

## **Planning Report**

### **Use and Development of Land for a Dwelling and Alteration of Access to Transport Zone 2**

#### **Lot 1 PS 612736L – Koroit-Woolsthorpe Road, Woolsthorpe**

**January 2024 (updated May 2024)**

#### **Introduction**

This report has been prepared for [REDACTED] (the applicant) to support a planning permit application for the use and development of land for a dwelling and alteration of access to the Transport Zone 2, on land located at Koroit-Woolsthorpe Road, Woolsthorpe.

This is the second application made by the applicant for a dwelling on the land, after an earlier application (PL22/014) was refused by Council on 4 July 2022. This refusal and its grounds are discussed further in this report.

This new application is submitted to Council on a genuine basis by the applicant who seeks to construct a dwelling to support their current and future productive agricultural use of the land, and to enable them to establish their farm business. The applicants' currently live away from the property which significantly restricts their ability to maximise the property's productive agricultural capacity and to realise their long-term goal to build a sustainable farm business and become established within the agricultural industry.

This application is supported by a Farm Management Plan and Agronomists Report, which outlines the applicants' plans to establish and grow their beef production business from the land, which requires a dwelling on the property for security, management and efficiency. The vision is to improve the property and establish a business which is simple, repeatable and value-adds for both the applicant and the local agricultural economy.

A planning permit is required to use and develop land for a dwelling on a lot less than 40ha under the Farming Zone, along with alteration required to the Transport Zone 2 (Koroit-Woolsthorpe Road).

This report provides an outline of the proposal and demonstrates that the proposed dwelling is directly required to support, and is associated with, the productive agricultural use for beef production (grazing animal production as defined by the Planning Scheme). The proposed farming enterprise cannot be undertaken at its planned scale, and with the required investments and improvements to the land, without the presence of a dwelling.

The report addresses relevant strategic and policy direction of the Moyne Planning Scheme and concludes that the proposed dwelling will achieve an acceptable and beneficial planning outcome which will not result in the loss of productive agricultural land or have a detrimental impact on the continuation or compatibility with agricultural uses on adjoining land. The proposed dwelling is demonstrated as being required to support the productive agricultural use of the land, and is consistent with planning policy objectives and strategies.

The application is accompanied by:

- Certificate of title
- Site photos
- Dwelling plans (site, floor and elevations)
- Farm Management Plan – [REDACTED] (May 2024)

- Agronomist Report
- Forecast Income Statement

## **Site and Surrounding Locality**

### ***Subject Site***

The site is located on Koroit-Woolsthorpe Road, approximately 8km north of Koroit and 5km south of Woolsthorpe, referred to as Lot 1 PS 612736L.

The property is owned by the applicant and has an area of 14.24ha. It has an irregular shape and has primary frontage to Koroit-Woolsthorpe Road and adjoins unmade road reserves along both its southern and western boundaries.

The property currently contains an existing farm shed and access track, which is centrally located and has an approximate setback of 71m from the road frontage.

The land is currently stocked and used for grazing animal production with approximately 30 heifers of mixed breed. The productive agricultural capacity of the land is limited until further upgrades and improvements are undertaken.

The property has access to an existing bore, fencing has recently been replaced along the Koroit-Woolsthorpe Road frontage and native shelterbelt plantations have been planted along the southern and south-western property boundaries.

The site has direct frontage to Koroit-Woolsthorpe Road and has an existing informal rural crossover that provides access, which requires further upgrade for the proposed dwelling and agricultural use, to comply with Department of Transport and Planning design requirements as road authority.

Most of the site is generally flat with a slight decrease in gradient towards the western property boundary.

### ***Surrounding Locality***

Land use within direct area can be characterised as mixed between rural-residential uses and agriculture. The established land use pattern clearly identifies that agriculture is not the sole and primary land use.

Four (4) rural-residential properties directly adjoin the site to the north, east and south. Each of these properties contains an existing dwelling on lots ranging between approximately 2-5ha, where agriculture occurs but is not the primary use.

Directly north of the site is a rural-residential lot containing a dwelling on 4.87ha, located approximately 450m from the proposed dwelling site. Further north of this property is a dwelling associated with a broader agricultural land use for grazing animal production, which incorporates land adjoining the rear (western) boundary of the subject site.

East of the site, on the opposite side of Koroit-Woolsthorpe Road, are two rural-residential properties, each containing dwellings and associated outbuildings. These dwellings are located between 150-220m from the subject site.

A further dwelling exists approximately 270m south-east from the subject site on lot larger lot used for agriculture through grazing animal production.

Directly south of the subject site is an existing dwelling on 1.9ha used for rural-residential purposes, located approximately 250m from the dwelling site. This lot was created via

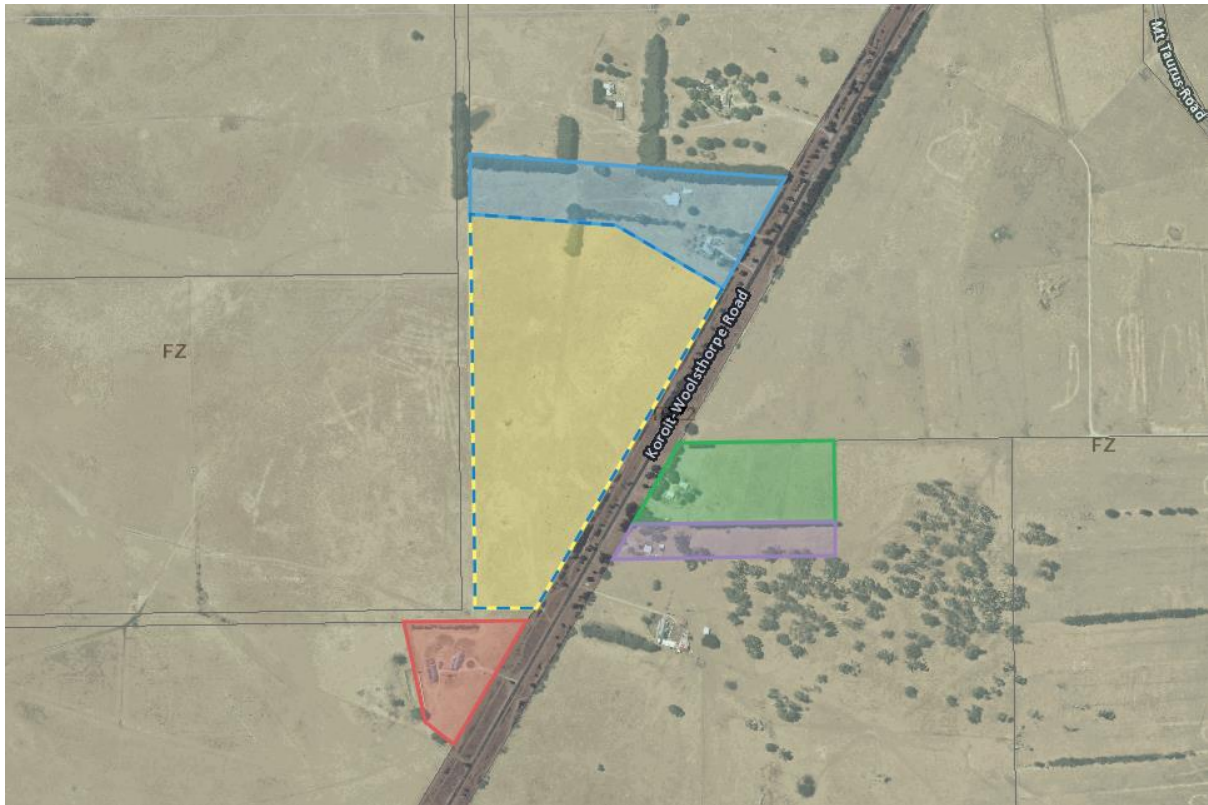
Planning Permit PL22/192 which approved a two (2) lot subdivision creating the rural-residential lot and a balance Lot 2 44.8ha used for beef production.

Beyond the subject site, land is primarily used for agriculture through cattle production and grazing associated with dairy farms. No productive or operational agricultural infrastructure or buildings are located adjoining or within direct vicinity of the site.

Figure 1 below presents an aerial image of the subject land, whilst Figure 2 shows the site in context within the surrounding area and lot configuration.



**Figure 1 – Subject Site** (Source: VicPlan)



**Figure 2 – Locality Map** (Source: VicPlan)

\*Note: Blue, green, purple and red shading denotes existing adjoining rural-residential properties to the subject site.

## **Proposal**

### ***Overview***

The proposal seeks planning approval for the use and development of land for a dwelling and alteration of access to Transport Zone 2 to upgrade access to the site.

The dwelling will provide the applicants with the ability to grow and establish their beef production farm business from the land, providing them with security, oversight and management benefits, whilst at the same time raising their young family and contributing to the local community.

The dwelling is key asset for the applicant in establishing and growing their farm business. As they currently live away from the property, their ability to invest in the business and undertake improvements to the property is limited. The dwelling will enable the applicant to consolidate their assets, provide them with market access into the agricultural industry and to build a base upon which they can grow the existing business productively and sustainably.

Through the Farm Management Plan, there is a demonstrated vision and commitment from the applicant to using the land productively for agriculture through beef production, of which the dwelling is directly required to support this use. The applicants' will aim to build upon their local connections and agricultural experience to establish a commercially viable and best-practice agricultural business that value-adds agriculture within Moyne Shire and is based around sustainable land management practices.

The planned agricultural use cannot be undertaken without a dwelling on the land. Calf raising and beef production, with cattle at an earlier life-cycle stage, requires direct monitoring and care of livestock. Weaned calves need to be fed daily and monitored closely to manage their welfare, whilst the property will require ongoing management and work to ensure it is maintained in the best possible condition for productivity and environmental benefit.

The dwelling will provide a demonstrated agricultural benefit by enhancing the productive agricultural capacity of the land and enabling the applicants to establish their agricultural enterprise, without causing any detrimental agricultural, land use conflict or amenity impact to adjoining land.

### ***Key Elements***

Key elements of the proposal include:

#### Siting

The proposed dwelling will be sited south-centrally within the property with a setback of 71m from Koroit-Woolsthorpe Road and 168m from the southern property boundary.

The specific location of the dwelling has been chosen carefully to ensure appropriate setbacks are provided to adjoining rural-residential properties and Koroit-Woolsthorpe Road, and to maintain the established rural and dispersed character of the area.

The dwelling will be located nearby to an existing power supply and bore and on a flat part of the site requiring limited earthworks.

Siting of the dwelling adjoining the existing agricultural building and internal access track significantly maximises available land for the agricultural use.

#### Design

The proposed dwelling will be a single storey building of modest design which will incorporate four (4) bedrooms, an open plan kitchen, dining and family area, bathroom ensuite, laundry, alfresco and double garage.

The dwelling has been oriented to be north facing to maximise solar access and amenity to habitable rooms, and to assist with achieving a 7-star energy rating in accordance with the National Construction Code.

Materials to be used in the construction of the dwelling will include vintage red external brickwork and a Colorbond Shale Grey roof.

#### Access

Access to the dwelling will be provided from Koroit-Woolsthorpe Road via an upgrade crossover, as referred to within the site plan, to meet DTP access design and construction requirements.

An all-weather minimum 3.5m access track will be provided from the crossover internally within the site to the dwelling and existing agricultural building.

#### Wastewater

The dwelling will be connected to a new on-site wastewater system compliant with EPA standards and consistent with the Code of Practice: Onsite Wastewater Management. An

application to install the wastewater system will be made with Council's Environmental Health Unit, however, there is sufficient area on-site for wastewater treatment and disposal.

#### Domestic Water

The dwelling will include provision of two (2) x rainwater tanks with a minimum capacity of 10,000L and include fittings to comply with CFA requirements.

#### Power

Electricity is already connected to the property and will be provided to the dwelling during construction.

#### Landscaping

In accordance with the Farm Management Plan, additional native shelterbelt plantations will be planted along the western and northern boundary of the site. The plantation will be 5m wide, fenced and contain a mix of native mid and ground-storey species. Planted landscaping will also be established surrounding the dwelling.

Existing roadside remnant native vegetation within the road reserve of Koroit-Woolsthorpe Road provides a further buffer to the site and separation to adjoining rural-residential properties and land uses.

Copies of plans for the dwelling are attached with this application.

#### ***Farm Management Plan – Beef Cattle Production***

The Farm Management Plan (FMP) is central to this application and provides not only the vision and commitment of the applicant to improve the land and establish their farm business, but more importantly, the agricultural justification which demonstrates the need for the proposed dwelling.

The applicants have a vision to establish a productive and sustainable beef production business from the property which is repeatable and will enable them to value-add surplus dairy and beef calves for a more productive use. Through their longstanding local and community connections and their extensive agricultural experience, the applicants' goal is to make their farm business a success, take their next step in agriculture and to contribute to the industry which is such an important part of the local and regional economy.

The basis of the FMP is that approximately 100 head of beef cattle (Angus-Friesian cross F1) will be turned off the property each year after they are ready to progress into their next growing stage, at which point they will be taken to Tower Hill leased land. Calves will be purchased at different intervals in the year in groups of approximately 30 weaners, which may vary dependent on seasonal conditions and land capability. No more than 60 head of cattle will be kept on the property at any one time, with the leased land at Tower Hill utilised to grow out the cattle as a core part of the farm business.

Weaned calves will be raised and monitored, and when at a stage they no longer require pellets or supplementary feed, they will then be taken to 28ha of leased land the applicant has access to at Tower Hill to grow out further before sale at approximately 350-400kg liveweight, or dependent on market conditions and demand.

Whilst not directly part of the subject site, the leased land at Tower Hill is a core component of the farm business and provides the required grazing land for the applicant to take their weaned calves to a fattened and finished weight for sale or processing.

The FMP provides a clear outline of the plan in securing and managing the calves, with a forecast income statement demonstrating that the farm business will be commercially viable in successive years after establishment expenses have been incurred, noting however, this is an indicative forecast and the focus will be to drive efficiency and productivity in the business. This is based on direct market knowledge and the applicant current works locally in rural farm services and supplies.

Property management and improvement also forms a key component of the FMP in which the applicant recognises that to run a successful and sustainable farm business, they need to maintain the land in the best condition they can. They plan to undertake extensive native shelterbelt planting along property boundaries, implementation recommendation of soil testing and a pasture improvement program, and establish new internal fencing and water points as part of paddock system. By continually improving the environmental condition of the property, the applicants' will provide the best base they can for their farm business and deliver valuable natural resource outcomes to the local area.

Given that the basis of the farm business will be the raising of approximately 100 weaner calves annually, a dwelling is crucial to support this use and the ongoing land and property improvements. Beef production and management cannot occur safely or productively without a direct presence on-site, and in this sense, the overall farm business to raise and fatten stock for market cannot be undertaken.

The FMP and Agronomists Report provides a Farm Map, land status report and pasture recommendations which identifies how the property is planned to be established and will be supported by ongoing farm improvements, including:

- Soil testing and treatment
- Pasture management, weed removal and improvement (including rock removal, ploughing and reseeding)
- Establishment of cattle-yards nearby the existing agricultural shed
- Internal fencing of paddocks and laneways
- Connection of new water troughs and pipes for stock
- Establishment of new native shelterbelt plantations along the western and northern boundaries for stock protection, environmental benefit and a buffer to rural-residential properties.

The FMP and Agronomists Report is provided attached with this application.

## **Planning Policy Framework**

The following provisions of the Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF) are relevant and of primary consideration to this application:

### **Clause 2 Municipal Planning Strategy**

Clause 2.02 Vision

Clause 2.03-4 Agriculture – seeks to:

- *Encourage sustainable farming practices to maintain the long-term viability of agriculture in the Shire*
- *Protect the natural and physical resources upon which agricultural industries rely.*
- *Prevent land use conflicts between agricultural uses and sensitive uses.*
- *Limit the use of productive agricultural land for non-productive agricultural purposes.*
- *Restrict the rural-residential use of productive agricultural land.*

### **Clause 11 Settlement**

Clause 11.01-1S Settlement

Clause 11.01-1R Settlement – Great South Coast

Clause 11.03-6S Regional and Local Places

### **Clause 13 Environmental Risks and Amenity**

Clause 13.02-1S Bushfire Planning – seeks to use risk-based planning for bushfire that prioritises the protection of human life.

Clause 13.07-1S Land Use Compatibility

### **Clause 14 Natural Resource Management**

Clause 14.01-1S Protection of Agricultural Land – seeks to protect the State's agricultural base and preserve productive farmland.

Relevant strategies include:

- *Limiting new residential housing development in rural areas*
- *Considering the:*
  - *Desirability and impact of removing land from primary production*
  - *Impacts on the continuation of primary production on adjacent land*
  - *Compatibility between the proposed or likely development and existing uses*
  - *The potential impacts of land use and development on the spread of plants and pests*
  - *Land capability*

Clause 14.01-1L Agricultural Production – seeks to ensure that the use and development of land for dwellings minimises the loss or fragmentation of productive agricultural land and does not prejudice activities associated with agricultural production.

Strategies include:

- *Avoid non-agricultural land use and development in rural areas that prejudices the productive use of agricultural land.*



- *Discourage the construction of dwelling on productive agricultural land, unless it can be demonstrated that the dwelling is required to support the productive agricultural use of land.*
- *Locate and site dwellings so that they do not compromise surrounding farming activities.*
- ...

Clause 14.01-2S – Sustainable Agricultural Land Use

Clause 14.02-1S Catchment Planning and Management

Clause 14.02-2S Water Quality

Clause 15 Built Environment and Heritage

Clause 15.01-6S Design for Rural Area

Clause 17 Economic Development

Clause 17.01-1S Diversified Economy

Clause 17.01-1R Diversified Economy – Great South Coast – seeks to support agriculture as a primary source of economic prosperity in the region and contribution to the nation’s food production.

Clause 19 Infrastructure

Clause 19.03-3S Integrated Water Management

***Clause 35.07 Farming Zone***

A permit is required to use and develop land for a dwelling on a lot less than 40ha pursuant to Clause 35.07-1 and 35.07-4.

The purpose of the zone includes:

- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwelling, 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 provisions.

Decision guidelines are provided at Clause 35.07.8 covering:

- General issues
- Agricultural issues and the impacts from non-agricultural uses
- Accommodation issues
- Environmental issues
- Design and siting issues

***Clause 52.29 Land Adjacent to the Principal Road Network***

A permit is required to alter access to a Transport Zone 2 pursuant to Clause 52.29.2. The application must be referred to DTP in accordance with Clause 66.03.

## **Planning Assessment and Discussion**

The application seeks planning approval for the use and development of land for a dwelling and alteration of access to Transport Zone 2.

The dwelling is required to enable the applicant and landowner to establish and develop their beef production business, which will provide them with the certainty they require to invest in the business, undertake ongoing farm improvements and raise their family.

It is recognised by the applicant that the property has an area of 14.2ha and is less than the minimum lot size of 40ha within this area of the Farming Zone. However, this alone should not be viewed as being a determinative factor in the success of the application. A broader context and set of factors must be considered which has regard to the nature of the use proposed, surrounding land uses and characteristics.

Agriculture is not a one-size-fits-all industry and the needs and demands of the economy, society, community and environment are changing. As our local, regional and national population grows, there is a need to sustainably increase our food and fibre production to cater for long-term needs and to maximise opportunities.

Farm businesses and agricultural uses are changing and they need to be supported in their adaptation and diversification to their increase value-add in agriculture and investment. Small-scale farm businesses and enterprises are becoming increasingly important in the economic mix of the broader agricultural industry, and enhancing liveability and well-being in the Shire and region. Market access and entry opportunities are critical for young families and businesses, otherwise there is a risk that potential farm owners, workers and professionals will leave the industry.

Such is the case for the applicant. As demonstrated by their FMP, their plan is to use this property as a central component in establishing their beef production business, and they subsequently require approval of a dwelling to do so. If a dwelling is again refused on this land, it will significantly restrict the agricultural potential and productivity capacity of the land, with there being limited incentive to invest in and improve the property. The dwelling is core to the applicants' farm business and is directly required to support and enable this use to be undertaken.

The applicant notes and accepts the previous decision by Council in PL22/104 to refuse the proposed dwelling, but again submits this application to show their clear and genuine commitment to establishing a productive agricultural land use and providing a positive land use planning outcome which addresses current and future needs. They are a local family who are committed to living and working within the district where they have work, family, educational and social connections.

The following discussion presents an assessment of the dwelling against the relevant provisions, strategic and policy direction of the PPF (including MPS), the Farming Zone, Clause 52.29 and Clause 65 Decision Guidelines.

### ***Planning Policy Framework (Municipal Planning Strategy)***

The PPF in the Moyne Planning Scheme provides clear policy and strategic direction to protect and preserve productive agricultural land. Agriculture is the largest and most significant industry in Moyne Shire, and it must be carefully protected and sustainably managed to cater for long-term needs.

In considering proposals to use and develop land, consideration must be given to the potential loss of productive agricultural land, impacts on the continuation of primary production, land use compatibility and land capability.

Local policy specific for Moyne Shire reinforces State policy by seeking to ensure that the use and development of dwellings minimises the loss or fragmentation of productive agricultural land and does not prejudice agricultural production. This can occur by ensuring appropriate buffers are maintained that may conflict with agriculture, avoiding non-agricultural use and development and discouraging dwellings on productive agricultural land which are not adequately demonstrated as being required to support an agricultural use.

State policy at Clause 14.01-2S advances sustainable agricultural land use by seeking to ensure that innovative and sustainable agricultural practices can be established, promoting adaptation, diversification and value-adding of agriculture, and assisting genuine farming enterprises and opportunities to meet market needs.

Additionally, the PPF includes policy which seeks to manage new development in the rural environment, in terms of its siting, design and surrounding rural character, whilst also ensuring that environmental risks and natural resources can be appropriately managed (e.g. wastewater disposal and stormwater/drainage).

In terms of employment, the PPF aims to support agriculture as a primary industry within the region, including new economic development opportunities.

### Response

The proposal represents a genuine and committed attempt by the applicant to obtain planning approval for a dwelling to enable them to establish and grow their farm business in beef production. This is not a speculative application to obtain a permit for a dwelling and establish a 'lifestyle' property – the applicant has gone to significant effort in preparing this application to demonstrate the absolute need for the dwelling.

The proposed dwelling is directly required on-site as a key asset to their farm business. The beef production outlined in the FMP cannot viably occur without the presence of a dwelling which would provide the applicant with the ability to manage and run their business, dealing with land and animal welfare management on a daily basis.

To ensure agriculture is maintained as the primary land use and the ongoing presence of a dwelling is required to support this, the applicant welcomes a Section 173 Agreement condition by Council to give legal effect to the provisions and commitments made within the FMP.

The property has an area of 14.2ha and it currently has limited productive agricultural value as an 'out-paddock' for grazing. It is important to recognise that the dwelling is intended to increase the productive agricultural capacity and output of the land and, in turn, it will not result in the removal or loss of productive agricultural land as an outcome sought by planning policy.

The local land use and settlement context surrounding the site is also critical to the suitability of the site for the proposed agricultural use and dwelling. Importantly, no major operational or productive agricultural infrastructure exists directly adjoining or nearby the site which would be put at risk if the dwelling were approved. Nearby agricultural uses are all for grazing animal production and are consistent and compatible with the proposed use and development of the subject land.

Four (4) established rural-residential properties adjoin the site to the north, east and south, each of which are either disconnected from agriculture or are associated with a small-scale agricultural use. The proposed dwelling is consistent with these existing land uses the established land use pattern, and seeks to build upon this by introducing a sustainable agricultural land use in the Farming Zone which advances policy objectives.

Whilst the dwelling will be located on a lot less than the minimum no size, this is not uncharacteristic in the direct locality and in the broader area between Koroit and Woolsthorpe, where the proposed dwelling will be linked with and required to the support beef production and will not result in an inappropriately located rural-residential use.

The dwelling has been sited to maximise and take advantage of setbacks to adjoining land and the FMP incorporates further land management improvements and native shelterbelt plantations to mitigate any potential land use conflict, primarily to agricultural uses but also to existing rural residential properties.

The dwelling and associated agricultural use are compatible with adjoining land uses and its use and development presents an important progression in the ongoing development and growth of the applicants' farm business.

Overall, the proposal presents an outcome which is consistent with the strategic and policy direction of the MPS and PPF, presenting an outcome which protects and facilitates agriculture whilst managing land use conflict and reasonable amenity.

### ***Farming Zone***

The Farming Zone underpins State, regional and local policy for agriculture and seeks to prioritise agriculture as the primary land use, whilst managing non-agricultural uses and encouraging the retention of employment and population to support rural communities.

For the applicant to successfully establish the grow their farm business, it is essential that the proposed dwelling is supported to make their vision and business plan viable. The proposed dwelling will position the applicant with certainty to further invest and develop their business, build their asset base and value-add agricultural products and supply chains, consistent with the purpose of the Farming Zone to promote agriculture and retain employment, whilst protecting productive agricultural land.

Decision guidelines for the Farming Zone are provided at Clause 35.07-6, with the following comments made:

#### **General Issues**

The dwelling presents an outcome which is consistent with the policy and strategic direction of the MPS and PPF to support the growth and protection of agricultural production. The subject site has sufficient area for wastewater disposal associated with the dwelling, which will be subject to a separate wastewater approval process to install and use the system.

The dwelling is sited in the property away from any adjoining farming infrastructure, such as dairies, shed or feed pads, which will limit land use conflict and maintains compatibility with the area.

The dwelling and commitments within the FMP will deliver improved natural resource management and environmental outcomes for the land through new native plantations and ongoing land management improvement. The aim of the applicant is to substantially improve the condition of the property for both farm productivity and environmental benefit over the long-term.

Adjoining land uses within the area are predominantly use for rural-residential purposes and the dwelling and proposed agricultural use will not result in any outcome that is incompatible with adjoining land, noting that residential amenity in the Farming Zone is lower than that reasonably expected in a township or residential area.

#### Agricultural issues

The dwelling is proposed on the basis that it is directly required to support the agricultural use for beef production which will in-turn enhance the productive agricultural capacity of the land.

The FMP has been prepared which outlines experience, plans, business model and further land and environmental improvements to be undertaken. Through soil testing and improved pasture management, the proposal will lead to a beneficial agricultural outcome for the property and maximise the capacity of the site to sustain the agricultural use.

The siting and design of the dwelling adjoining the existing agricultural shed limits the loss of productive land and has considered its relationship and compatibility with adjoining land uses, to ensure that farming can occur unrestricted. The dwelling will not change the use or capacity of the subject land to sustain its agricultural use, nor will it impact on the agricultural quality of the land.

#### Dwelling Issues

The dwelling is required to support and maximise the agricultural use of land for beef production. As the occupants of the dwelling will work on-farm, they are directly associated with agriculture and will not be adversely affected by its operations or activities, including on adjoining land.

The dwelling is not proposed based on being a rural-residential, hobby-farm or lifestyle use. It is directly required for the ongoing operation and growth of the applicants' farm business and will not adversely affect the operation and expansion of adjoining agricultural uses. Additionally, the dwelling will not lead to a concentration or proliferation of dwellings in the area as it will be directly associated with agriculture being the predominant land use.

#### Environmental Issues

The dwelling and improvements proposed within the FMP will enhance the environmental qualities and values of the land through native species plantations, improved soil and pasture management and property maintenance. No native vegetation will be removed or impacted.

The aim for the applicant is to build their farm business by valuing and improving their environment and their property to ensure that cattle are provided with the best conditions to live and grow.

The site does not contain any waterways or features that will be impacted by on-site wastewater disposal.

#### Design and Siting Issues

The dwelling has been sited to minimise the loss of agricultural land and manage impacts with adjoining uses. Plans for the dwelling do not currently provide for landscaping surrounding the dwelling but a condition would be invited from Council requiring a landscaping plan to be prepared and endorsed before the development starts. Native

shelterbelt plantations are planned to be planted in accordance with the FMP along the western and norther property boundaries.

The dwelling is a modest design and will incorporate muted and non-reflective colours and materials. Established roadside vegetation along Koroit-Woolsthorpe Road will assist to minimise visibility and obscure the dwelling, maintaining the rural and natural character of the area.

Access to the dwelling will be provided via a new crossover from Koroit-Woolsthorpe Road to DTP design specifications as the road authority, whilst the dwelling will be connected to power supply already connected to the property and provided with water tanks for potable water. A new wastewater system will be installed – to be approved by Council.

### ***Clause 52.29 Land Adjacent to the Principal Road Network***

Access to the site must be altered and further approval is required from the Department of Transport and Planning and the relevant road authority.

The application must be referred to DTP in accordance with Section 55 of the *Planning and Environment Act 1987*.

As with their earlier response for PL22/014, it is not expected that there are any road safety or design issues in obtaining and upgrading access to the subject land.

### ***Previous Planning Decisions***

Moyne Shire Council has now considered three (3) previous planning permit applications for the subject land.

PL08/040 resulted in a permit being issued for a two-lot subdivision (house lot excision) which was completed and resulted in the subject land being created. A Section 173 Agreement was applied to the land as a result of the permit, which continues to apply, and restricts any future subdivision of the land.

PL15/165 and PL22/014 were both applications to use a develop the land for a dwelling which were refused for various reasons by Council. It is particularly important to address and provide a response to the grounds of refusal in PL22/014, which was an earlier application for a dwelling made by the applicant:

- 1. The dwelling is not justified to support the agricultural use and productivity of the land.*

The application and FMP have been reviewed and amended to clearly demonstrate that the proposed dwelling is required to support and undertake the agricultural use for beef production on the land, and for the applicant to establish and grow their business in conjunction with leased land they have access to. The planned agricultural use, property improvements and management cannot be undertaken without a dwelling on the land.

- 2. The use and development does of a dwelling will result in the loss and fragmentation of productive agricultural land.*

This application demonstrates the genuine basis and need for a dwelling and highlights that the productive agricultural capacity of the land is limited given its size and surrounding land use for rural-residential purposes. The applicants' intent is to maximise and increase agricultural production and the dwelling will not result in a loss or fragmentation of productive agricultural land. Furthermore, the dwelling will cause no impact on the continuation or

compatibility with adjoining agricultural uses, with the proposed dwelling consistent with the established character and land uses of the area.

3. *The use and development of the dwelling does not satisfy the decision guidelines set out in Clause 35.07 (Farming Zone) of the Moyne Planning Scheme.*

This application provides an updated response to the decision guidelines of Clause 35.07 and it is submitted that the proposed use and development is consistent with the objective of the zone and provides an acceptable response to relevant decision guidelines.

4. *The use and development of the dwelling does not satisfy the Planning Policy Framework and the Local Planning Policy Framework.*

An updated response to address the MPS and PPF has been prepared for this application and demonstrates that the proposal achieves an outcome which is consistent with and strategically supported by planning policy, particularly having regard to the protection of agricultural and managing new dwellings in rural areas.

5. *The temporary use of an agricultural building as a dwelling would be in breach of the condition of Planning Permit PL21/262.*

This is not proposed and no longer applicable.

Whilst planning history is relevant to decision making, it is emphasised with Council that this application should be reviewed and assessed afresh and independently of previous decisions, on its own merits and having regard to the current policy setting and framework.

This application has been prepared to demonstrate the need and appropriateness of a dwelling which is required to support the agricultural use of land for beef production. The dwelling provides an acceptable policy response and is consistent with the land use planning objectives promoted by the Moyne Planning Scheme, namely, to manage the loss of productive agricultural land and ensure continuation and compatibility with agriculture can be achieved.

### ***Issues Raised by Objections***

In submitting this application to Council, it is considered useful to briefly address key issues which were raised in objections for the earlier application PL22/014. These issues are summarised with a response below:

#### **Dwellings within the Farming Zone**

A dwelling in the Farming Zone on a lot of less than 40ha is not prohibited, it is a Section 2 permit required use which is open to Council to consider. Key factors which must be taken into account are the provisions of the Farming Zone and the policy framework as it relates to dwellings, whether a dwelling is required to support an agricultural use and the protection of agricultural land and uses.

The applicants have no intention to build the dwelling and turn the land into a lifestyle property. The dwelling is directly required for the agricultural use, and it is their commitment that the agricultural productivity and overall condition of the land will be enhanced.

#### **Environmental Impacts**

The proposed dwelling and alteration of access will cause no environmental impact. The location of the access will not result in the removal of native vegetation and has been

specifically located to avoid established roadside vegetation, including both native trees and grasses.

Construction practices, plumbing and wastewater installation must all comply with relevant planning, building and environmental health approvals, including conditions, along with noise and environmental duties managed by the Environment Protection Authority (EPA).

The applicants intent is to restore and improve the environmental and natural condition of the property to benefit their farm but to also deliver ecosystem services to environment and local area.

#### Traffic Impacts and Road Safety

Koroit-Woolsthorpe Road is an arterial road managed by DTP. It is a sealed, two-way way in acceptable condition. The proposed access location to the site maintains safe sight distances and a new crossover will be constructed to meet DTP requirements which is designed to maintain road safety. This will include the installation of new culverts to maintain drainage flows within the road reserve.

Construction of the new access and traffic movements associated with a single dwelling will have no discernible or detrimental impact that would result in an unacceptable road safety or traffic outcome, or adversely affect adjoining properties.

#### Rural Amenity

Concerns were previously raised around the impact the dwelling would have on amenity to existing rural-residential properties. It is highlighted that the site and surrounding area are in a Farming Zone where agricultural activity and operations are promoted, which can lead to noise, odour and dust impacts.

The level of amenity protection afforded to dwellings in the Farming Zone is not that same as that which would be reasonably expected or achieved within a township or established residential area.

The applicants however still aim to be positive land stewards and respectful neighbours and have no intent on decreasing the amenity, use and enjoyment that existing landowners have in their dwellings. The proposed dwelling will be extensively obscured from adjoining dwellings through existing and proposed plantations and the setback distances further mitigate any direct or unreasonable amenity impact to these properties.

There will be no detrimental or adverse amenity impact caused to established rural-residential properties as a result of the proposed dwelling and agricultural use.

#### Planning history

As already noted, this application must be assessed on its own merits against relevant planning controls and policy. Past planning decisions by Council on this site or elsewhere are not directly relevant, however, it is highlighted that there are many other instances across the Shire, including around the Koroit district, in which dwellings have been approved in the Farming Zone on lots less than 40ha where they are associated with an agricultural use.



## **Conclusion**

This report has been prepared for an application to use and develop land for a dwelling (farm worker accommodation) at Lot 1 PS 612736L Koroit-Woolsthorpe Road, Woolsthorpe.

The applicants ( [REDACTED] ) currently own the land and require the dwelling to enable them to grow and establish their farm business, whilst at the same time raising their young family and remaining directly involved in the Koroit and district community. The proposed dwelling is central to being able support the growth and investment in the farm business, by raising and fattening out for further production or processing. Without a dwelling on the land, the applicants will be significantly restricted in their ability to run their farm business and this would present as a major barrier in their access as young farmers into the agricultural industry.

Integrated decision making at Clause 71.02-3 of the Moyne Planning Scheme requires planning authorities to integrate the range of planning policies relevant to the issues to be determined and in balancing net community benefit and sustainable development. It is submitted to Council that the proposal provides a considered and acceptable planning outcome which protects and supports agricultural and land and the economy, whilst along a family to build their dwelling which is core to their farm business and wholly consistent with surrounding land uses.

Planning assessment concludes that the dwelling is supported by and consistent with the strategic and policy direction of the Municipal Planning Strategy and Planning Policy Framework of the Moyne Planning Scheme, and will result in the proper and orderly planning of the area. The dwelling will enhance agricultural production on the land, whilst through siting and design, will not restrict or impact the continuation of agriculture on adjoining land.

It is respectfully requested that Council proceed to issue a planning permit for the proposed dwelling.

**Site Photos**



**Photo 1 – Site Entrance from Koroit-Woolsthorpe Road to be upgraded**



**Photo 2 – View south along Koroit-Woolsthorpe Road from site access location**



**Photo 3 – View north along Koroit-Woolsthorpe Road from site access location**



**Photo 4 – View south-west from access location to existing farm shed**



**Photo 5 – View of established roadside vegetation along Koroit-Woolsthorpe Road**



**Photo 6 – View of established roadside vegetation along Koroit-Woolsthorpe Road**



**Photo 7 – View west from access location to internal site access to proposed dwelling and existing farm shed**





**Photo 8 – New post and wire fencing installed by landowner along the Koroit-Woolsthorpe property frontage**



**Photo 9 – View north-west over site from site access location**



**Photo 10 – View north from internal site access to existing rural-residential property and dwelling located approximately 450m from the dwelling site**



**Photo 11 – View north-west over the site from its southern boundary at Koroit-Woolsthorpe Road**