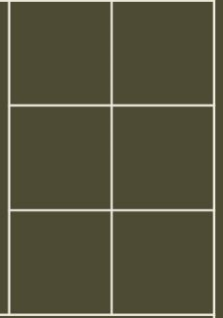


ELEVATE



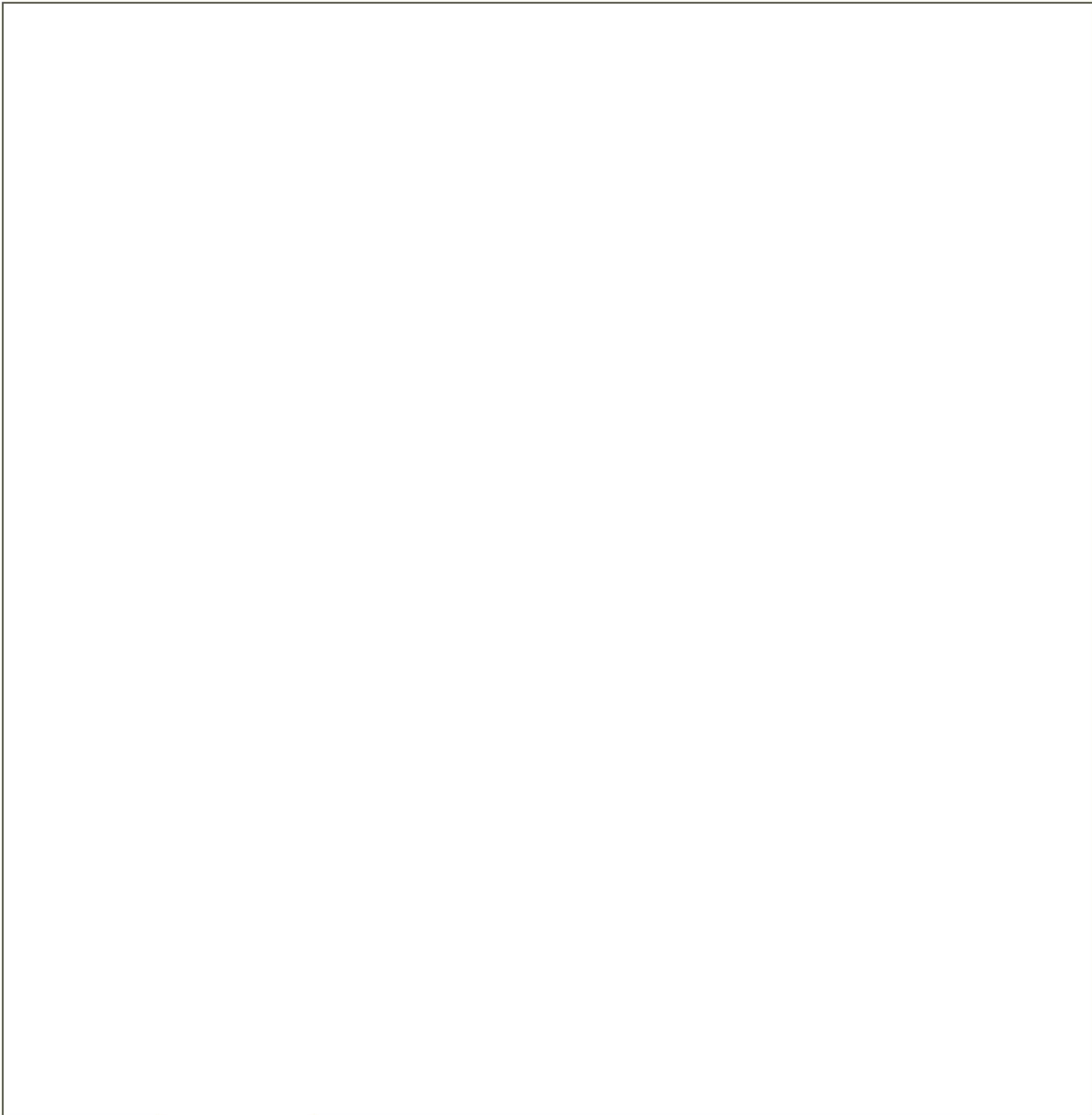
PLANNING



Planning
Submission

390 Princess Highway, Illowa

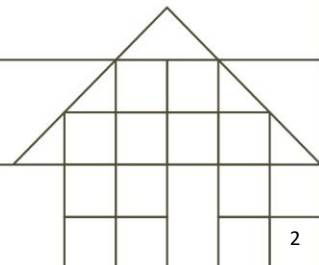
2 LOT SUBDIVISION – DWELLING EXCISION



REV	DATE	DETAILS
1	04.07.2024	VERSION 1
2		
3		

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1. Outline

Elevate Planning has been engaged to prepare a report on behalf of Matthew Dwyer for a two-lot subdivision (boundary realignment) in order to excise an existing dwelling on the site.

The site which consists of two titles is formally described as Lot 18 and Lot 19 of LP4017. There are no restrictions registered on title.



2. SITE AND SURROUNDING AREA

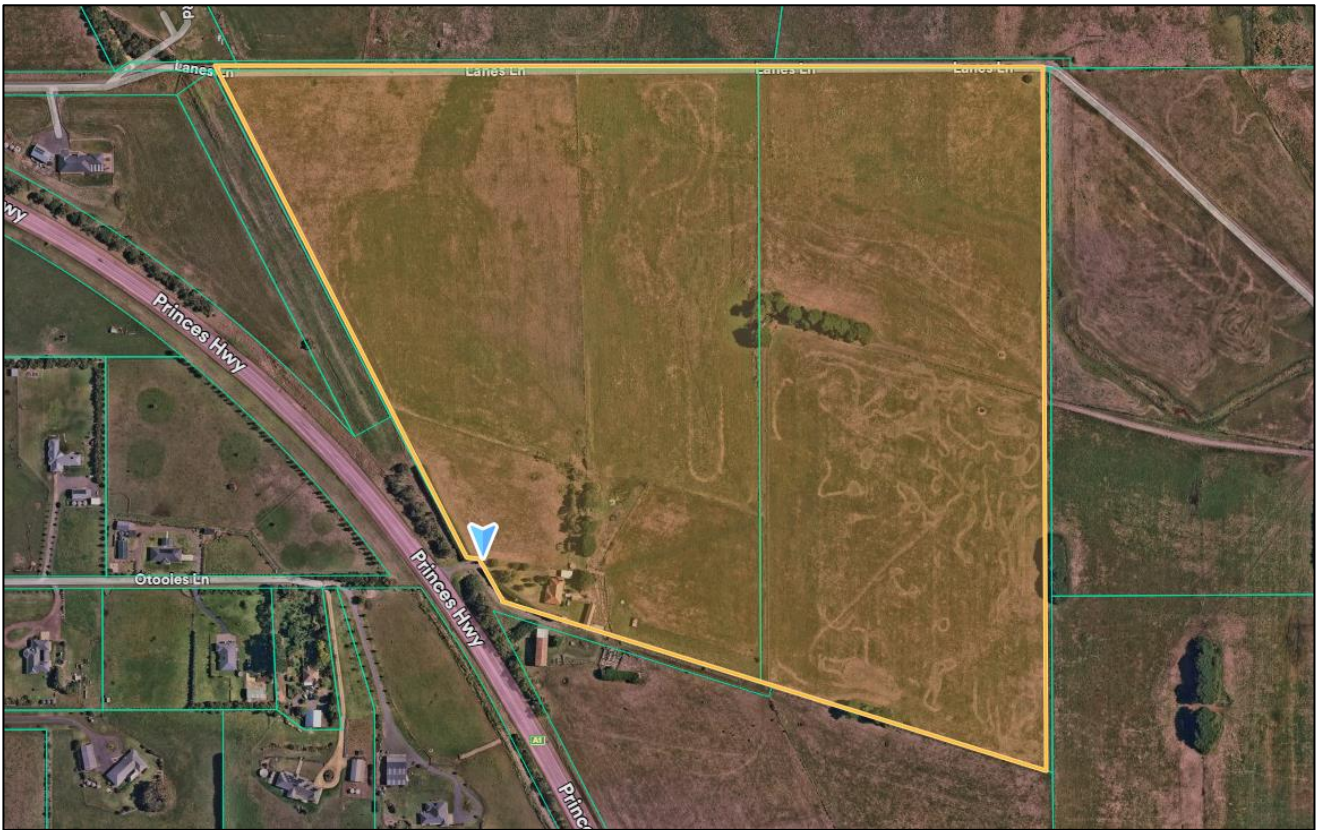


Figure 1 Site Aerial

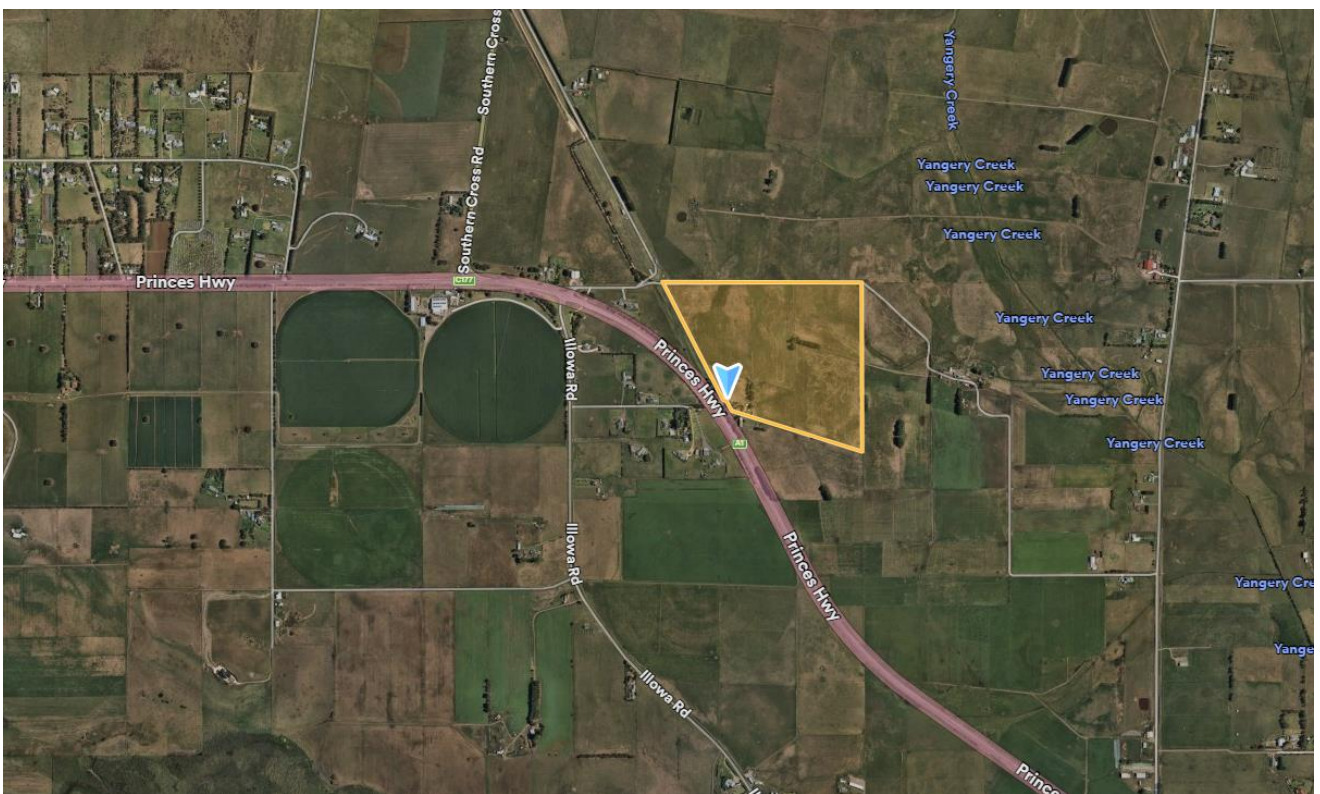


Figure 2 Surrounding context area

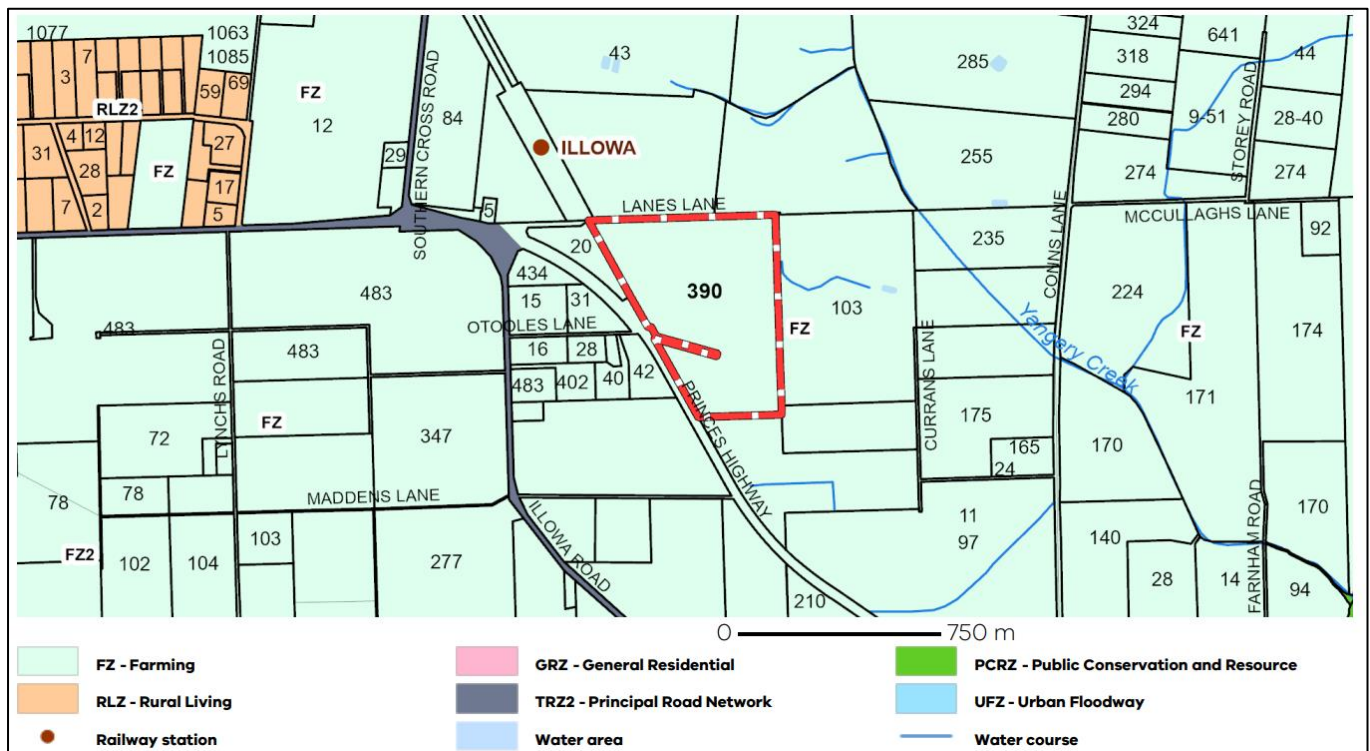
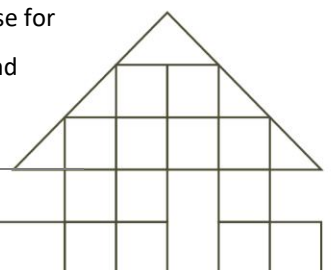


Figure 3 VicPlan Zoning Mapping

Street Address:	390 Princess Highway Illowa 3282
Title Details:	Lot 18 and 19 on LP4017
Restrictions/Covenants:	Nil
Land Size:	28.71 hectares
Zone:	Farming Zone
Overlays:	Nil
Other Regulatory Constraints:	Area of Aboriginal Cultural Heritage Sensitivity A 2-lot subdivision is an exempt activity under the Aboriginal Heritage Regulations 2018.
Site Features:	The site is developed with a dwelling sited towards the centre roadside of the property. The brick single storey dwelling has associated outbuildings sited to its rear and is accessed from the existing roadside crossover and access lane from the Princess Highway to the west of the site. The remainder of the property is separated into paddocks in use for dairying purposes with sporadic agricultural structures and wind breaks throughout.



The dwelling is currently rented, and the remainder of the farmland leased to an adjoining agricultural operation.

Surrounds

The surrounding area is best described as agricultural with pockets of rural living nodes where new dwellings have been constructed on undersized farming allotments. The site is a short 5-minute commute from the centre of Dennington and its associated commercial and retail outlets.

The abutting Princess Highway is a dual lane highway. Interestingly it is not zoned as part of the Principal Road network.

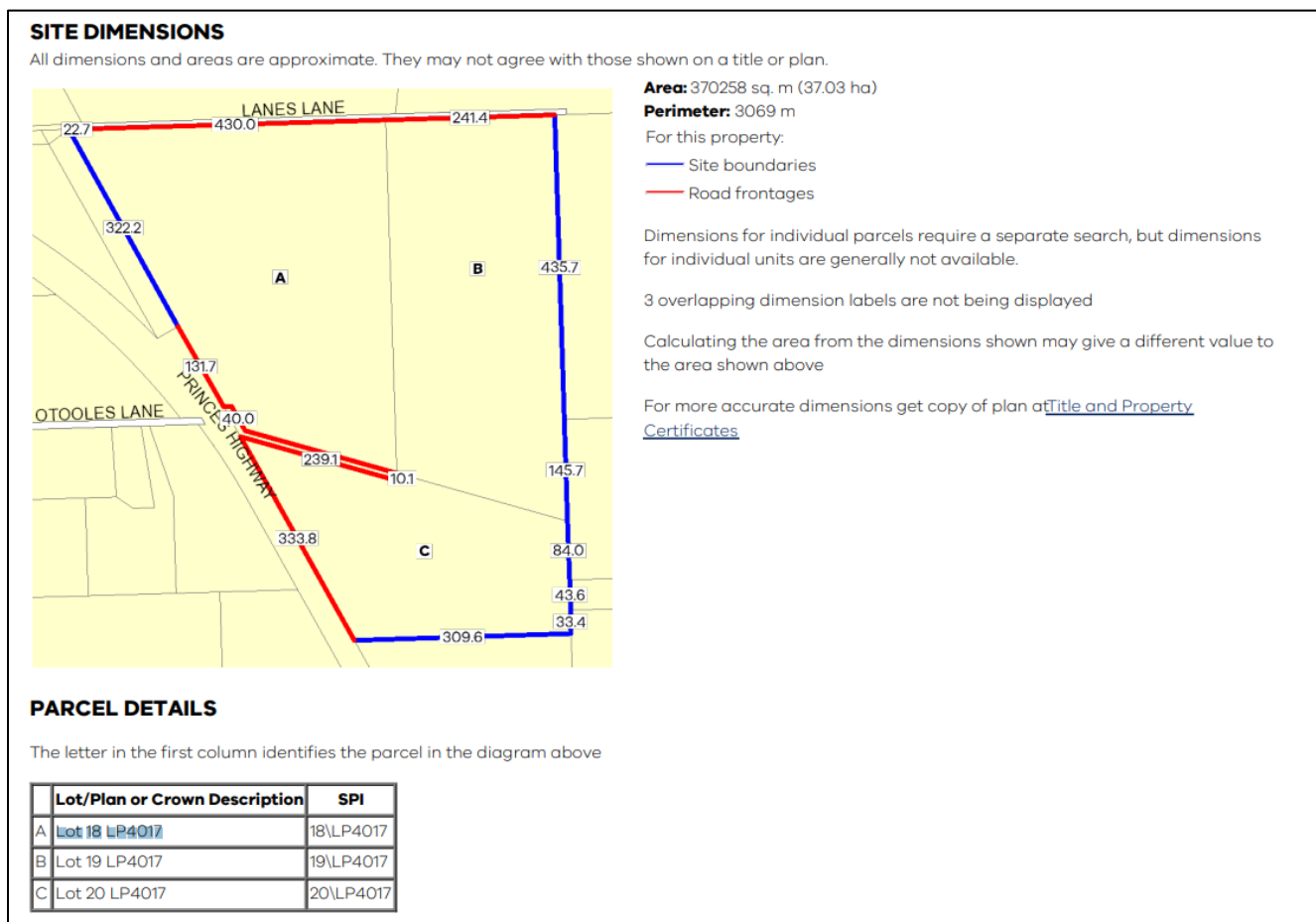
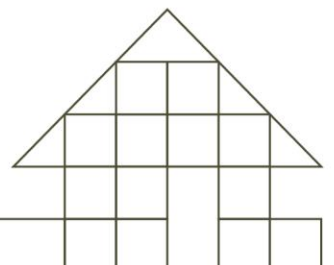


Figure 4 - detailed planning report of 390 Princess Highway Illowa



3. PROPOSAL

The application seeks planning permission for a two-lot subdivision (boundary realignment) in the form of a dwelling excision located at 390 Princess Highway in Illowa.

The proposal will involve two existing titles known as Lot 18 and 19 on LP4017, a third title known as lot 20 on LP4017 is associated with the address of 390 Princess Highway, however, is not proposed to be altered as part of this boundary realignment.

The proposal seeks to excise the existing dwelling on a lot of 5100 square metres to be known as **Lot 2**. The lot will include the existing residence, accessway, shed and carport. The dwelling is not used in association with the farming land.

Proposed **Lot 1** will entail the remaining agricultural land of 28.2 hectares, the old dairy and sheds to the rear of the dwelling which are still used to store farming equipment.

No vegetation removal or buildings and works form part of the application with existing access and infrastructure present on both allotments.

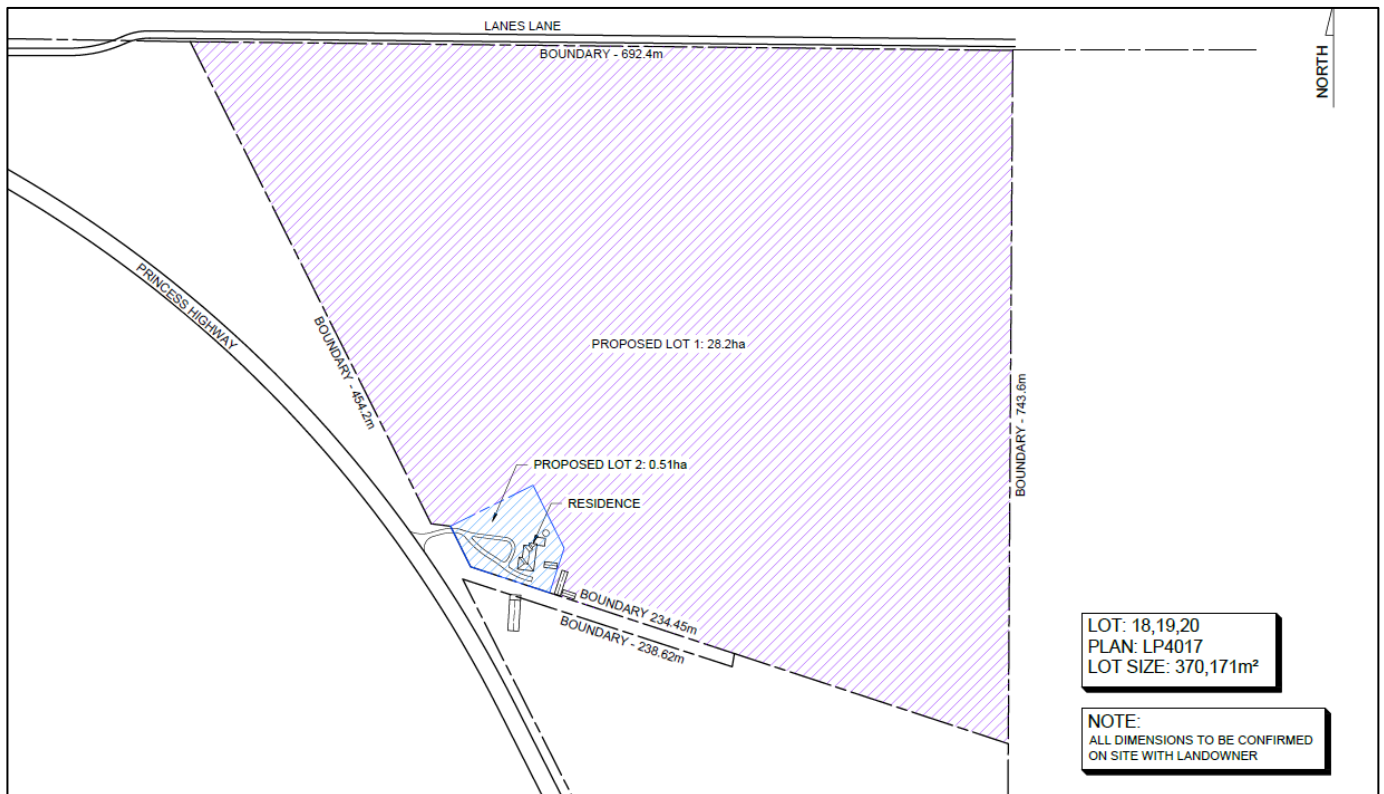


Figure 5 Plan of Subdivision

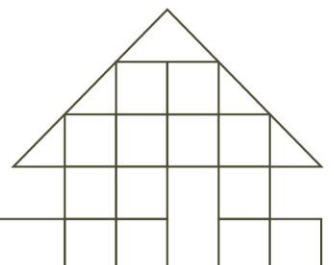




Figure 6 Proposed lot 2

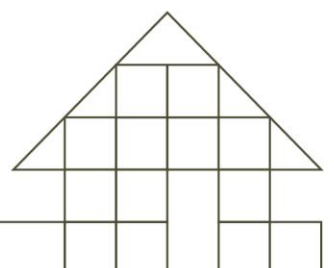
4. PLANNING TRIGGERS

Clause 35.07-3 (FZ) – Subdivision

Each lot must be at least the area specified for the land in a schedule to this zone. If no area is specified, each lot must be at least 40 hectares.

A permit may be granted to create smaller lots if any of the following apply:

- **The subdivision is to create a lot for an existing dwelling. The subdivision must be a two-lot subdivision.**
- The subdivision is the re-subdivision of existing lots and the number of lots is not increased.
- The subdivision is by a public authority or utility service provider to create a lot for a utility installation.



5. PLANNING POLICY ASSESSMENT

Relevant planning policy of the Moyne Panning Scheme.

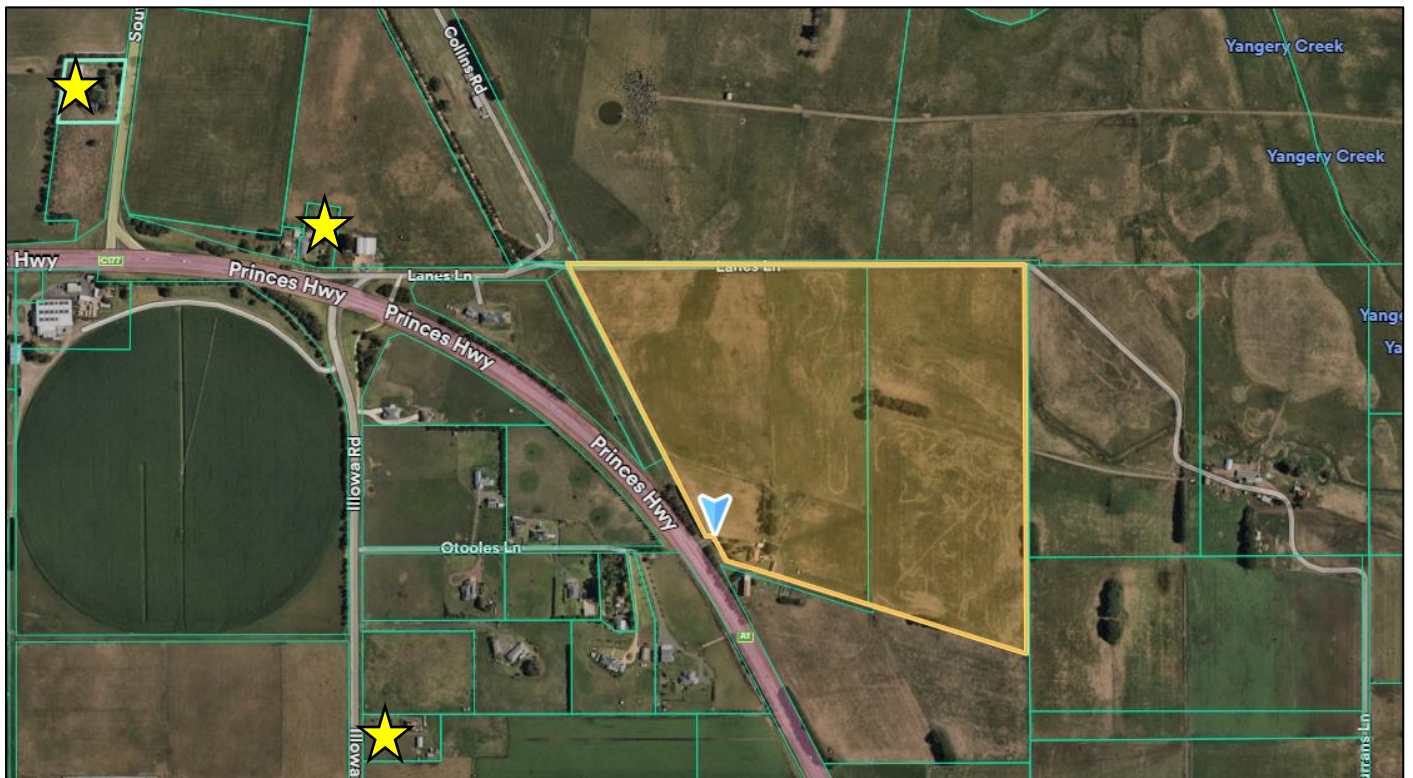
- Clause 02.03-4 – Natural Resource Management – Agriculture
- Clause 14.01-1S Protection of agricultural land
- Clause 14.01-1L - Agricultural production
- Clause 14.01-2S Sustainable agricultural land use

Response:

The proposal is consistent with the relevant agricultural policies listed at Clause 02.03-4, 14.01-1S, 14.01-1L and Clause 14.01-2S of the Moyne Planning Scheme on the basis that:

- No viable agricultural land will be lost through the subdivision of the dwelling and resulting smaller allotment. The larger holding of Lot 2 will be enabled to remain as part of the broader dairying enterprise.
- The existing use of the remaining agricultural holding will not be altered and will ensure that the existing farm layout and infrastructure can be maintained in its present set-up. The subdivision is required to maintain the productive agricultural use of land whilst excising the unrelated dwelling.
- The subdivision will not lead to a proliferation of dwellings within the surrounding area.
- No development is proposed.

Dwelling excisions are a common feature of the surrounding area as can be seen in the image below with examples within the immediate area of the site located at 5 Lanes Lane Illowa, 386 Illowa Road Illowa, and 29 Southern Cross Road Illowa. These subdivisions have historically enabled the larger holding allotments to remain for productive agricultural pursuits.



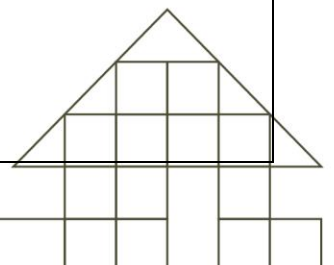
6. ZONE

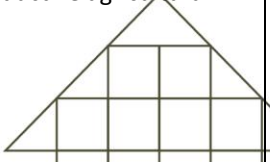
Clause 35.07 FARMING ZONE

Purpose

- 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.

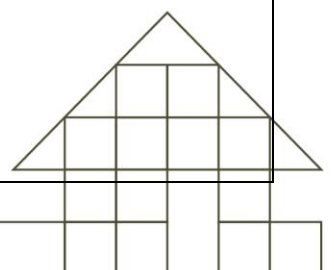
CLAUSE 35.07	
FARMING ZONE (FZ)	COMMENTS / RESPONSE
<p>Purpose</p> <p>To implement the Municipal Planning Strategy and the Planning Policy Framework.</p> <p>To provide for the use of land for agriculture.</p> <p>To encourage the retention of productive agricultural land.</p> <p>To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.</p> <p>To encourage the retention of employment and population to support rural communities.</p> <p>To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.</p> <p>To provide for the use and development of land for the specific purposes identified in a schedule to this zone.</p>	<p>No viable agricultural land will be lost through the subdivision of the dwelling and resulting smaller allotment. The larger holding of Lot 2 will be enabled to remain as part of the broader dairying enterprise as described above.</p> <p>The existing use of the remaining agricultural holding will not be altered and will ensure that the existing farm layout and unfractured can be maintained in its present set-up. The subdivision is required to maintain the productive agricultural use of land.</p> <p>The subdivision will not lead to a proliferation of dwellings within the surrounding area.</p> <p>The proposal will have no net increase in the number of dwellings on the land or the amenity of the surrounding area.</p>



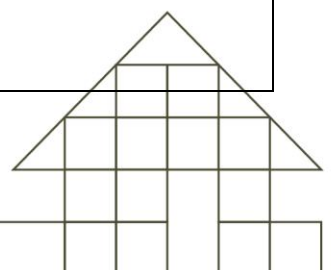
Clause 35.07-6 - Decision Guidelines	
<p>Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:</p> <p>General issues</p> <p>The Municipal Planning Strategy and the Planning Policy Framework.</p> <p>Any Regional Catchment Strategy and associated plan applying to the land.</p> <p>The capability of the land to accommodate the proposed use or development, including the disposal of effluent.</p> <p>How the use or development relates to sustainable land management.</p> <p>Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.</p> <p>How the use and development makes use of existing infrastructure and services.</p>	<p>The proposal is consistent with the PPF as described in the body of the report.</p> <p>There is no Regional Catchment Strategy and associated plan applying to the land.</p> <p>Existing effluent of the dwelling can be maintained within the bounds of allotment 1.</p> <p>Existing accessways will be maintained to service the allotments as is presently the case. No additional infrastructure is required to service the proposal.</p>
<p>Agricultural issues and the impacts from non-agricultural uses</p> <p>Whether the use or development will support and enhance agricultural production.</p> <p>Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.</p>	<p>No viable agricultural land will be lost through the subdivision of the dwelling and resulting smaller allotment. The larger holding of Lot 2 will be enabled to remain as part of the broader dairying enterprise as described above.</p> <p>The existing use of the remaining agricultural holding will not be altered and will ensure that the existing farm layout and unfractured can be maintained in its present set-up. The subdivision is required to maintain the productive agricultural use of land.</p> 

<p>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</p> <p>The capacity of the site to sustain the agricultural use.</p> <p>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</p> <p>Any integrated land management plan prepared for the site.</p> <p>Whether Rural worker accommodation is necessary having regard to:</p> <p>The nature and scale of the agricultural use.</p> <p>The accessibility to residential areas and existing accommodation, and the remoteness of the location.</p> <p>The duration of the use of the land for Rural worker accommodation.</p>	<p>Surrounding properties undertaking agricultural pursuits will not have the existing amenity altered in anyway by the proposed dwelling excision, which is a common occurrence within the surrounding area, as displayed in the planning policy discussion above.</p>
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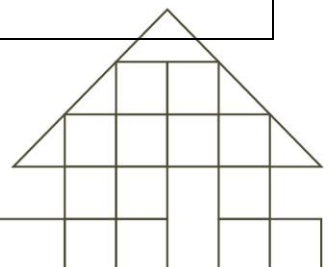
<p>Accommodation issues</p> <p>Whether the dwelling will result in the loss or fragmentation of productive agricultural land.</p> <p>Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.</p> <p>Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.</p> <p>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.</p> <p>The potential for accommodation to be adversely affected by noise and shadow flicker impacts if it is</p>	<p>The proposed subdivision will not lead to a proliferation of dwellings within the site or surrounding area. The application does not propose any buildings or works nor does it seek approval for an additional dwelling.</p> <p>The current allotment at 28.71 hectares is home to one dwelling (dwelling on proposed lot 1).</p> <p>There are no energy operations (wind) within 1km of the site nor is there an extractive quarry within 500m of the property boundary.</p>
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<p>located within one kilometre from the nearest title boundary of land subject to:</p> <p>A permit for a wind energy facility; or</p> <p>An application for a permit for a wind energy facility; or</p> <p>An incorporated document approving a wind energy facility; or</p> <p>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 <i>Environment Effects Act 1978</i>.</p> <p>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 <i>Mineral Resources (Sustainable Development) Act 1990</i>.</p>	
<p>Environmental issues</p> <p>The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.</p> <p>The impact of the use or development on the flora and fauna on the site and its surrounds.</p> <p>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.</p>	<p>The area and dimensions of each lot in the subdivision reflect the existing infrastructure onsite and aim to minimise disturbance of the proposal on viable agricultural land.</p> <p>No vegetation removal or buildings and works form part of the application with existing access and infrastructure present on both allotments.</p> <p>No alterations to effluent treatment are proposed.</p>



<p>The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.</p>	
<p>Design and siting issues</p> <p>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.</p> <p>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.</p> <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>The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.</p> <p>Whether the use and development will require traffic management measures.</p> <p>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:</p> <p>A permit for a wind energy facility; or</p> <p>An application for a permit for a wind energy facility; or</p> <p>An incorporated document approving a wind energy facility; or</p>	<p>Not applicable – no buildings and works proposed.</p>



<p>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 <i>Environment Effects Act 1978</i>.</p> <p>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 <i>Mineral Resources (Sustainable Development) Act 1990</i>.</p>	
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7. OVERLAYS

Nonapplicable.

8. PARTICULAR PROVISIONS

Nonapplicable.

9. GENERAL PROVISIONS

A response to the provisions of Clause 65.02 is provided below:

The suitability of the land for subdivision.

Discussed within the body of the report.

The existing use and possible future development of the land and nearby land.

Existing use of the broader agricultural land holding will be enabled by the subdivision.

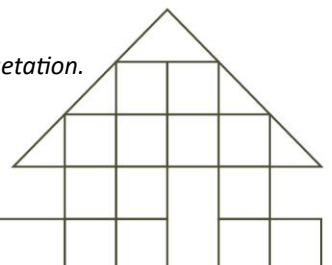
The availability of subdivided land in the locality, and the need for the creation of further lots.

Not applicable.

The effect of development on the use or development of other land which has a common means of drainage.

No alterations proposed.

The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.



The subdivision pattern in the surrounding area shows a historic pattern of dwelling excisions as displayed in the policy discussion within the body of the report.

The density of the proposed development.

Not Applicable.

The area and dimensions of each lot in the subdivision.

Reflect the existing infrastructure onsite and aim to minimise disturbance of the proposal on viable agricultural land.

The layout of roads having regard to their function and relationship to existing roads.

Not Applicable

The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.

Not Applicable

The provision and location of reserves for public open space and other community facilities.

Not Applicable

The staging of the subdivision.

Not Applicable

The design and siting of buildings having regard to safety and the risk of spread of fire.

Not Applicable

The provision of off-street parking.

Not Applicable

The provision and location of common property.

Not Applicable

The functions of any body corporate.

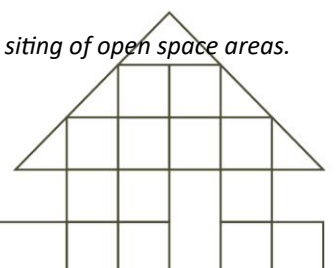
Not Applicable

The availability and provision of utility services, including water, sewerage, drainage, electricity and gas. If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.

The existing effluent system will be maintained within the boundaries of excised allotment.

Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.

No native vegetation will be impacted by the proposal.



The impact the development will have on the current and future development and operation of the transport system.

Not Applicable

10. CONCLUSION

The proposal is consistent with the Farming Zone, and relevant planning policies of the Moyne Planning Scheme.