



Town Planning & Services

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17/10/24

Moyne Shire Council

Planning department

ATTN - [REDACTED]

Princes Street

Port Fairy, Vic 3284

Dear [REDACTED]

Response to request for further information – PL24/074 697 Princes Highway Illowa Vic 3282 – resubdivision of 3 lots

Thank you for your recent correspondence (RFI) for the above application dated 8th October 2024.

This response is made further to the planning report which was updated after the previous RFI and for brevity of response, should be read in conjunction with the planning report.

Please refer to the responses below.

The request states:

1.a.

The updated Planning Report does not seem to demonstrate compliance of the proposal with the purpose and the decision guidelines in Clause 35.07-6 of the Farming Zone. The report

697 Princes Highway Illowa
3282

PL24/074 – Resubdivision of 3 lots

RFI response

lists the purpose and decision guidelines, and the assessment makes general comments, but does not respond to the purpose and each of the dot points in the decision guidelines.

Response

A lot of assessment has previously been provided on this application in the planning report (29 pages of assessment) which was submitted with the application, thought to provide a sufficient level of detail and information necessary to enable Council to assess the application and to proceed to notification of the application if required. However, in response to the further request, a dot point assessment of the Farming Zone decision guidelines is provided below.

Clause 35.07-6

Decision guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General issues

The Municipal Planning Strategy and the Planning Policy Framework.

Any Regional Catchment Strategy and associated plan applying to the land.

The capability of the land to accommodate the proposed use or development, including the disposal of effluent.

How the use or development relates to sustainable land management.

Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.

How the use and development makes use of existing infrastructure and services.

Agricultural issues and the impacts from non-agricultural uses.

Whether the use or development will support and enhance agricultural production.

Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.

The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.

The capacity of the site to sustain the agricultural use.

The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.

Any integrated land management plan prepared for the site.

Whether Rural worker accommodation is necessary having regard to:

The nature and scale of the agricultural use.

The accessibility to residential areas and existing accommodation, and the remoteness of the location. The duration of the use of the land for Rural worker accommodation.

Response

- The application has been assessed against the relevant clauses of the MPS and PPF- refer to planning report pages 22-28.
- The land is not liable to flooding.
- There is no additional development proposed with all dwellings having existing waste water systems.
- The proposed subdivision consolidates agricultural and into a larger more agriculturally viable land parcel as discussed in detail in the planning report. The landholding is a genuine and long standing farming enterprise. The proposal is seeking to reinforce that commitment by improving the viability of the farming land by consolidating what is realistically “amenity land” around each dwelling into a viable agricultural parcel increased from 20 to 38 ha.
- The planning report demonstrates that there is less detriment to agriculture by consolidation of the agricultural land into a larger parcel. No further dwellings or development is proposed.
- No land is being removed from production; in fact, the opposite is occurring. Land is being consolidated into a more viable agricultural parcel. Existing dwellings can be further screened by additional vegetation to minimise amenity impacts from farming activities. The proposal is considered to *re-structure of inappropriate subdivisions where they exist on productive agricultural land.*
- There is no integrated land management plan as such, however the land forms part of a wider agricultural enterprise, as it is part of a larger dairy farming enterprise of approximately 243ha, including dairy on nearby land. Some of the farm is owned freehold, and some leased by the current owners. The farm manages 350 head of dairy cows. The intent of the proposal is to re subdivide the existing three lot subdivision by consolidating the majority of the viable agricultural farmland land and the farm buildings component of each title into one new larger title. This will improve its farming viability of the consolidated title by reducing the land holding around each of the 3 existing dwellings. The number of titles is not increased. The proposed re subdivision is part of the current owner’s succession planning to improve the viability of the farm which has been in the family ownership since the 1960’s.
- There is no rural worker accommodation proposed. The host farm accommodation is existing and may well be used for rural worker accommodation. This does not affect the application.

Accommodation issues

Whether the dwelling will result in the loss or fragmentation of productive agricultural land.

Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.

Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.

The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.

The potential for accommodation to be adversely affected by noise and shadow flicker impacts if it is located within one kilometre from the nearest title boundary of land subject to:

A permit for a wind energy facility; or

An application for a permit for a wind energy facility; or

An incorporated document approving a wind energy facility; or

A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the Environment Effects Act 1978.

The potential for accommodation to be adversely affected by vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.

Response

No new dwellings are proposed. The applicant is not aware of any proposed or existing wind turbine proposals or mining operations within the vicinity.

Environmental issues

The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.

The impact of the use or development on the flora and fauna on the site and its surrounds.

The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.

The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

Response

No new development is proposed.

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 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 impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.

The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.

Whether the use and development will require traffic management measures.

The need to locate and design buildings used for accommodation to avoid or reduce noise and shadow flicker impacts from the operation of a wind energy facility if it is located within one kilometre from the nearest title boundary of land subject to:

A permit for a wind energy facility; or

An application for a permit for a wind energy facility; or

An incorporated document approving a wind energy facility; or

A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the Environment Effects Act 1978.

The need to locate and design buildings used for accommodation to avoid or reduce the impact from vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.

Response

No new development is proposed.

2.

The proposed plan of subdivision (Rev 2 10.09.2024) shows the development (dwellings, host farm accommodation, outbuildings, effluent disposal areas) on page 2, but does not show the distances (in metres) of this development from the proposed lot boundaries.

Response

A revised plan with dimensions as requested has been submitted with the response.

Generally

I note that the proposed re-subdivision has not been amended to address the concerns raised in the RFI letter and the concerns previously discussed with Liz Regent in meetings. Council officers still have the same concerns with the application in its current form.

Response

My clients are surprised that Council is not supportive of this proposal. The proposal is intended to improve the current situation for agriculture and is considered to adequately address the relevant provisions of the planning scheme as demonstrated in this response and the earlier planning report.

A lot of thought and discussion went into this proposal before it was submitted with professionals to explore various alternative configurations and scenarios. Alternatives were not preferred as they were considered inferior outcomes to that which is proposed and coincides with my client's needs and their future planning and farm management.

If my clients did nothing, it is respectfully suggested that this would not be advantageous to agricultural productivity or my clients future plans and is something of a missed opportunity.

As the proposed plan is considered to have merit above and beyond the current situation being that of small farming zone lots compromised by dwellings, my clients are reluctant to make changes to the draft plan at this stage on that basis. They are however open to further discussion if Council has a preferred layout that would be supported.

I would be happy to meet to discuss further options at your convenience.

I look forward to hearing from you.

Yours sincerely

Glenn Reddick

Director – Lifestyle Town Planning and Services.