



MPAA
STUDIO

TOWN PLANNING REPORT

Planning Permit Amendment Application
7 Conns Lane, Dennington
(Original Permit – 11 Currans Lane, Illowa)

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QUALITY ASSURANCE

Town Planning Report

Amendment to Planning Permit
7 Conns Lane, Dennington

Project Number

24-1339

Revision

01

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1. INTRODUCTION

This report has been prepared by MPAA Studio in support of a planning permit application for an amendment PL21/157 to amend the dwelling design and siting for the dwelling permitted at 7 Conns Lane, Dennington (the 'Site').

Planning Permit PL21/157 (The Permit) was issued by Moyne Shire Council and has been amended several times in recent years to our knowledge for similar amendments. The Permit provides for a seven lot re-subdivision, use and development of the land for five dwellings and creation of access to a Transport Zone 2.

The Permit authorised the creation of five (5) small lots (Lot 1 - 5), each with an area of less than 2 hectares, along the frontage of the Site to Illowa Road, together with the creation of a crossover to each lot. A small lot for an existing dwelling (Lot 7), and a balance lot (Lot 8) comprising an area of approximately 55 hectares and containing an existing dwelling, was also authorised by the permit. The subdivision has been completed and titles for the approved lots have been issued.

The Permit also authorised the use and development of a dwelling on Lots 1 - 5. The approved dwelling comprised two designs, with the 'Type B' design being a mirror image of the 'Type A' design.

This application now seeks to update the dwelling design to suit the new owners of approved Lot 5. Accordingly, an amendment is sought to the endorsed plans as they relate to the siting and design of the dwelling for Lot 5. These plans for Lot 5 can be superseded as required by Council.

The proposal provides a site responsive design which responds to the provisions of state and local planning policy, complies with the Moyne Planning Scheme, and is consistent with the overall intent of the approved subdivision and development.

The amended proposal does not introduce any new permit triggers. The permit triggers for the original application were:

- Clause 35.07-1: Farming Zone - Use
- Clause 35.07-3: Farming Zone - Subdivision
- Clause 35.07-4: Farming Zone - Buildings and works
- Clause 52.29-2: Land Adjacent to the Principal Road Network: Creation of access to Transport Zone 2.

Having considered the proposal with respect to the Moyne Planning Scheme, it is the conclusion of this report that the proposal is consistent with both state and local planning policy. As such, this report recommends, and requests Council issues a permit for the proposal.

The following documents should be read in conjunction with this report and are provided as part of the application:

- Certificate of Title;
- Town Planning Drawings



2. SITE AND SURROUNDS

2.1. Site description and title particulars

The Site was formerly part of a large farm holding which comprised 24 existing titles and a combined area of approximately 90 hectares.

The Site (Lot 5) to which this amendment has an area of approximately 1.8 hectares. Lot 5 is located on the corner of Illowa Road and Conns Lane.

Lot 5 does not comprise any easements on the plan of subdivision.

The road reserve along the Site frontage to Illowa Road comprises post and wire fencing and a bike lane which is part of the on-road section of the Warrnambool - Port Fairy Rail Trail.

The Site is located on the northern side of Illowa Road, approximately 1.7 kilometres west of the western edge of the city of Warrnambool.

The Site and the surrounding area comprise agricultural land, entirely located within the Farming Zone. Adjoining and nearby lots comprising a mix of larger farm holdings, used for grazing, dairy farming, and horse training, along with smaller lots used for dwellings. These smaller lots used for dwellings include a variety of newer and older housing stock and are generally located close to the Illowa Road frontage of the lots. Kelly's Swamp, and the coastal dune environment, is located to the south of Illowa Road.

Refer to **Figure 1** - Aerial Plan showing the Proposed Lot 1 location (approximately) and **Figure 2 and 3** - Approved Subdivision Layout.



Figure 1: Aerial Plan

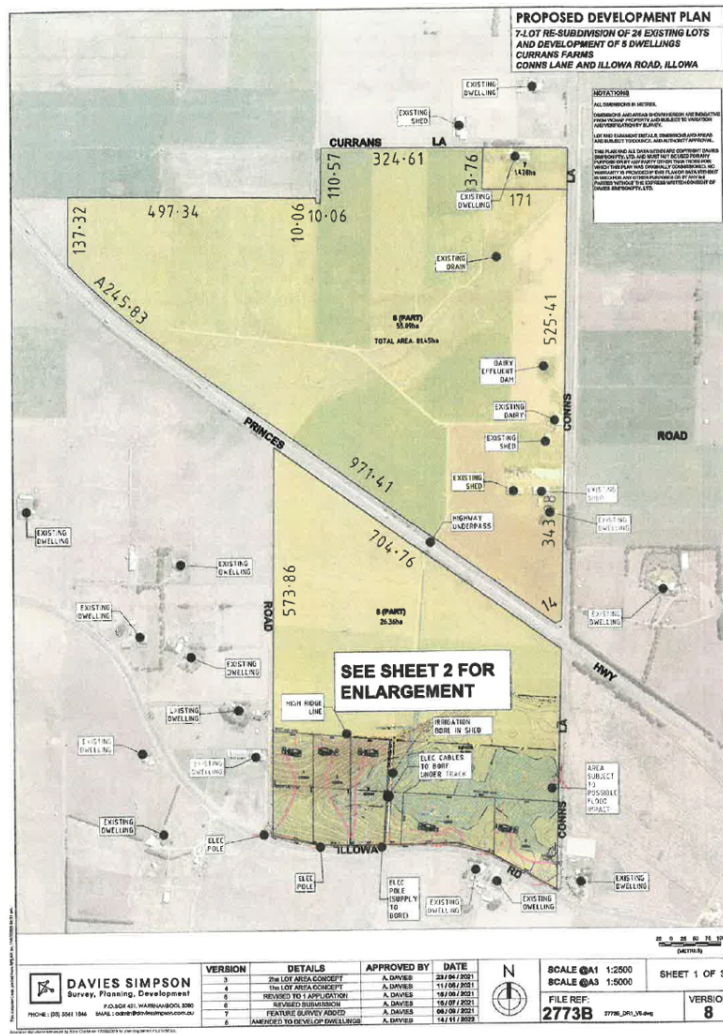


Figure 2: Approved Subdivision Layout (Sheet 1)

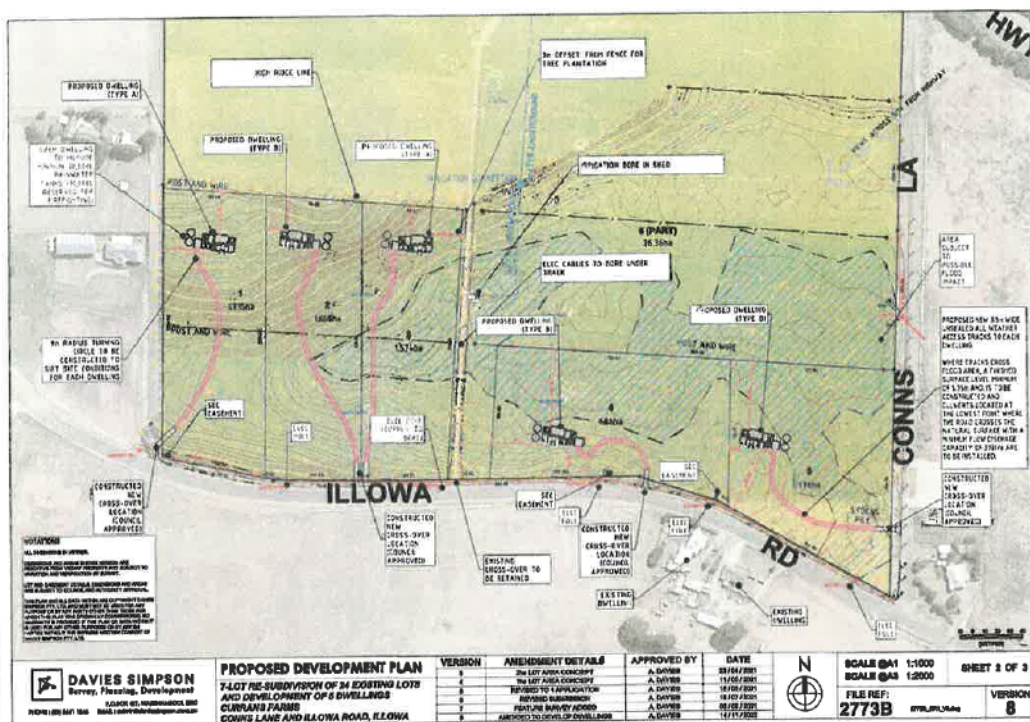


Figure 3: Approved Subdivision Layout (Enlargement)

3. PROPOSAL

3.1. Overview

The proposal seeks planning approval to amend the dwelling design and siting for the dwelling permitted on approved Lot 5, now known as 7 Conns Lane, Dennington.

Key elements

Dwelling design

The dwelling is located on Lot 5 of the approved subdivision under the original permit. The dwelling has been designed by Assemble Design Studio and comprises a maximum height of approximately 5.3 metres (single storey).

The floor plan of the new dwelling design includes the following:

- Entry and porch area to the southern elevation
- Long walkway, providing access to 2 x bedrooms, each with a walk in robe
- Separate living room and bathroom
- North facing courtyard and alfresco, with verandah.
- Link section through to open plan kitchen, living and dining area.
- A separate bathroom and an additional bedroom with built in robes.
- Separate laundry and walk in linen.
- Double garage with all-weather driveway access.

The modern design utilises mixed colours and materials, including but not limited to the following:

- Colorbond 'Woodland Grey' roof sheeting.
- Scyon axon compressed fibre cement cladding, in 'Colorbond 'Dune'
- Splitface architectural blockwork, stretcher bond pattern, light oatmeal colour in limestone.
- Aluminium powder coated window and door frames.
- Colorbond 'Woodland Grey' garage panel lift door.

The dwelling's siting has been altered, where the southern setback is now 15 metres and the western setback is now 19.26 to the dwelling.

An all-weather driveway is proposed to connect the buildings on the property, providing for visitor car parking near the dwelling entry as well as access to the garage, and the additional shed on the land. The design of the driveway allows vehicles to enter and exit in a forward direction.

The proposed shed is to be 20m x 15 meters and is located 12.26 metres north of the shed and located 15-metres from the western boundary. The shed is to be in Woodland Grey in colour, and is approximately 6 metres in height.

Several rainwater tanks are proposed throughout, to assist with capturing roof runoff.

An indicative solar farm (detached energy facility) is located to the north of the proposed shed.

Access

Access to the dwelling will now be provided via a crossover to Illowa Road, in lieu of Conns Lane. The new crossover avoids going through low areas subject to flooding (apparent from the original application for subdivision.)



3.2. Planning permit triggers

In accordance with the provisions of the Moyne Planning Scheme, the original application triggered the following planning permit requirements:

- Clause 35.07-1: Farming Zone - Use
- Clause 35.07-3: Farming Zone - Subdivision
- Clause 35.07-4: Farming Zone - Buildings and works
- Clause 52.29-2: Land Adjacent to the Principal Road Network: Creation of access to Transport Zone 2.

The proposed amendment does not introduce any new permit triggers; however, this specific allotment did not originally envisage a new access point to Illowa Road. This is now proposed. Further, the proposed dwelling is now within 20 metres of Illowa Road, with a 15 metre setback.



4. PLANNING POLICIES AND CONTROLS

4.1. Municipal Planning Strategy

The Municipal Planning Strategy (MPS) sets out the municipal context, outlines the Council vision, and provides for strategic directions for planning with a focus on specific areas and issues within Moyne Shire. The most relevant clauses within the MPS are set out below.

Clause 02.01 Context

Identifies the Moyne Shire is located within south western Victoria with a population of approximately 17,374 in 2021 which is growing modestly, with strong demand for growth along coastal areas. The Shire is predominantly rural based with a focus on grazing agriculture, dairy and beef production, wool and prime lamb production, aquaculture and cropping.

Clause 02.02 Vision

The adopted 'Vision' for Moyne, as identified within the My Moyne, My Future 2040 Community Plan is:

- The people of Moyne embrace the region's extraordinary cultural and ecological country. Our fertile volcanic plains and pristine coast are the pride of Victoria's southwest. From coast to country, our connected and vibrant communities are active stewards, working meaningfully towards the protection and advancement of environment, history, social and economic vitality for present and future generations.

The priority aspirations for each of the above themes include a commitment to (as relevant):

- Have access to housing that suits our budget, the size of our family and lifestyle needs.

Clause 02.03 Strategic directions

Clause 02.03-3 Environmental risks and amenity

Identifies the municipality as facing complex fire risk in agricultural, forested, urban bushland, rural residential and coastal areas. Relevant strategic directions include:

- Ensure land use and development responds to fire risk.

Clause 02.03-5 Built environment and heritage

Identifies development occurring between settlements has potential to affect landscape character. Relevant strategic directions include:

- Retain the openness of the rural landscape between townships by limiting development.

Clause 02.04 Strategic Framework Plan





Figure 4: Moynes Strategic Framework Plan

See **Section 5.2.1** for an assessment of the application against the Municipal Planning Strategy.

4.2. Planning Policy Framework (PPF)

To ensure the overarching objectives of planning in Victoria are met, policies contained within the Planning Policy Framework (PPF) must be considered. The PPF clauses of most relevance to the Site and the amended proposal are set out below.

Clause 11 Settlement

[Clause 11.01-1S Settlement](#)

Seeks to facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

[Clause 11.01-1R Settlement - Great South Coast](#)

Aims to attract more people to the region.

[Clause 11.01-1L-01 Settlement - Moynes](#)

Relevant strategies include to maintain the rural character and natural landscape beyond townships and settlements.

Clause 13 Environmental Risks and Amenity

[Clause 13.02-1S Bushfire planning](#)

Seeks to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

Clause 15 Built Environment

[Clause 15.01-6S Design for rural areas](#)

Seeks to ensure development respects valued areas of rural character.

Clause 19 Infrastructure

[Clause 19.03-3S Integrated water management](#)

Seeks to sustainably manage water supply and demand, water resources, wastewater, drainage and stormwater through an integrated water management approach.

See Section 5.2.2 for an assessment of the application against the Planning Policy Framework.

4.3. Farming Zone

The Site is located within the Farming Zone ([Clause 35.07](#)). The purposes of the Farming Zone include:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

The original application included permit triggers under the following Clauses of the Farming Zone:

- Clause 35.07-1: Use
- Clause 35.07-3: Subdivision
- Clause 35.07-4: Buildings and works.

No additional permit triggers are caused by the amended proposal, in terms of the permit preamble; however, the dwelling is now located 15 metres from Illowa Road.

Decision guidelines are listed at Clause 35.07-6.

See Section 5.2.2 of this report for a response to the relevant decision guidelines and an assessment pursuant to the Farming Zone.

4.4. Overlays

The Site is not located within any Overlays.

4.5. Particular Provisions

4.5.1. [Clause 52.29 Land Adjacent to the Principal Road Network](#)

Clause 52.29 seeks to ensure appropriate subdivision of land adjacent to Principal Road Network or land planned to form part of the Principal Road Network.

Pursuant to Clause 52.29-2, a permit is required to subdivide land adjacent to a road in a Transport Zone 2. A permit is also required to create access to a road in a Transport Zone 2.



4.6. Other planning considerations

4.6.1. Aboriginal Cultural Heritage Sensitivity

The Site is identified as being an 'area of cultural heritage sensitivity' pursuant to the Aboriginal Heritage Regulations 2018. These areas relate to landforms and soil types where Aboriginal places are more likely to be located.

A Cultural Heritage Management Plan (CHMP) is required for an activity if the activity is a 'high impact activity' and falls in whole or part within an area of cultural heritage sensitivity. Division 2 of the Aboriginal Heritage Regulations 2018 set out various exempt activities for which a CHMP is not required.

Pursuant to Regulation 49, the subdivision of land into three or more lots for the purpose of residential subdivision is a high impact activity. A CHMP has been prepared and approved for the land.

5. PLANNING ASSESSMENT

5.1. Overview

The following chapter outlines the key planning considerations of the proposal in response to relevant policy and the provisions of the Moyne Planning Scheme. In summary, the following key considerations are relevant to the assessment of the proposal:

- Is the amendment consistent with the Municipal Planning Strategy and the Planning Policy Framework?
- Is the amendment consistent with the Farming Zone provisions?
- Does the amendment have regard to Clause 52.29

5.2. Key considerations

5.2.1. Is the proposal consistent with the Municipal Planning Strategy and the Planning Policy Framework?

The assessment of the amended proposal is limited to the scope of changes proposed under this amended application, that is, the dwelling siting and design, as well as the re-located accessway to Illowa Road. The subdivision of the land has now occurred in accordance with the approved permit, and the use of the land for the purpose of a dwelling is not changed because of this amendment, and accordingly does not require re-assessment.

The amended dwelling design and siting will continue to provide an appropriate outcome having regard to the objectives of the Municipal Planning Strategy and the Planning Policy Framework. The proposal maintains the established rural character of the surrounding area, which comprises a ribbon style development of dwellings along the Illowa Road, and a mix of dwellings located on flatter, lower lying land, as well dwellings which take advantage of the topography of the landscape (**Clause 11 Settlement**).

The dwelling siting has altered slightly by being relocated slightly to the south towards Illowa Road. The amended proposal is therefore considered to have a negligible effect on fire risk associated with the proposal (**Clause 02.03 Strategic directions, Clause 13 Environmental Risks and Amenity**).

The proposed dwelling is a modest, single storey design, and will be of a scale and design which will be appropriate to the rural character of the area. Non-reflective materials and colours are proposed to be used to ensure compatibility with the rural environment (**Clause 02.03 Strategic directions, Clause 15.01-6S Design for rural areas**). The proposed shed and other items (such as solar panels) are located behind the dwelling, further north, and will complement the land use as a dwelling and its sustainability.

On balance, the amended proposal is considered to provide an acceptable outcome having regard to the Municipal Planning Strategy and the Planning Policy Framework.



5.2.2. Is the amendment consistent with the Farming Zone provisions?

The proposal is considered to continue to provide an appropriate outcome having regard to the Farming Zone. The elements of the proposal relating to the use of the land for the purposes of a dwelling, and the subdivision of productive agricultural land have been dealt with under the original permit assessment.

It is noted the Permit includes Conditions which relate to the services required for the use of the land for a dwelling (Conditions 24 - 27). The proposed dwelling can meet these conditions.

A response to relevant decision guidelines is provided in the table overleaf to understand how the proposal can be considered an acceptable outcome under the Farming Zone.

Decision Guideline	Response
General Issues	
The Municipal Planning Strategy and the Planning Policy Framework.	The proposal is considered to implement the MPS and PPF. Refer to assessment in Section 5.2.1 of this report.
Any Regional Catchment Strategy and associated plan applying to the land.	The Glenelg Hopkins Regional Catchment Strategy 2021-2027 contains general objectives and management measures regarding the role of landowners in caring for and managing the environmental qualities of the land. The strategy does not contain any objectives, nor any associated plan, specifically related to the Site.
The capability of the land to accommodate the proposed use or development, including the disposal of effluent.	The site of the land has not been altered and no concerns remain about the land's ability to be serviced by wastewater. An LCA was conducted as part of the original application. An installation permit will be required to be obtained from Council's EHO and carried out by a licensed plumber.
How the use and development makes use of existing infrastructure and services.	The proposal will make use of the new crossover installed as part of the subdivision of the land.
Design and siting issues	
The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.	The dwelling is located in a slightly different location, further south. This siting has previously been considered an appropriate outcome having regard to agricultural interfaces, and this is not changes as part of the amended proposal. The proposed shed/outbuilding, is similar in the sense that it is not excessively large and will not impact the surrounding area by way of reducing agricultural productivity.
The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.	The dwelling design is single storey and of scale which is appropriate to the rural character of the area. Colours and materials will be earthy and muted, which will be compatible with the rural locality. The visual impact of the



<p>The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.</p>	<p>dwelling when viewed from the road will be acceptable and in keeping with the scale and pattern of development of nearby dwellings.</p> <p>The proposed shed, rain water tanks and solar panels are complementary to the dwelling, and are items that can be typically expected with a dwelling on a block of this size.</p> <p>There are no identified areas or features of archaeological, historic or scientific significance or of natural scenic beauty or importance which would be affected by the proposal.</p>
<p>The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.</p>	<p>The subdivision had regard to servicing for each allotment. The dwelling will be required to connect to the relevant services.</p>
<p>Whether the use and development will require traffic management measures.</p>	<p>Traffic management measures are unlikely to be required, outside of constructing the crossover on Illowa Road, to be designed to the relevant standards of the responsible authority.</p>

5.2.3. Does the amendment have regard to Clause 52.29

The application will likely be referred to the Head of Transport Victoria for comment on the new accessway. The new accessway is well-located and provides good access to the dwelling, and away from the identified areas that may be subject to flooding (as part of the original subdivision endorsed plan).

Vehicles can enter and exit in a forward direction with good sight lines. It is unlikely that the safety of road users will be adversely compromised.

The detailed design of the accessway will be designed to the requirements of DTP.



6. Conclusion

This report has described the amended proposal to amend the dwelling design and siting for the approved dwelling at 7 Conns Lane, Dennington.

This report has provided an assessment of the proposal against relevant policy and planning controls of the Moyne Planning Scheme.

The proposal is consistent with the original intent of the permit to provide residential lots as part of the title re-alignment, and dwellings on Lots 1 - 5. The approved Permit anticipated the amendment of the dwelling design, as evidenced by the use of the same dwelling design on each lot.

The proposal is an appropriate outcome having regard to the purposes and intent of the planning controls and policy framework of the Moyne Planning Scheme. It follows as the recommendation and request of this report that Council issue a planning permit for the proposal.

We look forward to working with Council during the assessment of the application.

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Associate, MPAA Studio

25 November 2024

