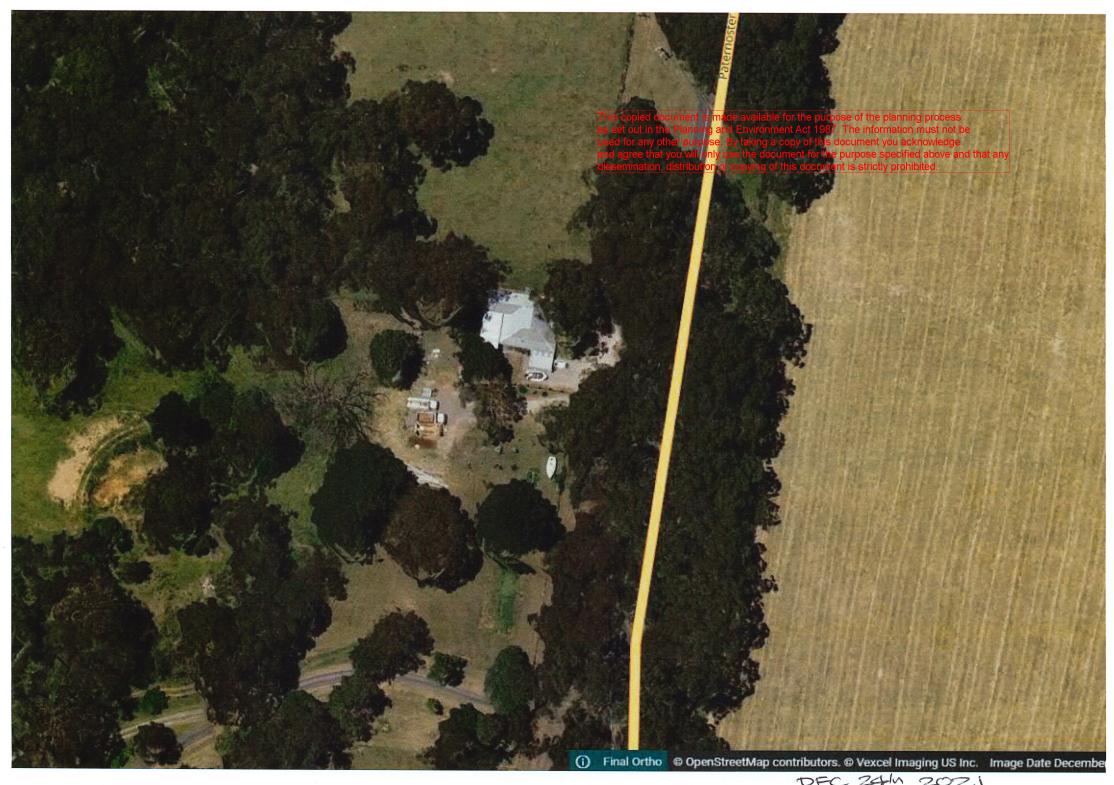
Please let me know if there is anything further you require.

Yours sincerely,

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Helen Hong Ho Belgraphik Building Design TP- B24-025

Date: 02.12.2024





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CONSTRUCTION OF OUTBUILDING

408 PATERNOSTER ROAD, **MOUNT BURNETT 3781**

TOWN PLANNING

TP - 01 **FULL SITE PLAN**

TP - 02 PARTIAL SITE PLAN

PROPOSED PLAN TP - 03

TP - 04 **ELEVATIONS**

TP - 05 **ELEVATIONS**

TP - 06 **CROSS SECTION**

TP - 07 **BUSH FIRE MANAGEMENT PLAN**

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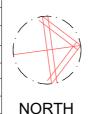


Trading as Pegasus Australia Pty Ltd ACN 117 603 933

bday

Contractor or ownerbuilder to check all dimensions on site prior to ordering and commencement of work and obtain clarification of any discrepancies from REGISTERED Building Practitioner building designer.

No.	Revisions	Date
В	COUNCIL RFI	17 JAN 25



OUTBUILDING & EARTHWORKS

SITE ADDRESS

408 PATERNOSTER ROAD MOUNT BURNETT 3781

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Site Notes - Construction of Outbuilding

Council: Cardinia

Zone: RURAL CONSERVATION

Overlay(s): BMO , ESO

Address: 408 Paternoster Road, Mt Burnett

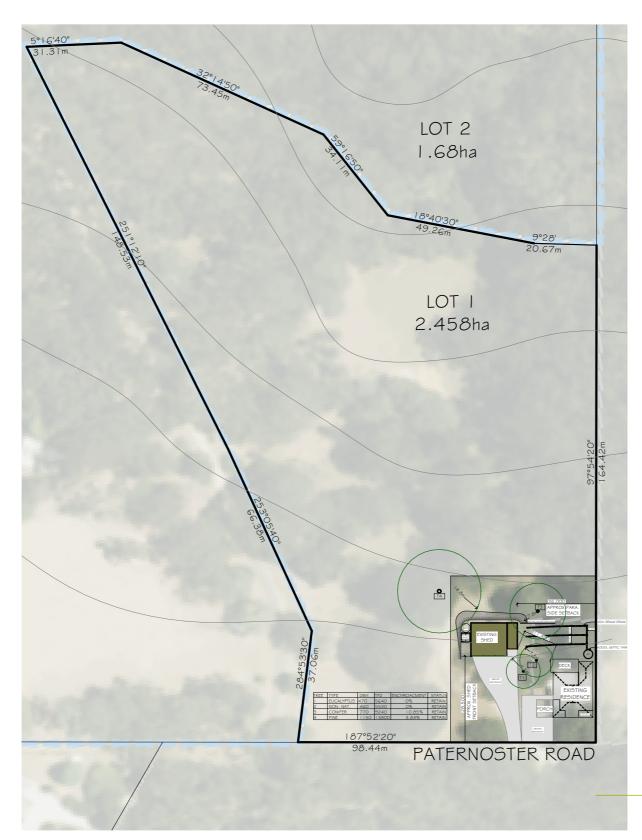
Our Ref: B24-025 Date revised: 14/10/2024

Area of Existing: 2,4580 m²

All downpipes to connect to existing SW drainage system & connect to L.P.D.

To relevant authority reg's

- ☐ Provide 90mm agy pipe to base of any cut & connect to s.w. via silt pit.
- Earthworks as shown on Site Plan
- Trees to be retained
- Building height does not exceed 9.0m/10.0m
- ☐ The site area covered by buildings does not exceed 60%.
- ☐ The site area covered by impervious surfaces not to exceed 80%.



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> SITE PLAN 1:1250

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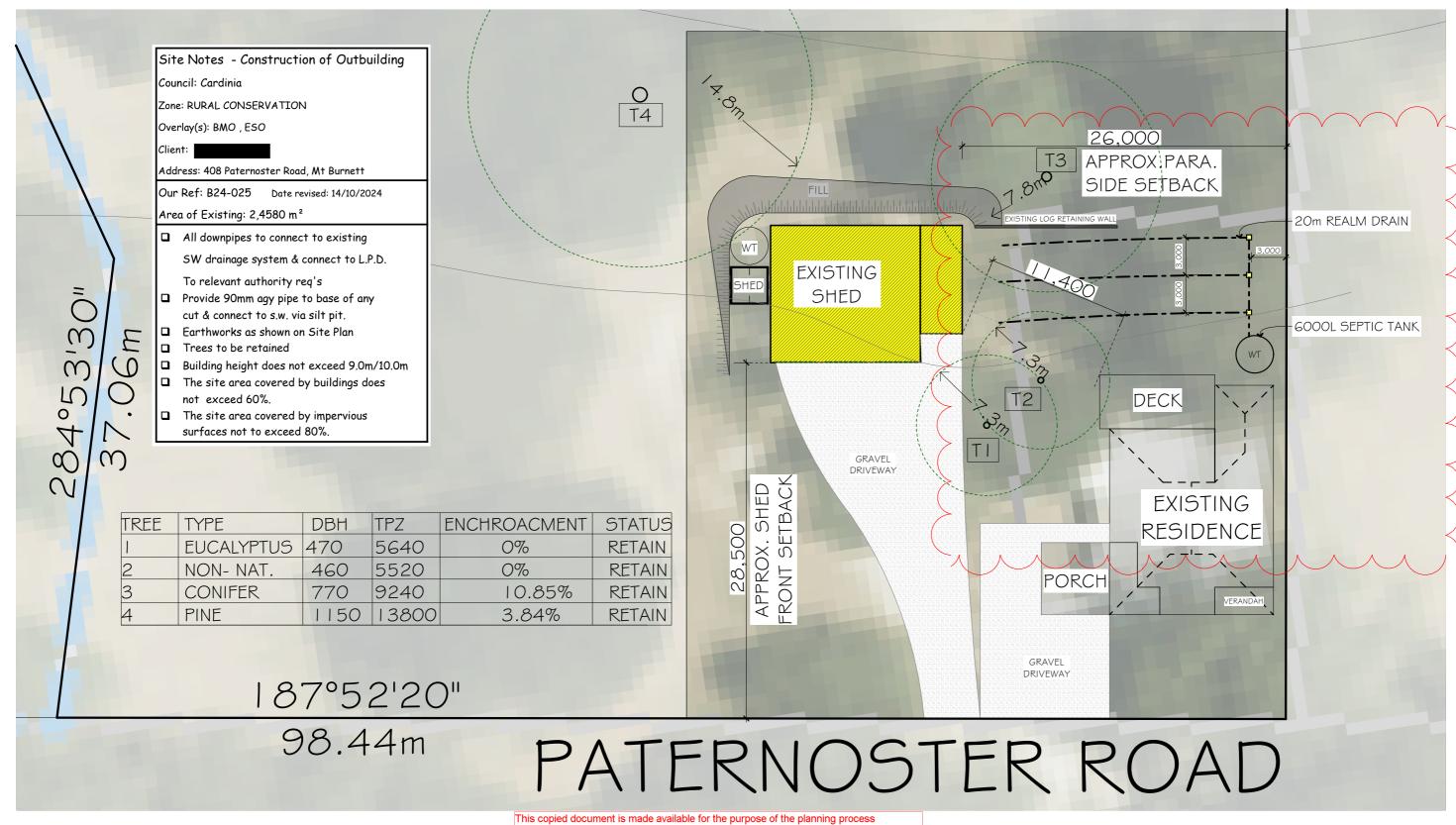


OUTBUILDING & EARTHWORKS

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408 PATERNOSTER ROAD MOUNT BURNETT 3781

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SITE PLAN

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OUTBUILDING & EARTHWORKS

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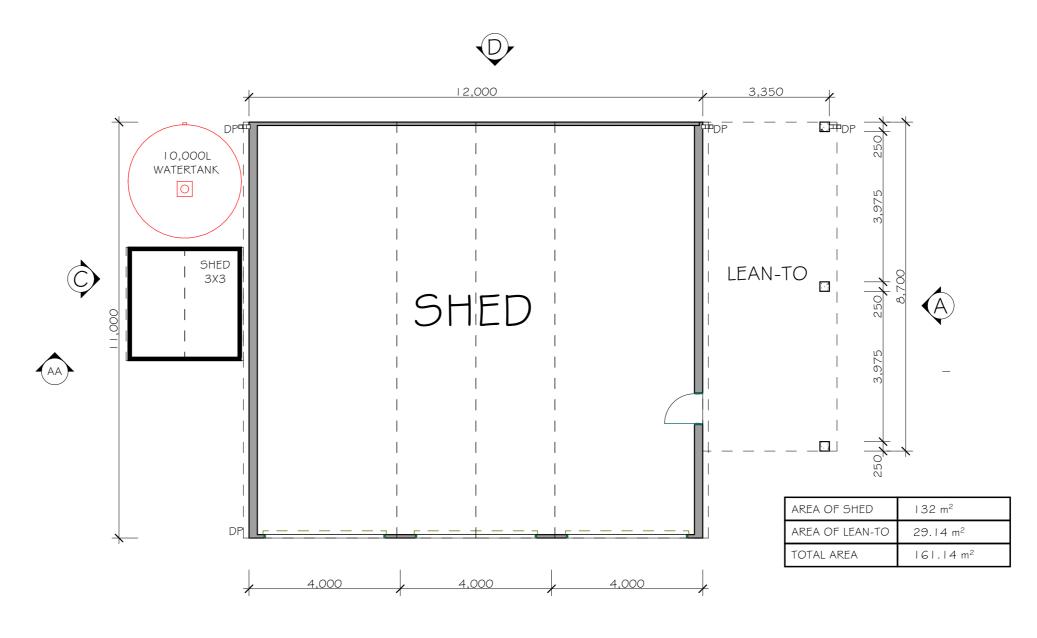
Partial Site Plan (200)

680 Burwood Highway, Belgrave 3160 Ph. (03) 9754 7464 Fax. (03) 9754 7063 Trading as Pegasus Australia Pty Ltd ACN 117 603 933

REGISTERED Building Pro-risk.

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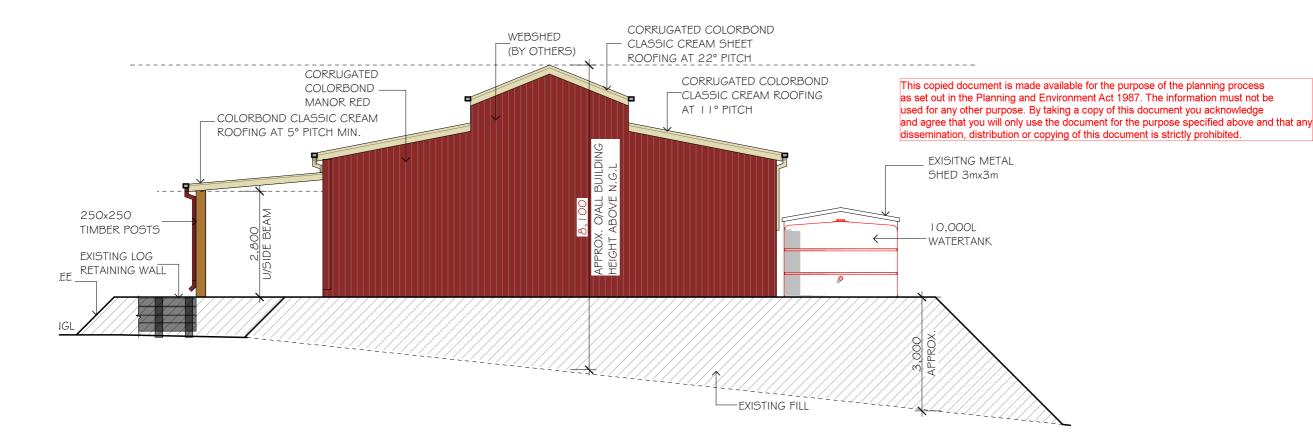


OUTBUILDING & EARTHWORKS

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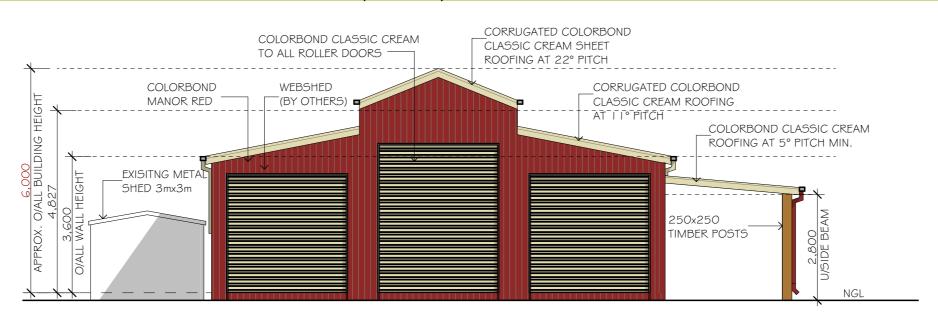
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02.12.20



A (WEST) ELEVATION

1:100



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C (EAST) ELEVATION

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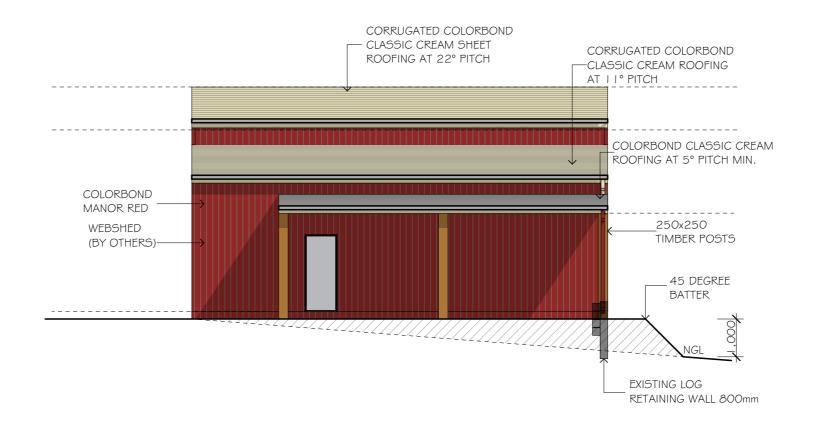
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OUTBUILDING & EARTHWORKS 408 PATERNOSTER ROAD

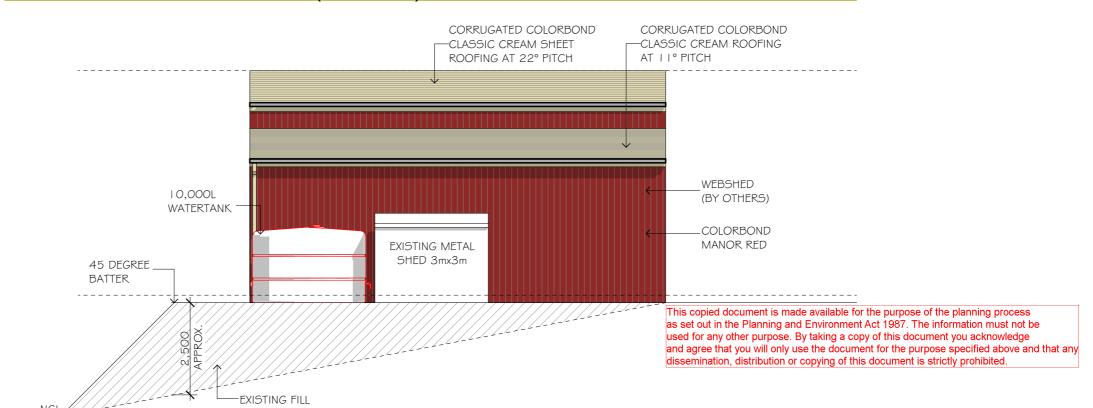
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B (NORTH) ELEVATION

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(D) SOUTH ELEVATION

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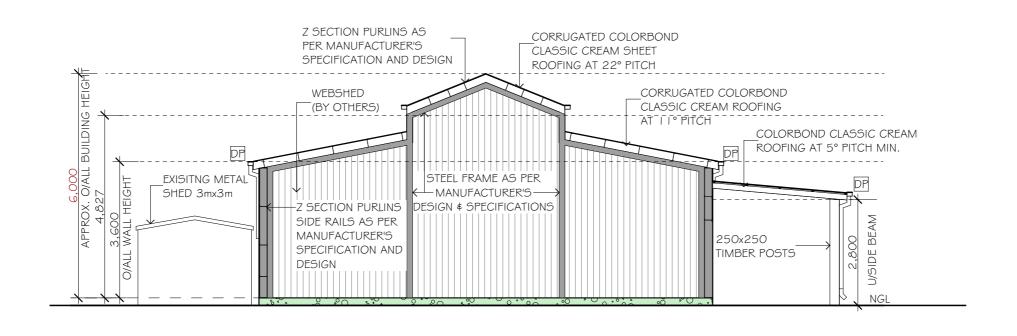
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SECTION AA

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OUTBUILDING & EARTHWORKS

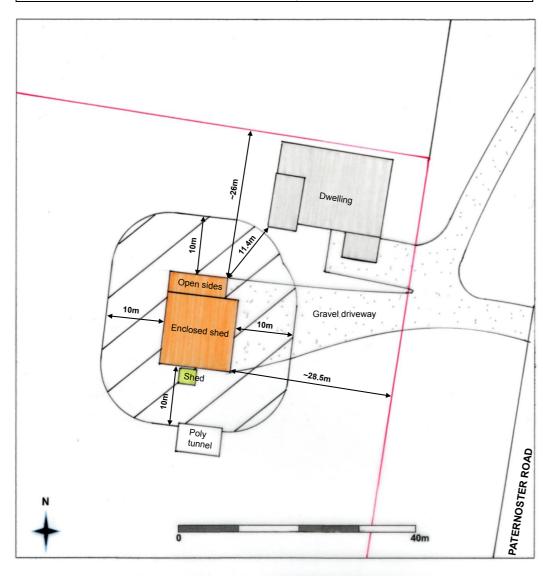
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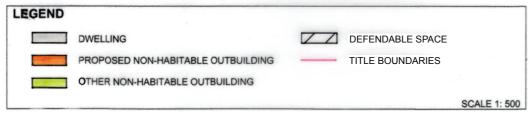
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OUTBUILDING BUSHFIRE MANAGEMENT PLAN

408 PATERNOSTER ROAD, MOUNT BURNETT





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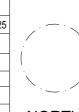
Trading as Pegasus Australia Pty Ltd ACN 117 603 933

bday 1680 Burwood Highway, Belgrave 3160 Ph. (03) 9754 7464 Fax. (03) 9754 7063 REGISTERED Building Practitioner

VERSION A 18 October 2024

> Contractor or ownerbuilder to check all dimensions on site prior to ordering and commencement of work and obtain clarification of any discrepancies from building designer.

No. Revisions 17 JAN 25 B | COUNCIL RFI





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BUSHFIRE PROTECTION MEASURES

Mandatory Condition

The bushfire protection measures forming part of this permit or shown on the endorsed plans including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been

Clause 53.02-5 Table 6 Vegetation management requirement

Defendable space for a distance of 10 metres around the proposed building or to the property boundary, whichever is the lesser, is provided and is managed in accordance with the following

- Grass must be short cropped and maintained during the declared fire danger period
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period
- Within 10m of a building, flammable objects must not be located close to the vulnerable parts of the building
- Plants greater than 10cm in height must not be placed within 3m of a window or glass feature of the building.
- Shrubs must not be located under canopy trees.
- Individual and clumps of shrubs must not exceed 5 square metres in area and must be separated by at least 5m.
- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 2m.
- There must be a clearance of at least 2m between the lowest tree branches and ground level.

Construction Requirement

The non-habitable outbuilding ancillary to a dwelling is more than 10m from a dwelling and has no construction requirements

Dean Putting, Yarra Valley BAL Assessments PO Box 292, Yarra Glen, 3775 0409 330 458 dean@yvbal.com.au

OUTBUILDING & EARTHWORKS

408 PATERNOSTER ROAD MOUNT BURNETT 3781

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