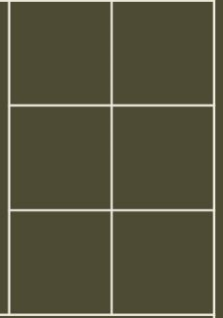


ELEVATE

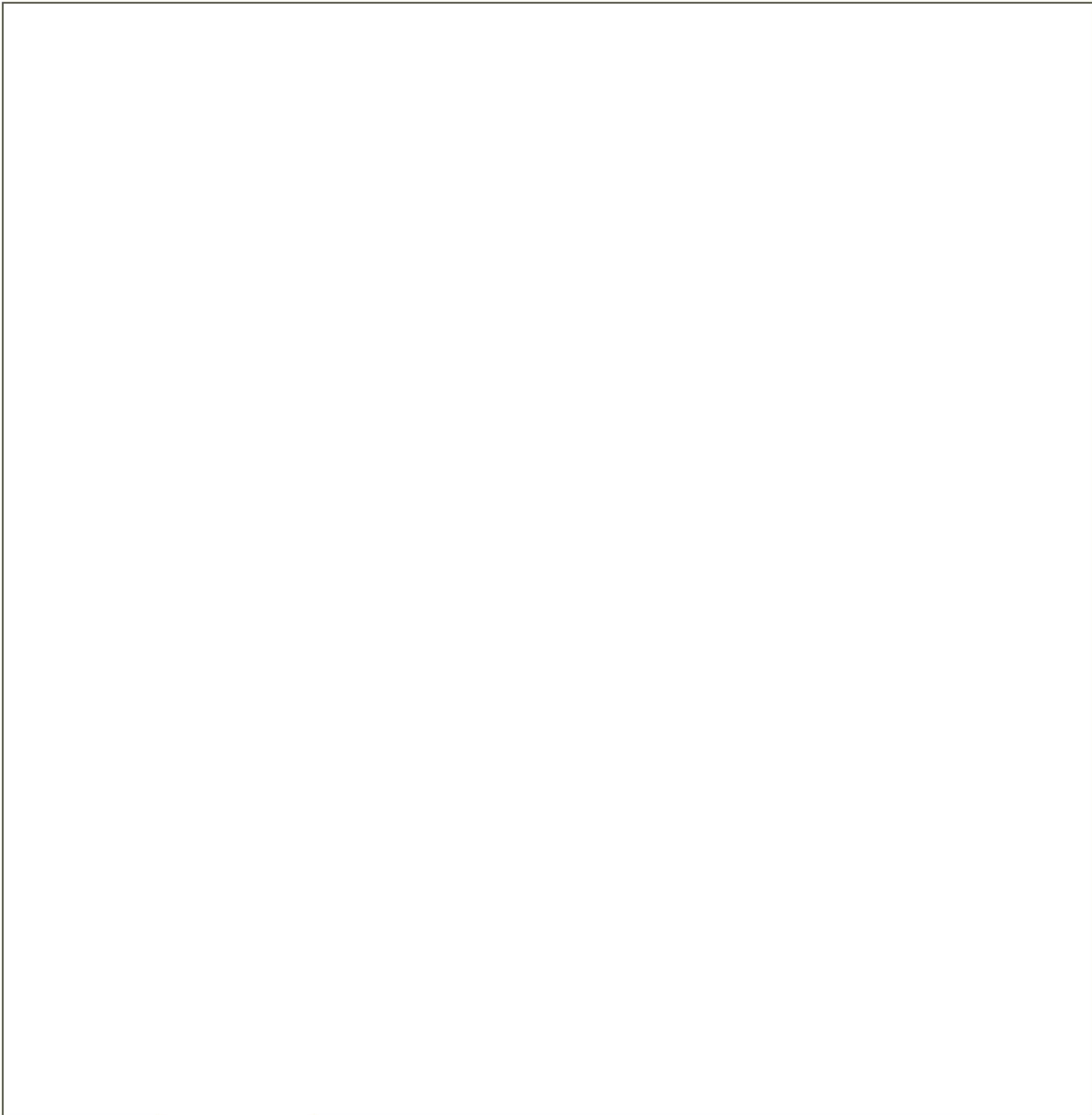


PLANNING



30 JOHNSTONES LANE, GRASSMERE

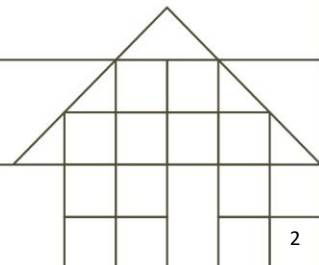
USE AND DEVELOPMENT OF THE LAND FOR A PLACE OF ASSEMBLY



REV	DATE	DETAILS
1	09.09.24	VERSION 1
2	12.11.24	VERSION 2
3		

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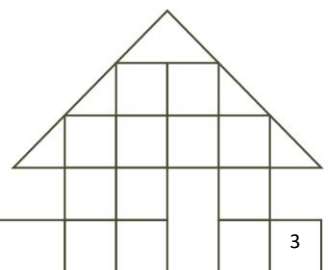
DISCLAIMER Elevate Planning does not accept any liability for an error, omission or loss or other consequence that may arise from relying on this report.



1. Outline

Elevate Planning has been engaged to prepare a report on behalf of the property owners for the use and development of the land for place of assembly at 30 Johnstones Lane in Grassmere.

The site which consists of two titles is formally described as Lot 1 TP824925. There are no restrictions registered on title.



2. Site and Surrounding Area



Figure 1 Site Aerial

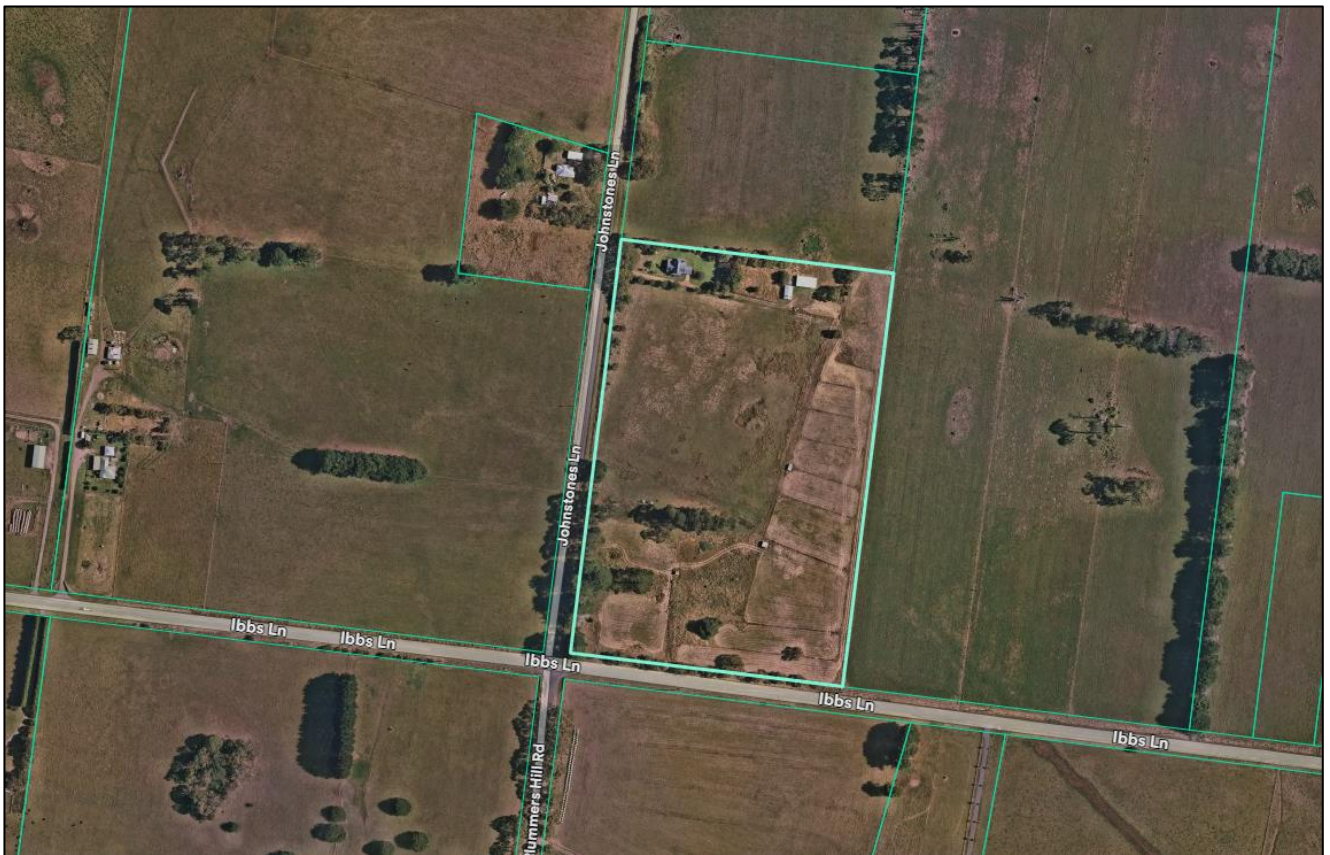


Figure 2 Surrounding context area

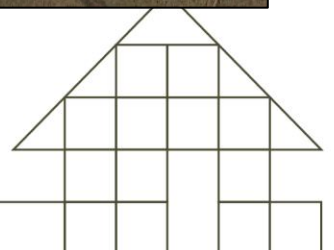
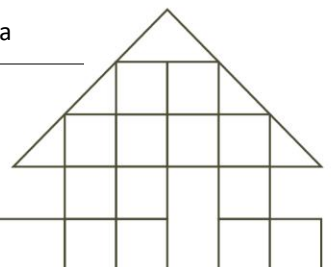




Figure 3 VicPlan Zoning Mapping

Street Address:	30 Johnstones Lane Grassmere
Title Details:	Lot 1 TP824925
Restrictions/Covenants:	Sec 173 AE804473R (restricts further subdivision as to create an additional title). COVENANT S160235T 08/10/1992 – of no consequence
Land Size:	7.6 hectares
Zone:	Farming Zone
Overlays:	Nil
Other Regulatory Constraints:	The site is not affected by aboriginal
Site Features:	The subject site is located on the northwestern corner of Johnstones Lane and Ibbs Lane in Grassmere. There are two dwellings within the ownership one sited at 102 Johnstones Lane which is adjacent to the dairy and the other sited at 30 Johnstones Lane. The remaining property is developed with the dairy farm operations. Existing access to the site of 30 Johnstones Lane is via an existing crossover with the subject dwelling set back approximately 45 metres. The double storey dwelling is surrounded by planted vegetation in a



domestic area of the overall allotted separated from the broadacre farming by post and wire fencing.

The surrounding area is characterised by broad acre farming operations and dwellings sited close to the roadside.

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.

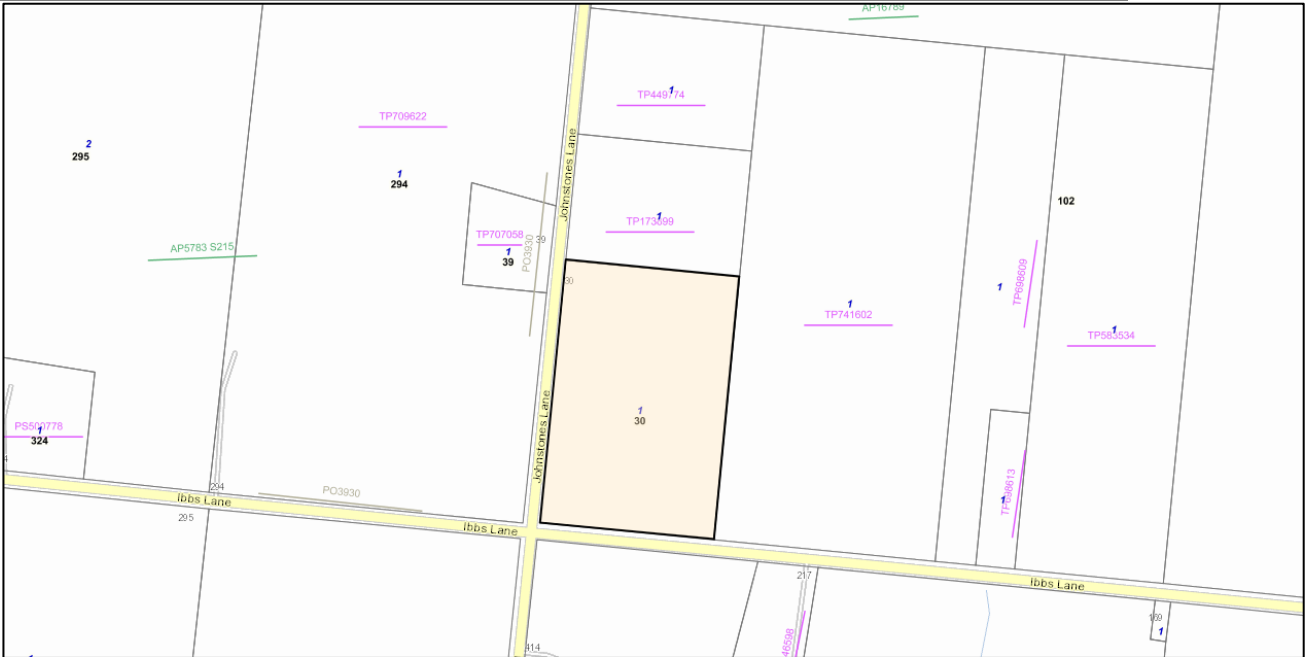


Figure 4 – Lassi extract



Figure 5 Site entry and Johnstones Lane

3. PROPOSAL

The application seeks planning permission for the use and development of the land for place of assembly located at 30 Johnstones Lane Grassmere.

Existing use and development

The site is part of a broader dairy operation which encompasses land holdings along the eastern elevation of Johnstones Lane in Grassmere. The dwelling on the site of 30 Johnstones Lane is to be used for primary produce sales for the sale of ice cream made onsite from the production of the dairy. It has been established with Moyne Shire Council Planning Officers that no planning permit is required for the primary produce sales.

Proposed use

The proposed use is for the development of a portion of 30 Johnstones Lane for a place of assembly. The place of assembly will add to the proposed primary produce sales operating from the dwelling and offer outdoor experiences for families and visitors to the site.

The use be a paid for access arrangement with guests able to explore the Maze, Obstacle Course, Garden and Trojaborg.

In relation to the operations associated with the Leisure and Recreation venture the following are proposed.

- Proposed hours of operation are to be Monday to Sunday 9am through until 5pm.
- Proposed staff associated with the operation are to be a maximum of 8 at any given time.
- Total patrons permitted onsite at any given time are proposed to be a maximum of 100 guests.
- A single-entry fee is proposed for visitors to the site who wish to explore the Maze, Obstacle Course, Garden and Trojaborg.
- There will be no other commercial activities on the site.

Proposed development

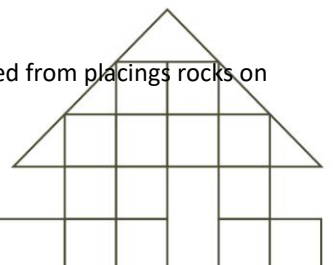
Buildings and works associated with the proposal are to be limited to an extension of the driveway, development of a crushed rock car parking area capable of providing for 50 car parking spaces and development of the Maze, Obstacle Course, Garden and Trojaborg.

The proposed maze is to be a hedge maze and does not require buildings and works save for the planting of hedges.

Design of the proposed obstacle course will evolve over time. The obstacles are made of logs, stones and stumps, with a few large strainer posts with a rope balance between. It is noted that the ground in the obstacle area have high laying natural rock, just below the surface and is infertile land with poor cropping or grazing ability. The smaller existing shed will be removed.

The garden will comprise of planted flowers, shrubs, trees and an array of garden furniture none of which is to be a fixed structure.

The trojaborg is a rock maze as displayed within figure 7 on the following page. The maze is developed from placings rocks on the ground in a large maze-like layout.



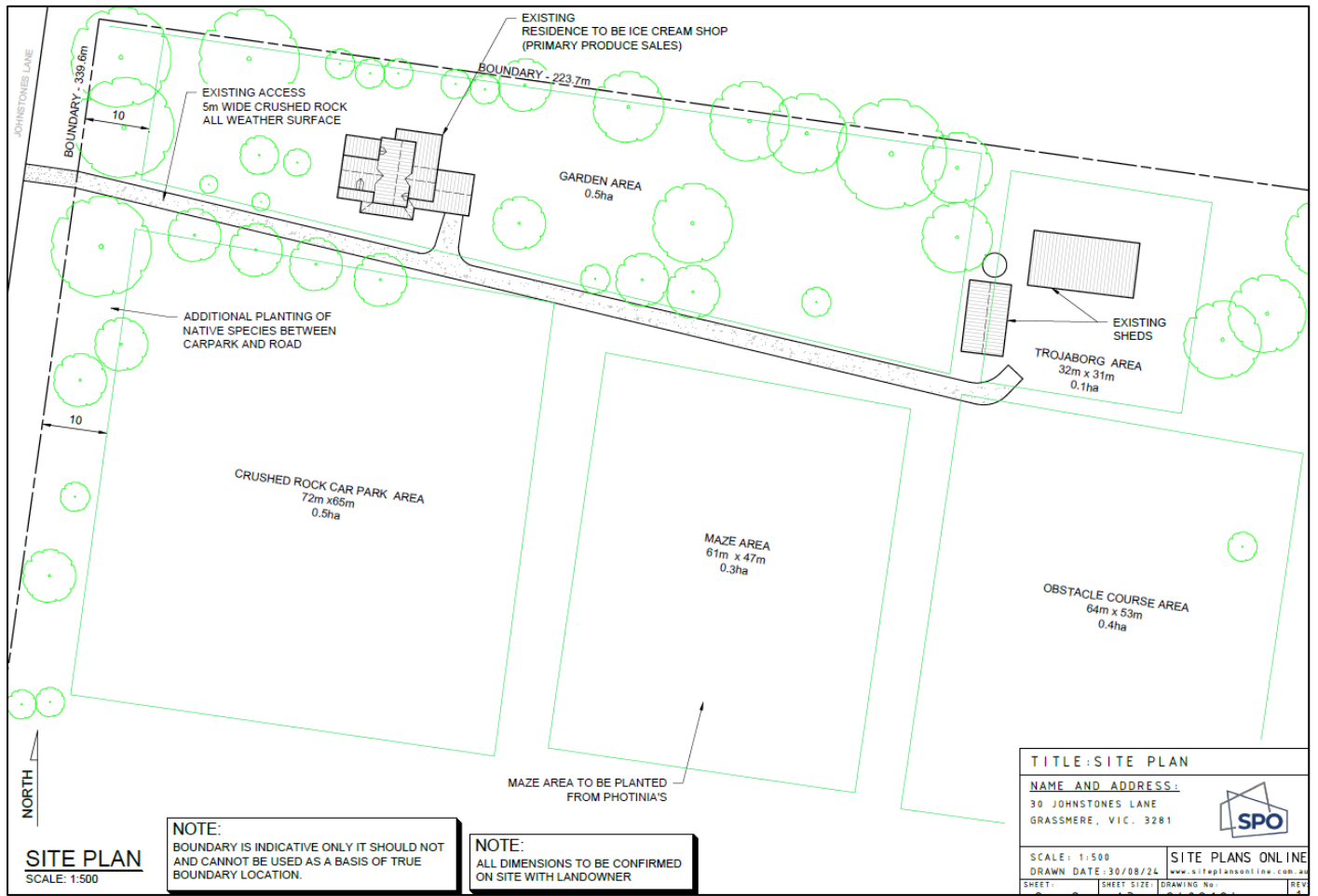


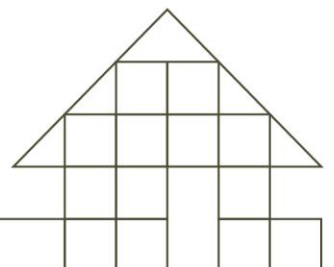
Figure 6 Part site plan



Figure 7 example trojaborg

4. Planning Triggers

Clause 35.07-1 – Use and development of the land for a place of assembly.



5. Municipal Planning Strategy

CLAUSE 02.03-4 NATURAL RESOURCE MANAGEMENT – AGRICULTURE

Rural land in the municipality forms part of the highly productive Western District. A mild climate, high and well distributed rainfall, a diverse range of soil types and access to markets have combined to make the Shire a significant agricultural area. Intensive dairying and crop production are significant land uses in the coastal hinterland, while extensive cropping and grazing enterprises, including beef cattle and sheep for wool and meat, are major activities in the northern part of the Shire.

Agricultural areas along the coast, between settlements and on the edge of townships are under pressure from other forms of development, particularly housing on existing small lots interspersed with farming land. The construction of dwellings on many or all such lots would not be consistent with responsible management of rural land. Such areas include:

- Extensive areas where the size of lots is less than half the minimum lot size specified under the Farming Zone; and
- Areas of open farming land which are comprised of comparatively small lots that are distant and isolated from townships with appropriate infrastructure and services.

Demand for rural lifestyle properties on small lots has increased mainly in the south of the Shire, and the proliferation of dwellings for lifestyle or hobby farm purposes in rural areas can compromise the long-term viability of farming. Dwellings or small lot subdivisions can sometimes genuinely be required to support agricultural production, however the development of isolated dwellings and housing clusters of small lots that are not associated with agriculture can result in land use conflicts, the loss of productive agricultural land and inefficient demand for social and physical infrastructure services. Council seeks to direct the demand for rural lifestyle living to land zoned for such purposes. A 'Lifestyle Farming' area at Bushfield, Grassmere and Wangoom is intended to accommodate demand for lifestyle farming and small-scale farming enterprises which can make productive use of agricultural land.

The Belfast Rural area (also known as the Killarney Area) between Rosebrook and the Tower Hill Wildlife Reserve comprises high quality fertile volcanic soils that have traditionally been the focus for potato farming. The area is characterised by a large number of small land holdings that are predominantly managed as conglomerations.

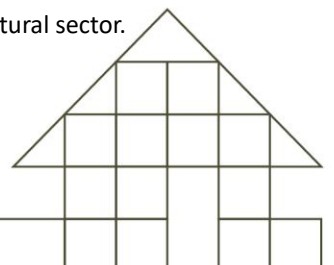
Sustainable timber production and the development of timber industries to process product are supported where they are undertaken with minimal adverse impacts.

The proposal does not seek to remove land from agricultural production. The existing agricultural activities on the land will be maintained post boundary realignment. The proposal does not seek to proliferate dwellings in the municipality.

Clause 02.03-7 Economic development – Agriculture

Agriculture is the most important sector of the local and regional economy and a major source of local employment. The Shire is within Australia's largest dairy production region that contributes around a quarter of the nation's milk production.

The Western Victoria Livestock Exchange at Mortlake has a key role in supporting the regional agricultural sector.



There are opportunities for economic diversification through the development of aquaculture, horticulture and intensive agricultural enterprises, and agriculturally linked value adding industries. Value adding onsite or closer to the source of the product provide opportunities to expand the local economy.

The preservation of agricultural land in large holdings is necessary to maintain the economy of the Shire, including the service and processing industries that support agriculture.

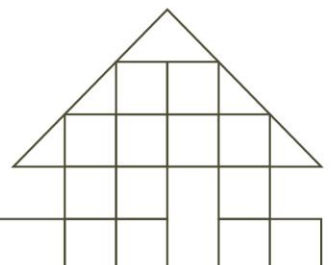
Response to Municipal Planning Strategy

The owners are seeking to diversify the existing dairying business.

In order to diversify their existing dairying business against turbulent milk prices the owners of the land are seeking to produce ice cream onsite using the milk from the dairy and sell the produce both at wholesale and direct to the public. In addition to the primary produce sales the owners are seeking to use a small portion of the land for place of assembly purposes as depicted in the proposal section above.

The proposal is not at odds with the provisions of the Municipal Planning Strategy which seek to ensure land is not permanently removed from agricultural production. The proposal will only utilise approximately 1 hectare of the existing farm and will enable to the land holders to add commercial diversity to the existing operations to buffer against the highs and lows of the dairying mil prices which can fluctuate without notice.

Clause 02.03-7 states that *There are opportunities for economic diversification through the development of aquaculture, horticulture and intensive agricultural enterprises, and agriculturally linked value adding industries. Value adding onsite or closer to the source of the product provide opportunities to expand the local economy.* It is submitted that the combination of primary produce sales and leisure and recreational uses onsite is consistent with the intent of the local policy.



6. Planning Policy Framework

Clause 14.01-1S Protection of agricultural land

Objective

To protect the state's agricultural base by preserving productive farmland.

Strategies

- Identify areas of productive agricultural land, including land for primary production and intensive agriculture.
- Consider state, regional and local, issues and characteristics when assessing agricultural quality and productivity.
- Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.
- Protect productive farmland that is of strategic significance in the local or regional context.
- Protect productive agricultural land from unplanned loss due to permanent changes in land use.
- Prevent inappropriately dispersed urban activities in rural areas.
- Protect strategically important agricultural and primary production land from incompatible uses.

Limit new housing development in rural areas by:

- Directing housing growth into existing settlements.
- Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.
- Encouraging consolidation of existing isolated small lots in rural zones.

Identify areas of productive agricultural land by consulting with the Department of Energy, Environment and Climate Action and using available information.

In considering a proposal to use, subdivide or develop agricultural land, consider the:

- Desirability and impacts of removing the land from primary production, given its agricultural productivity.
- Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.
- Compatibility between the proposed or likely development and the existing use of the surrounding land.
- The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.
- Land capability.

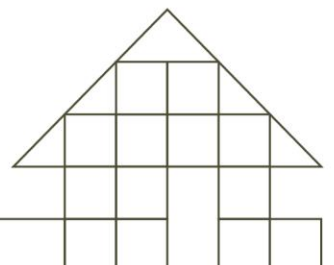
Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.

Give priority to the re-structure of inappropriate subdivisions where they exist on productive agricultural land.

Balance the potential off-site effects of a use or development proposal (such as degradation of soil or water quality and land salinisation) against the benefits of the proposal.

Clause 14.01-2S Sustainable agricultural land use

Objective



To encourage sustainable agricultural land use.

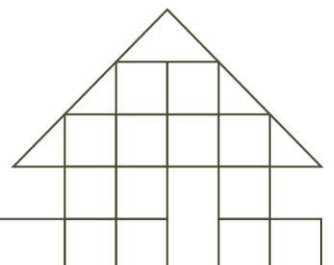
Strategies

- Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.
- Support the development of innovative and sustainable approaches to agricultural and associated rural land use practices.
- Support adaptation of the agricultural sector to respond to the potential risks arising from climate change.
- Encourage diversification and value-adding of agriculture through effective agricultural production and processing, rural industry and farm-related retailing.
- Assist genuine farming enterprises to embrace opportunities and adjust flexibly to market changes.
- Support agricultural investment through the protection and enhancement of appropriate infrastructure.
- Facilitate ongoing productivity and investment in high value agriculture.
- Facilitate the establishment and expansion of cattle feedlots, pig farms, poultry farms and other intensive animal industries in a manner consistent with orderly and proper planning and protection of the environment.
- Ensure that the use and development of land for animal keeping or training is appropriately located and does not detrimentally impact the environment, the operation of surrounding land uses and the amenity of the surrounding area.

Response to Planning Policy Framework

It is submitted that the proposal is in keeping with the preferred outcomes of Clauses 14.01.1S and 14.02-1S on the following grounds:

- State Planning Policy regarding agricultural production seeks to encourage diversification and value-adding of agriculture through effective agricultural production and processing, rural industry and farm-related retailing. It is noted that the land use will be operated in hand with the primary produce sales on the site and is an extension of the broader agricultural enterprise.
- No viable agricultural land will be lost through the proposal with the extent of the operation occurring within the existing curtilage of the dwelling.
- State Planning Policy seeks to support the development of innovative and sustainable approaches to agricultural and associated rural land use practices.
- The applicant owns the majority of the surrounding land and will not be impacted by any minor changes to the existing amenity and character of the area by means of noise, car movements or similar.
- The closest dwelling not in the same ownership is located approximately 100 metres from the areas of the site nominated for the proposed land use and is unlikely to experience any adverse amenity impacts from the proposal.
- The Moyne Shire and surrounds has a need for outdoor activities catering to families and the proposal presents as a unique opportunity to add to the events available to residents of the municipality.



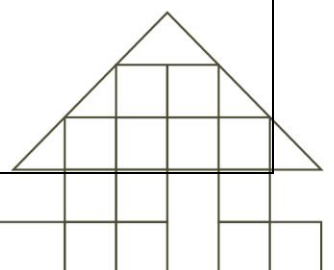
7. Zone

Clause 35.07 FARMING ZONE

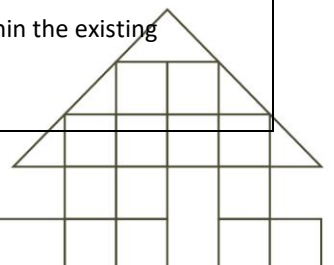
Purpose

- 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>The proposal is consistent with the Municipal Planning Strategy and the Planning Policy Framework as discussed above.</p> <p>State Planning Policy regarding agricultural production seeks to encourage diversification and value-adding of agriculture through effective agricultural production and processing, rural industry and farm-related retailing. It is noted that the land use will be operated in hand with the primary produce sales on the site and is an extension of the broader agricultural enterprise.</p> <p>The proposal adds in the viability of the overall agricultural operation and will act to ensure the future feasibility of the farm and in turn retention of existing employment opportunities in rural communities.</p>

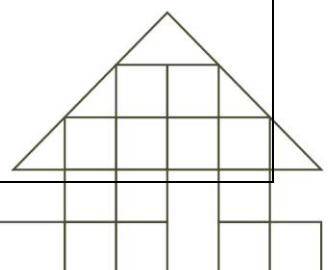


Clause 35.07-6 - Decision Guidelines	
<p>Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:</p> <p>General issues</p> <p>The Municipal 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>No changes to the effluent treatment of the existing dwelling are proposed.</p> <p>Existing accessways will be maintained.</p> <p>The proposal adds in the viability of the overall agricultural operation and will act to ensure the future feasibility of the farm and in turn retention of existing employment opportunities in rural communities.</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>Surrounding properties undertaking agricultural pursuits will not have the existing amenity altered in anyway by the proposed commercial operation given the large setbacks from neighbouring dwellings and the quaint atmosphere which the proposal is deemed to provide.</p> <p>No viable agricultural land will be lost through the proposal with the extent of the operation occurring within the existing curtilage of the dwelling.</p>

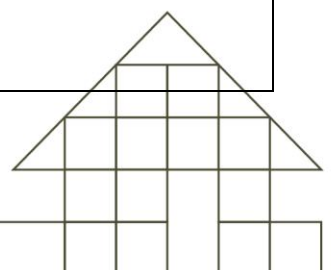


<p>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</p> <p>The capacity of the site to sustain the agricultural use.</p> <p>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</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>State Planning Policy seeks to support the development of innovative and sustainable approaches to agricultural and associated rural land use practices.</p> <p>The applicant owns the majority of the surrounding land and will not be impacted by any minor changes to the existing amenity and character of the area by means of noise, car movements or similar.</p>
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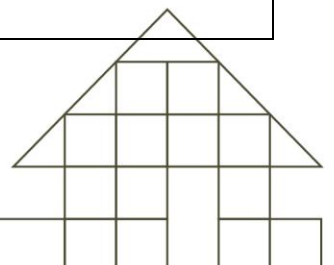
<p>Accommodation issues</p> <p>Whether the dwelling will result in the loss or fragmentation of productive agricultural land.</p> <p>Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic 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 application does not relate to accommodation.</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>No vegetation removal is proposed as part of the application.</p> <p>No alterations to effluent treatment are proposed.</p> <p>The buildings and works proposed include the development of a garden, car park (crushed rock), hedge maze and trojaborg. None of which require the development of significant earthworks. It is submitted that the proposal will be of no detrimental impact to the biodiversity of the area, including the retention of vegetation and faunal habitat.</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>All buildings and works proposed have been clustered within the existing curtilage of the dwelling and are akin to structure usually associated with a dwelling particularly on larger agricultural holdings.</p> <p>The development of a garden, car park (crushed rock), hedge maze and trojaborg will enhance the natural setting of the area and with a setback in excess of 20 metres from the western roadside boundary will have limited impact on Johnstones Lane.</p> <p>Johnstones Lane is a sealed two-lane rural road with grassed road reserves, the proposal is not deemed to have any undue traffic impacts. All car parking associated with visitors to the site will be provided within the bounds of the allotment.</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.

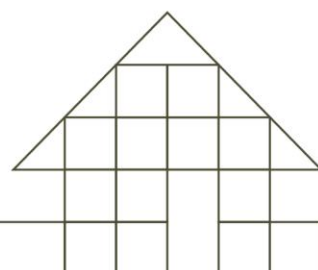
8. Particular Provisions

Clause 52.06 Car Parking

Pursuant to Clause 52.06-6 Number of car parking spaces required for other uses

Where a use of land is not specified in Table 1 or where a car parking requirement is not specified for the use in another provision of the planning scheme or in a schedule to the Parking Overlay, before a new use commences or the floor area or site area of an existing use is increased, car parking spaces must be provided to the satisfaction of the responsible authority. This does not apply to the use of land for a temporary portable land sales office located on the land for sale.

The site has nominated area to account for 50 car parking spaces at the south of the entrance to the property. It is submitted that this is sufficient to account for the proposed patrons which is currently listed as a maximum of 100 at any given time.



9. Conclusion

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