

# Myers Planning & Associates

## **Town Planning Report**

Use and development of a contractor's depot McKenzies Road, Bushfield

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## Overview

#### Background

Address	McKenzies Road, Bushfield
Lot Description	Lot 1 Plan of Subdivision 120348 (Volume 09190 Folio 979)
Relevant Planning Controls	
Municipal Planning Strategy	Clause 02.01 Context
	Clause 02.02 Vision
	Clause 02.03 Strategic directions
	Clause 02.04 Strategic Framework Plan
Planning Policy Framework	Clause 11 Settlement
	Clause 13 Environmental Risks and Amenity
	Clause 14 Natural Resource Management
	Clause 15 Built Environment and Heritage
	Clause 17 Economic Development
	Clause 18 Transport
	Clause 19 Infrastructure
Zone	Farming Zone (Schedule 3)
Overlays	None applicable
Particular Provisions	Clause 52.06 Car Parking
Permit Application Details	
Description of Proposal	Use and development of a contractor's depot
Permit requirement	Clause 35.07-1: Farming Zone - Use of land for contractor's depot.
	Clause 35.07-4: Farming Zone - Buildings and works.

## Quality assurance

<b>Town Planning Report</b> McKenzies Road, Bushfield	Project Number 24-1279
	<b>Revision</b> 02
	Prepared By AP
	<b>Project Lead</b> AP
	<b>Issued</b> 5 September 2024

Revision	Date	Issue
00	2 September 2024	Draft issued to client
01	5 September 2024	Issue for lodgement
02	6 January 2025	Updated response to Council queries

## Acknowledgement of Country



We acknowledge the Traditional Owners of the Country on which this application applies and recognise their continuing connection to the land, water and culture. We pay our respects to their Elders past, present and emerging.

### We care about our community



We donate a fixed percentage of our income each year to local organisations that work towards a better world. We also advise and represent a select group of clients on a reduced cost or pro bono basis.



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## 1. Introduction

### 1.1. Purpose

This report has been prepared by Myers Planning & Associates in support of a planning permit application for use and development of a contractor's depot at McKenzies Road, Bushfield (the 'Site').

The proposal provides a site responsive design which directly responds to the provisions of state and local planning policy and complies with the Moyne Planning Scheme.

Accordingly, the proposal triggers the following permit requirements:

- Clause 35.07-1: Farming Zone Use of land for contractor's depot.
- Clause 35.07-4: Farming Zone Buildings and works.

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

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

- Town Planning Drawings.
- Certificate of Title.

## 1.2. Limitations

This report has considered the following documents:

- Moyne Planning Scheme (last updated by VC262 on Friday 16 August 2024);
- Certificate of Title (dated September 2024).

## 2. Site and surrounds

## 2.1. Site description and title particulars

Site address	McKenzies Road, Bushfield
Title details	Lot 1 Plan of Subdivision 120348 (Volume 09190 Folio 979)
Site description	The Site is and irregular polygon shape with an area of 16.2 hectares, and frontage to McKenzies Road to the north and Barries Road to the west.
Easements, restrictions or covenants	The site is not encumbered by any easements, restrictions or covenants pursuant to Section 173 of the Planning and Environment Act 1987 and the Subdivision Act 1988.

Refer to Appendix A - Certificate of Title.

### 2.2. Site analysis

The Site is located on the south-east corner of Barries Road and McKenzies Road, and comprises an area of 16.2 hectares. The Site is currently used for the keeping and grazing of approximately 15 cattle, and is developed with internal fencing for paddocks and water troughs associated with the grazing of the cattle. The Site is bisected by a patch of native vegetation which borders a small intermittent watercourse, which runs southwest from McKenzies Road and then heads south.

The site is relatively flat. A small stockpile of material is being stored on the land, which will be used to create the pad for the proposed shed.

Refer to Figure 1 - Aerial Plan and Appendix C - Site Photos.



Figure 1: Aerial Plan

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## 2.3. Site Context

The Site is located to the east of the rural living settlement of Bushfield, in a pocket of land which has evolved as a rural lifestyle area due to the proximity to Warrnambool and the size of lots. The municipal boundary between Warrnambool City and Moyne Shire is located along the western boundary of the Site. Lot sizes, and the pattern of development to the west of the Site are more regular and exhibit a more rural residential character, whilst lots to the north, east and south reflect more of an agricultural type character, with houses on lots interspersed through the locality.

The Site's key interfaces are as follows:

North	Lot 2 PS436939: a lot with an area of approximately 16 hectares, used for grazing and cropping.
East	Lot 1 LP209796: a lot comprising an area of approximately 38 hectares, extending south to Spring Flat Road, and used for grazing.
South	Lot 1 LP209796: a lot with an area of 50 hectares, used for grazing and also developed with a dwelling, although the dwelling is located over 1 kilometre from the common boundary with the Subject Site.
West	Immediately west is the road reserve of Barries Road, which comprises a narrow, unsealed surface. Further west is 84 Philmore Road, developed with a dwelling, and 103 Barries Road, developed with a dwelling and also used as a contractor's depot.

Refer to Figure 2 - Context Plan.



Figure 2: Context Plan



## 3. Proposal

## 3.1. Overview

The proposal seeks planning approval for the use and development of a contractor's depot.

Refer to enclosed town planning drawings for full details of the proposal.

## 3.2. Land use

The application is best described as a contractor's depot. The Victorian Civil and Administrative Tribunal has in the past described the innominate land use of a 'depot' as meaning land serving as a base where staff come to work or pick up vehicles and machinery, where administrative functions are carried out, where vehicles are parked and kept, where equipment and materials are kept and other ancillary functions occur, such as the repair and maintenance of vehicles and equipment.<sup>1</sup> A contractors depot is considered the most appropriate land use definition based on the characterisation of the use proposed.

## 3.3. Planning permit triggers

In accordance with the provisions of the Moyne Planning Scheme, the proposal triggers the following planning permit requirements:

- Clause 35.07-1: Farming Zone Use of land for contractor's depot.
- Clause 35.07-4: Farming Zone Buildings and works.

### 3.4. Key elements

#### Use

The proposed contractor's depot is to be used by Civilnow, a local business managed by the owners of the land, which services the South West region. The business offers a range of civil construction services including roadworks, civil infrastructure construction (sewer, water, drainage) and earthworks.

The hours of operation of the use of the Site are proposed to be 7am to 5.30pm, Monday to Friday. No weekend use of the contractors depot is proposed.

Typically, at the start of the workday, up to 6 staff members will attend the Site to collect plant and vehicles, and travel to the various sites to carry out civil construction works, returning at the end of the day. Staff do not return to the Site for lunch or breaks. No staff are based at the Site during the day and no office, lunch room, or bathroom facilities are to be provided at the Site.

The business employs around 20 full time staff, although it is important to note than most staff go directly from their homes to the construction sites, rather than to the Site. Due to the nature of the services offered, visitors are highly unlikely to attend the Site. No signage is proposed.

The likely vehicle movements to and from the Site each day are as follows:

- Morning: 6 private vehicles driven by employees to the site.
- Morning: Work vehicles leave the Site for the day. These vehicles include small trucks, plant and specialist equipment.
- Afternoon: Work vehicles returned for the day.
- Afternoon: Private vehicles driven by employees leave the Site.

Based on the above, the likely traffic movements to and from the Site is around 24 vehicle movements per day. No mechanics are employed by the business, and no on-site vehicle repairs are proposed as part of the use (other than minor incidental repairs).

<sup>&</sup>lt;sup>1</sup> Andsand Pty Ltd v Kingston CC No 2 [2009] VCAT 2506 (7 December 2009)

#### **Buildings and works**

The proposed contractor's depot will be primarily contained within the proposed shed to be constructed on the land.

The shed comprises dimensions 30 metres by 21 metres, orientated so the pedestrian doors face east and west, and the end roller doors face north and south. The shed has an eave height of 6.48 metres, a low roof pitch of 7.5 degrees, and an overall height of 8.04 metres.

The shed is to be setback generally in the north-east corner of the Site, 43 metres from the eastern boundary and 48.5 metres from the northern boundary.

A new crossover is to be provided to the shed from McKenzies Road, and access to the shed is to be via a gravel driveway and access area, including 6 car parking spaces to the west of the shed. Indigenous tree planting is to be provided along the frontage of the Site to provide for a visual softening of the development.

Refer to Town Planning Drawings for full details of the site layout.



## 4. Planning policies and controls

## 4.1. Municipal Planning Strategy

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

Clause 02.01 **Context**: identifies the Moyne Shire is located within south western Victoria with a population of approximately 17,374 in 2021 which is growing modestly, with strong demand for growth along coastal areas. The three main urban centres of Port Fairy, Koroit and Mortlake have populations of approximately 3742, 2184 and 1477 respectively. The rural areas, small townships and rural settlements account for the balance of the Shire's population. The Shire is predominantly rural based with a focus on grazing agriculture, dairy and beef production, wool and prime lamb production, aquaculture and cropping.

Clause 02.02 **Vision**: The adopted 'Vision' for Moyne, as identified within the My Moyne, My Future 2040 Community Plan is:

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

#### Clause 02.03 Strategic directions:

Clause 02.03-3 **Environmental risks and amenity** identifies the municipality as facing complex fire risk in agricultural, forested, urban bushland, rural residential and coastal areas. Clause 02.03-3 also seeks to ensure amenity from scattered industrial and business operations is balanced with sensitive uses.

Relevant strategic directions include:

- Ensure land use and development responds to fire risk.

Clause 02.03-4 **Natural resource management** identifies rural land in the municipality as forming part of the highly productive Western District. Intensive dairying and crop production are significant land uses in the coastal hinterland, while extensive cropping and grazing enterprises are major activities in the northern part of the Shire. Agricultural areas along the coast, between settlements or on the edge of townships are under pressure from other forms of development, particularly housing. 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.

Relevant strategic directions include:

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- Limit the use of productive agricultural land for non-productive agricultural purposes.

Clause 02.03-7 **Economic development** identifies agriculture is the most important sector of the local and regional economy and a major source of local employment. 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. Relevant strategic directions include:

- Promote agriculture as the primary industry of the economy.
- Protect agricultural land from non-productive use and development.
- Ensure that the use and development of land is not prejudicial to agricultural industries or to the productive capacity of the land.

Clause 02.04 Strategic Framework Plan:



Figure 3: Moyne Strategic Framework Plan

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

## 4.2. Planning Policy Framework (PPF)

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

#### **Clause 11 Settlement**

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 Clause 11.01-1S Settlement: Seeks to facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

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

- Clause 13.02-1S **Bushfire planning**: Seeks to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.
- Clause 13.05-1S Noise management: Seeks to assist the management of noise effects on sensitive land uses.
- Clause 13.07-1S Land use compatibility: To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

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

- Clause 14.01-1S Protection of agricultural land: Aims to protect the state's agricultural base by preserving productive farmland.
- Clause 14.01-1L Agricultural production: Seeks to ensure subdivision, including the creation of small lots for existing dwellings, and the use and development of dwellings minimises the loss or fragmentation of productive agricultural land and does not prejudice activities associated with agricultural production. Relevant strategies include:

- Avoid non-agricultural land use and development in rural areas that prejudices the productive use of agricultural land.
- Clause 14.01-2L Lifestyle farming: Applies to the land as it is within the Farming Zone Schedule 3. The
  policy seeks to manage dwellings within the area to ensure the use of land for agriculture can continue.
- Clause 14.02-1S Catchment planning and management: Aims to assist the protection and restoration of catchments, waterways, estuaries, bays, water bodies, groundwater, and the marine environment.

#### **Clause 15 Built Environment and Heritage**

 Clause 15.01-6S Design for rural areas: Seeks to ensure development respects valued areas of rural character.

#### **Clause 17 Economic Development**

- Clause 17.01-1S **Diversified economy**: Aims to strengthen and diversify the economy.
- Clause 17.01-1R Diversified economy Great South Coast: Seeks to support economic development opportunities including rural industry.

#### **Clause 18 Transport**

- Clause 18.01-2S Transport system: Seeks to facilitate the efficient, coordinated and reliable movement of people and goods by developing an integrated and efficient transport system.
- Clause 18.02-4S Roads: To facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure.

#### **Clause 19 Infrastructure**

 Clause 19.03-3S Integrated water management: Seeks to sustainably manage water supply and demand, water resources, wastewater, drainage and stormwater through an integrated water management approach.

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

### 4.3. Farming Zone

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

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

Pursuant to Clause 35.07-1 and Clause 35.07-4, a permit is required for the use and development of the land for a contractor's depot.

Decision guidelines are listed at Clause 35.07-6. See Section 5.2.3 for a response to the relevant decision guidelines.

### 4.4. Overlay

The Site is not located within any Overlays.



## 4.5. Particular Provisions

#### 4.5.1. Clause 52.06 Car Parking

The purposes of Clause 52.06 include:

- To ensure to ensure an appropriate number of car parking spaces are available for the likely demand generated without adversely affecting the amenity of the area, associated with a new use.

Before a new commences or the floor area of an existing use is increased, the number of car spaces provided under Clause 52.06-5 must be provided on the application site.

Contractor's depot is an innominate use under the Moyne Planning Scheme, and there is no car parking rate outlined 52.06-5. Car parking must therefore be provided to the responsible authority's satisfaction pursuant to Clause 52.06-6.

The daily operation of the business comprises up to 6 staff members who attend the site to collect vehicles. The rest of the staff drive directly to the work sites, and do not need to visit the depot. On this basis, six on site car parking spaces have been provided as shown on the plans, for staff parking only. The car parking spaces will meet the design standards of Clause 52.06-9.

The nature of the business (civil contractors) is such that no visitors are required to attend the site, as there are no direct sales or need for visitors. No visitor parking is considered required in this instance.

## 4.6. Other planning considerations

#### 4.6.1. Aboriginal Cultural Heritage Sensitivity

The Site is not identified as being an 'area of cultural heritage sensitivity' pursuant to the Aboriginal Heritage Regulations 2018. These areas relate to landforms and soil types where Aboriginal places are more likely to be located.

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

As the Site is not within an area of cultural heritage sensitivity, a CHMP is not required.



## 5. Planning Assessment

### 5.1. Overview

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

- Is the proposal consistent with the Municipal Planning Strategy and the Planning Policy Framework?
- Does the proposal appropriately respond to the Farming Zone?

### 5.2. Key considerations

## 5.2.1. <u>Is the proposal consistent with the Municipal Planning Strategy and the Planning</u> <u>Policy Framework?</u>

The proposal seeks to facilitate a purpose-built contractor's depot for Civilnow, a local civil contracting business which services the South West region. The proposed use is to be contained within the eastern part of the Site, which will allow the remaining part of the land (some 12 hectares) to continue to be used for grazing of cattle. This aligns with the Municipal Planning Strategy Context, Vision and Strategic Directions, by balancing the provision of a contractor's depot, which provides employment opportunities and economic benefits to the Moyne Shire, with the ongoing use of the land for agriculture (Clause 02.01 **Context**, Clause 02.02 **Vision**, Clause 02.03-4 **Natural resource management**).

The PPF reinforces the importance of protecting productive agricultural land and avoiding non-agricultural land use and development in rural areas which would prejudice productive agricultural land. The Site is identified as being within the 'Lifestyle Farming' area, which seeks to support small scale and 'lifestyle' farming enterprises along with dwellings in the surrounding area. The Site is also adjacent to land within the Warrnambool City Council to the west, where land uses include a rural living area between McKenzies Road and Barries Road, and where there are similar uses (for example, civil earthworks contractor's depot at 103 Barries Road). Given the identification of the area as one where a mix of dwellings and agricultural uses is anticipated, the types of nearby land uses, and the intention to continue grazing the land, the proposal is considered to provide an appropriate response to Clause 14 policies. The proposal is sited away from the small watercourse on the land, and will not adversely affect the function of this waterway (Clause 14.01-1S **Protection of agricultural land** ,Clause 14.01-1L **Agricultural production**, Clause 14.01-2L **Lifestyle farming**, Clause 14.02-1S **Catchment planning and management**).

The proposal is of a scale which will be compatible with the character of the surrounding area. The use will not result in any amenity impacts to surrounding properties, other than noise associated with vehicles entering and leaving the Site. Given the location of the site in this rural area, this traffic noise is considered entirely appropriate for the locality. Nearby dwellings are located more than 200 metres from the Site and will not be adversely affected by the proposal. As there are very limited impacts from the use, the proposal will also not affect the use of the Site, or adjoining land, for agriculture (Clause 13.05-1S **Noise management**, Clause 13.07-1S **Land use compatibility**).

The proposed built form is an acceptable design for the character of the area and the proposed use of the building. The shed will screened from some views by existing vegetation in the locality, and proposed planting along the frontage of the Site. The built form is typical of sheds found in rural areas and is consistent with Clause 15 Built Environment and Heritage (Clause 15.01-6S **Design for rural areas**).

The proposal is well supported by Clause 17 Economic Development, as the proposal will diversify the local economy and build on the success of the existing business by providing a dedicated contractor's depot for the use (Clause 17.01-1R **Diversified economy - Great South Coast**).

The proposal will provide appropriate access and car parking within the confines of the Site. A new access to McKenzies Road is to be provided, subject to the requirements of the responsible authority (Clause 18.01-2S **Transport system**, Clause 18.02-4S **Roads**).

The proposal is therefore consistent with the MPS and PPF.



#### 5.2.2. Does the proposal appropriately respond to the Farming Zone?

The proposal is supported by the following purposes of the Farming Zone:

- To encourage the retention of employment and population to support rural communities.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.

The proposal provides for the use of the land for a contractor's depot alongside the continued use of the land for cattle grazing and supports the retention of employment opportunities in the local area. The proposal does not adversely affect the use of the land for agriculture and is consistent with the purpose of the Farming Zone.

A response to the relevant decision guidelines of the Farming Zone is provided below.

Decision Guideline	Response
General Issues	
The Municipal Planning Strategy and the Planning Policy Framework.	The proposal complies with the Municipal Planning Strategy and the Planning Policy Framework, as outlined in <b>Section 5.2.1</b> of this report.
Any Regional Catchment Strategy and associated plan applying to the land.	The Glenelg Hopkins Regional Catchment Strategy (RCS) does not include any specific recommendations that are applicable to the current proposal.
The capability of the land to accommodate the proposed use or development, including the disposal of effluent.	The site can accommodate the proposed use, whilst also retaining the existing grazing use. The proposal does not require the on-site disposal of effluent.
Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.	The Site is suitable for the proposal given the location of the Site and the surrounding land uses. The use will be compatible with the adjoining land uses which include grazing and dwellings, and the broader land uses, which include similar contractor's depots.
Agricultural issues and the impacts from non-agricul	tural uses
Whether the use or development will support and enhance agricultural production.	The proposal provides for an additional use on the Site to complement the existing grazing use. Both uses can co-exist on the land in this instance, without altering the ability of the other use to be undertaken.
Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.	A portion of the land will be removed from agricultural production in association with the proposed use for a contractor's depot, however, most of the land will continue to be used for grazing.
The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.	The proposal is not likely to limit nearby uses, given these are for grazing purposes.



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 proposal will not adversely affect soil and water quality, or the watercourse on the land. Appropriate construction methods can be implemented to ensure this is managed throughout construction. There is no identified flora or fauna which would be affected by the proposed contractor's depot. The existing vegetation near the watercourse will not be affected or altered as part of this proposal.
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 proposed contractor's depot has been located at the eastern portion of the Site, to minimise the impact on the balance farmland.
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 siting, design, height, bulk, colours and materials to be used are compatible with the rural character of the area and will not detrimentally affect any features of the natural environment, major roads, vistas and water features.



## 6. Conclusion

This report has described the proposed use and development of a contractor's depot, and provided an assessment of the proposal against relevant policy and planning controls of the Moyne Planning Scheme.

It is the conclusion of this report that the application is consistent with the purposes and intent of the planning controls and policy framework of the Moyne Planning Scheme. It follows as the recommendation and request of this report that Council issue a planning permit for the proposal.

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

September 2024



# Appendices

Appendix A	Certificate of Title
Appendix B	OneMap Site Report
Appendix C	Site Photos
Appendix D	Town Planning Drawings

