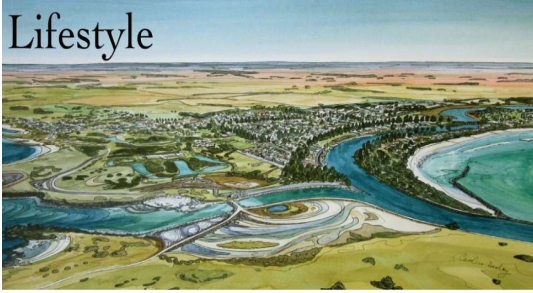


Lifestyle



Town Planning & Services

Planning Report

Variation of restriction, and buildings and works to construct a small second dwelling.

Lot 4 Plan of Subdivision
712263W- 1763 Princes
Highway Rosebrook, Vic. 3285.

glenn@lifestyletownplanning.com.au

Phone: 0497 394964

Date 20/09/2024

ACKNOWLEDGEMENTS

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3. AGREEMENT



The Owner agrees that:

- 3.1 Except with the consent of the Responsible Authority no building (including outbuildings/sheds) shall be located outside the building envelope on each of the allotments shown hatched on the endorsed plan.
- 3.2 The finished floor level of any dwelling must be a minimum of 600mm above the applicable flood level for each lot.
- 3.3 All liquid wastes shall be treated and disposed of within the designated effluent disposal envelope within the curtilage of each of the allotments and shall not drain directly to any adjoining property. The treatment and disposal of the liquid wastes shall be in accordance with an approved Land Capability Assessment to be prepared in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970 and the publication On Site Waste Water Management December 2008 and be to the satisfaction of the Responsible Authority.
- 3.4 All stormwater runoff from all buildings on each of the allotments must be contained on site and within the boundaries of the land to the satisfaction of the Responsible Authority.
- 3.5 The 20m vegetation buffer on Lots 1, 2 and 3 fronting the Belfast Lough must be fenced with post and wire fencing to exclude stock from entering.

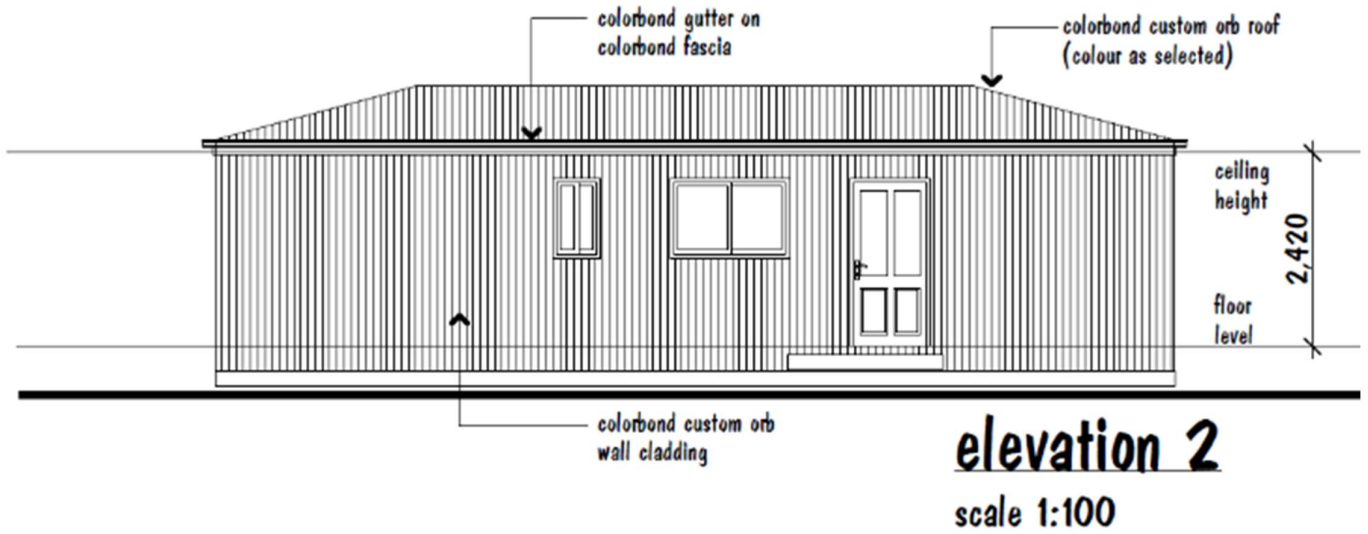
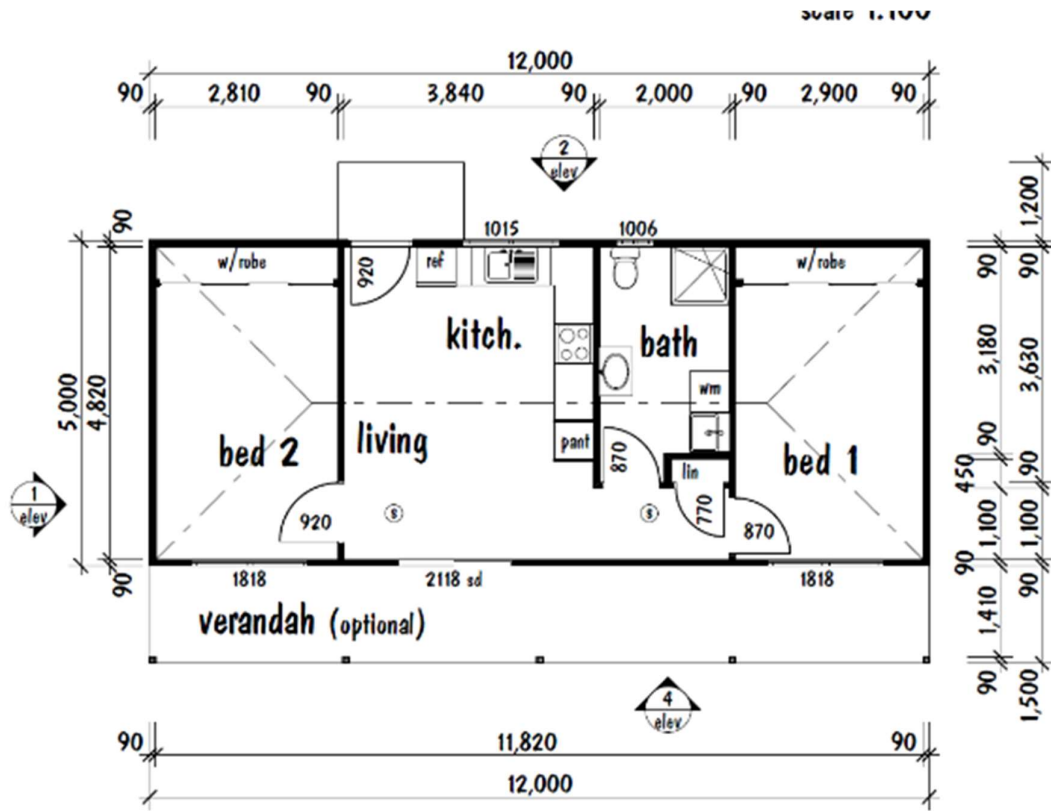
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- 3.6 The common access road to the lots must be maintained to an all weather standard at the full cost of the Owner's Corporation.



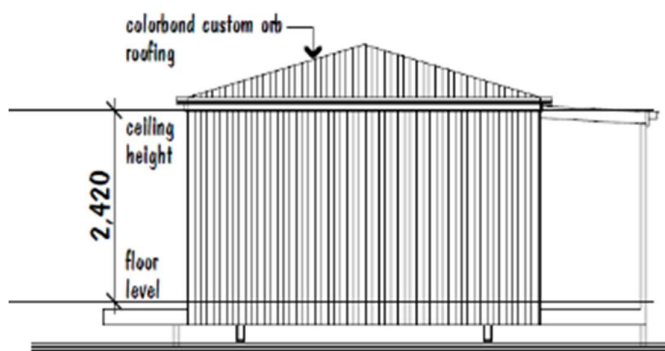
4. REGISTRATION

The small second dwelling will measure 12mx 5m (60 sqm) and will contain 2 bedrooms, kitchen/living room, and bathroom as shown below.

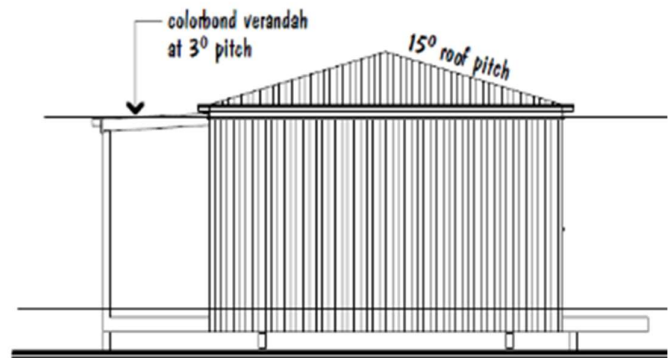


Access to the small second dwelling is via the existing access leading from Lochnager Road.

The small second dwelling will be finished externally in Colorbond wall cladding under a Colorbond roof covering. The Services will include connection to the existing septic tank waste water system which is understood to have sufficient capacity to accommodate the small second dwelling to Council and EPA standards, with mains electricity and 45,000l rainwater tanks for potable water supply which are already installed for the main dwelling.



elevation 1
scale 1:100



elevation 3
scale 1:100

2. SITE ANALYSIS

Rosebrook is a small hamlet situated approximately 5km east of Port Fairy on the Princes Highway. Rosebrook is characterised by a cluster of small residential farmlets and lifestyle properties.

The subject site is generally flat and has an area of approximately 12.5 ha with frontage to Princes Highway with the vehicular access via Lochnager Road. The site is occupied by a 3 bedroom dwelling constructed on the site in 2023 with established garden areas with large expanses of lawn, and parking. The remainder of the site is used for grazing which extends to the Belfast Loch to the south with no significant vegetation around the dwelling as the land has been grazed for many years.

Services include mains electricity, with a septic tank for wastewater and 45,000l rainwater storage tanks for potable water supply and firefighting if required.

Existing dwelling built on site 2023 - looking northwest towards Princes Highway



Access from Lochnager Road looking west.



Rear of property looking south towards Belfast Lough



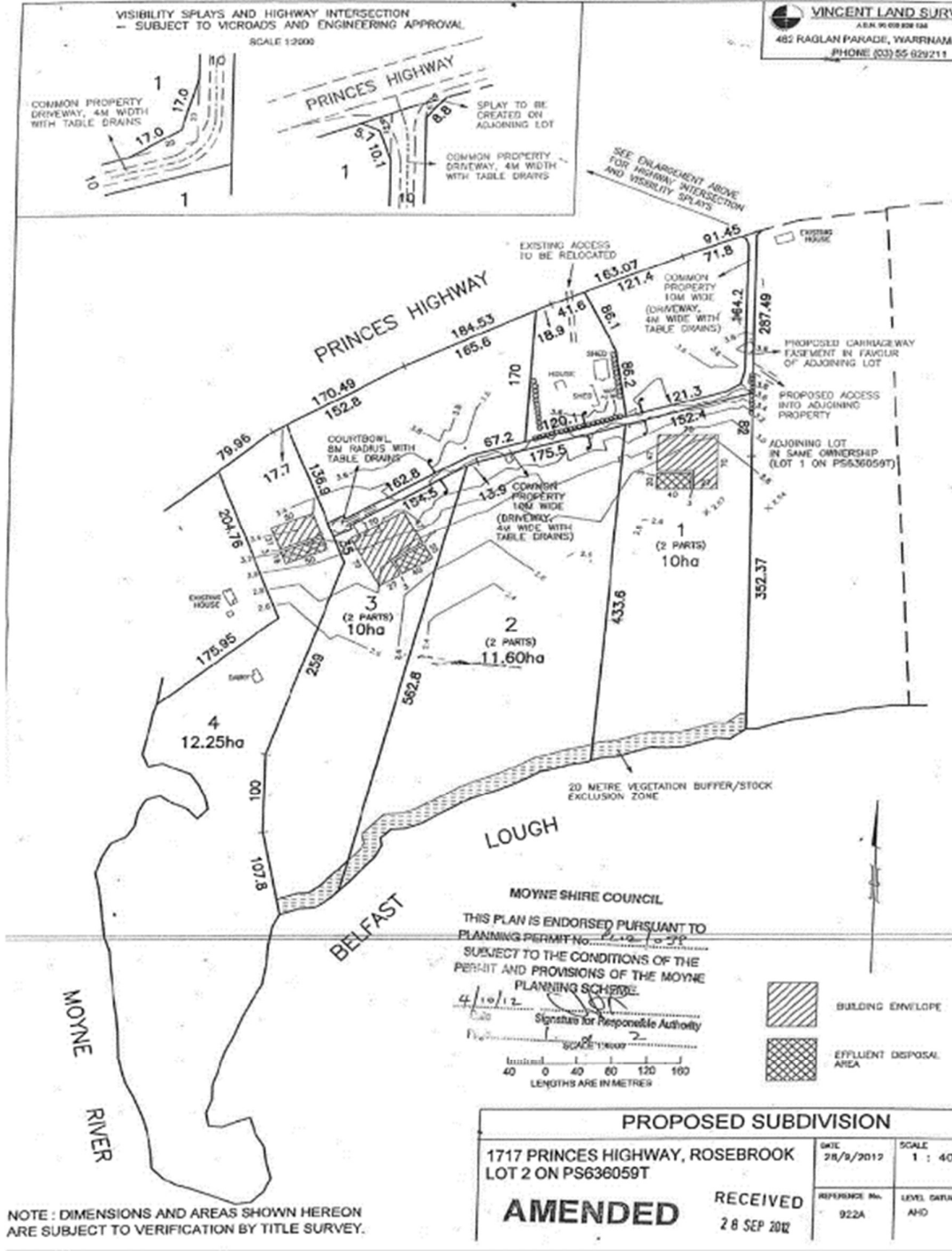
Dwelling and paddock looking north



3. RESTRICTIONS ON TITLE

Agreement AJ901235Y

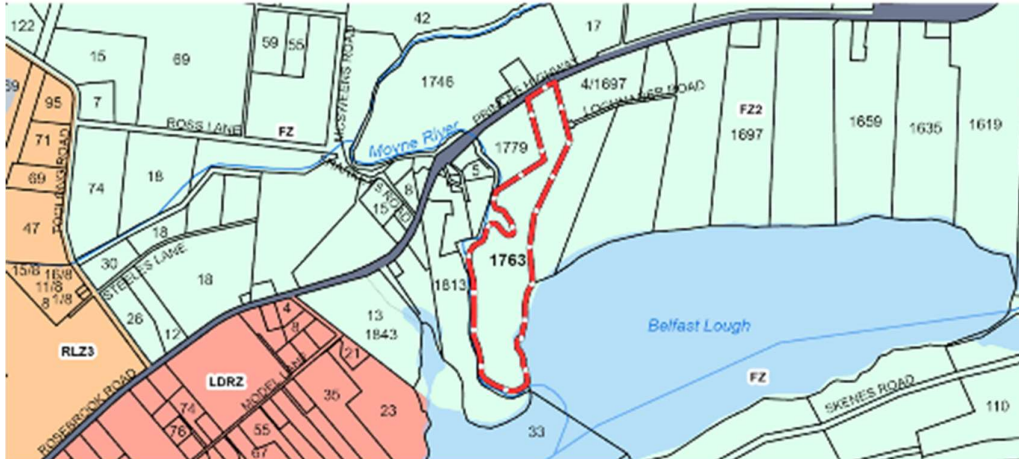
Approval is sought to vary the agreement by slightly expanding the building envelope registered on the plan of subdivision as shown below (Lot 4).



4. PLANNING CONTROLS

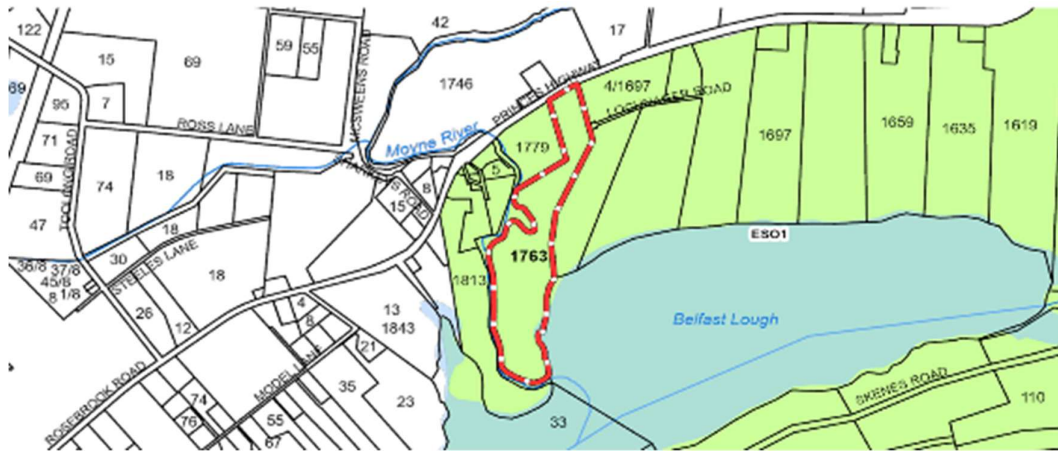
Zone

Farming Zone Schedule 2 (FZ2).

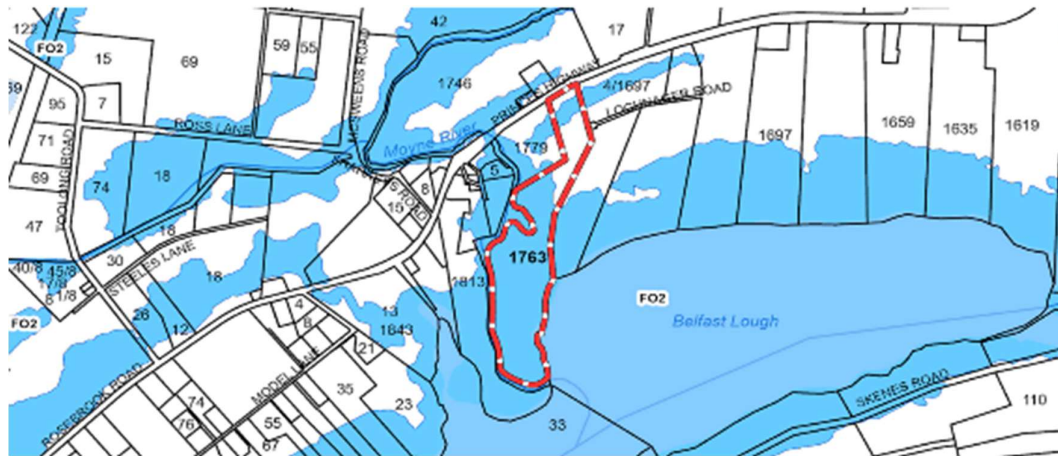


Overlays

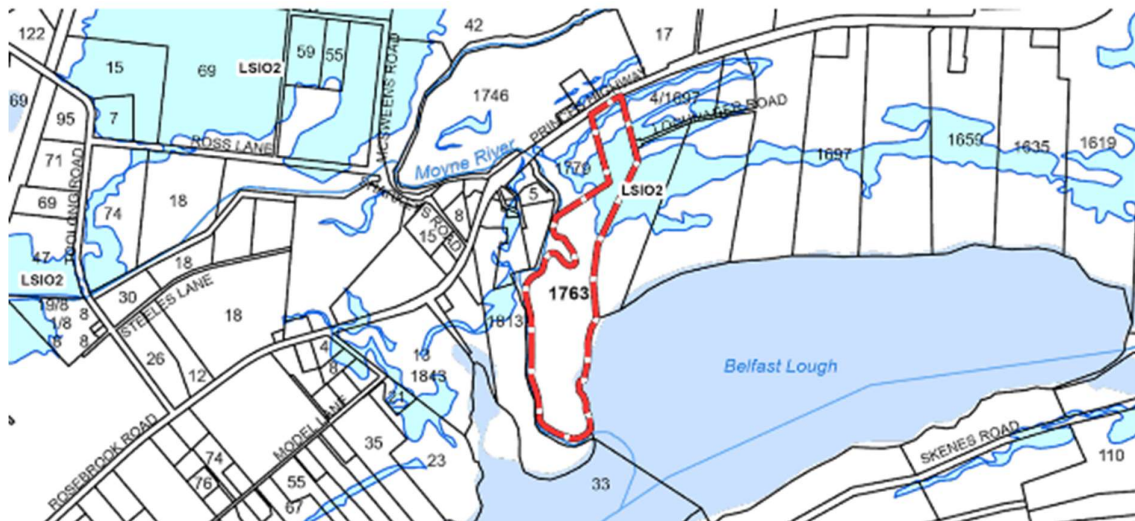
Environmental Significance Overlay Schedule 1 (ESO1)



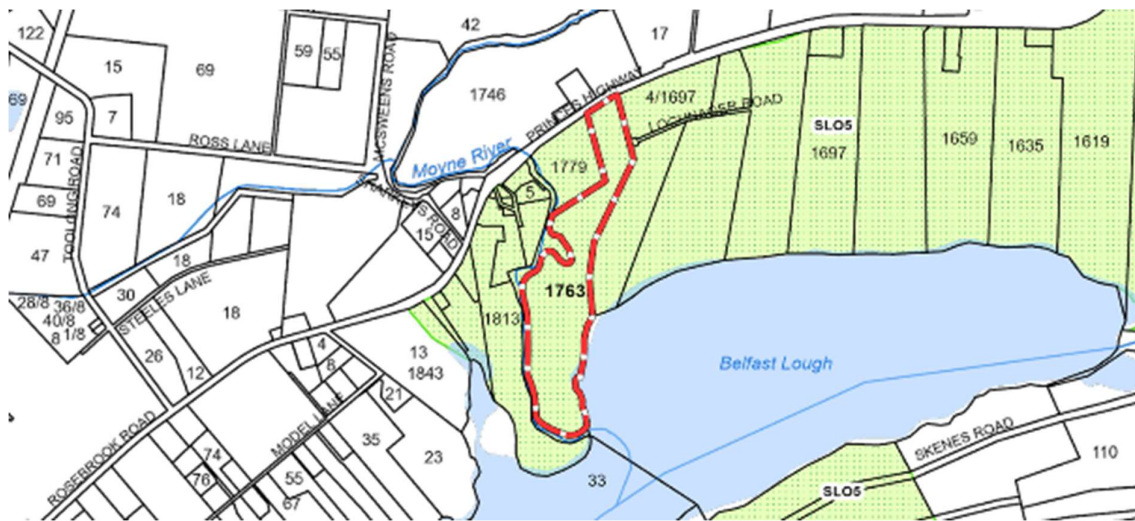
Flood Overlay Schedule 2 (FZ2)



Land Subject to Inundation Overlay Schedule 2 (LSIO2)



Significant Landscape Overlay Schedule 5 (SLO5)



Other

The site is situated within a Designated Bushfire Prone Area.

The site is within an area of Aboriginal Cultural Heritage Sensitivity. Pursuant to the Aboriginal Heritage Regulations 2018, the proposal has been assessed as being exempt from the need to prepare a CHMP as the subdivision of a single dwelling and construction of a single dwelling are listed as exempt activities.

Permit requirements

No permit is required for use of land for a small second dwelling as the section 1 exemptions are met.

A permit is required for buildings and works to construct a small second dwelling under the Farming Zone at **Clause 35.07-4** as the site of the small second dwelling is within 100m of a designated flood plain.

A permit is required for buildings and works under the ESO1 at **Clause 42.01-2**.

No permit is required for the small second dwelling at **Clause 42.03-2** as the small second dwelling is less than 8m in height and meets the other exemption criteria.

No permit is required under the FO2 at **Clause 44.03-2** as the finished floor level of the small second dwelling is 600mm above the 1/100 year flood level.

No permit is required under the LSIO2 at **Clause 44.04-2** as the finished floor level of the small second dwelling is 600mm above the 1/100 year flood level and the depth of water over the access road in the 1/100 year flood event is less than 0.5m (0.3m).

5. PLANNING ASSESSMENT

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.

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.*

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.*

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.*

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.*

ASSESSMENT

The revised building envelope is only slightly varied and has been positioned to be just to the east of the main dwelling and out of the 1/100 year flood area. This makes prudent use of land on the site and existing services which is the primary intent of the small second dwelling provisions. The small second dwelling is collocated with the existing dwelling to ensure there are no further impacts to agriculture over and above the existing dwelling. The small second dwelling is diminutive in the landscape and does not impact views or natural

features of the site. The small second dwelling will be connected to existing site services such as the septic tank, mains electricity supply and 45,000l rainwater tank.

There are no wind turbines within 1km of the site and no significant vegetation for removal.

Clause 42.01

ENVIRONMENTAL SIGNIFICANCE OVERLAY

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify areas where the development of land may be affected by environmental constraints.

To ensure that development is compatible with identified environmental values.

Clause 42.01-5

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- *The Municipal Planning Strategy and Planning Policy Framework.*
- *The statement of environmental significance and the environmental objective contained in a schedule to this overlay.*
- *The need to remove, destroy or lop vegetation to create a defensible space to reduce the risk of bushfire to life and property.*
- *Any other matters specified in a schedule to this overlay.*

SCHEDULE 1 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

COASTAL AREAS AND ESTUARIES

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- *The impact of the development on neighbouring properties.*
- *Existing use of land and the reason for the development in relation to that use and the degree of dependence of the development on the coastal environment.*
- *The availability of alternative land suitable for the proposed development away from the coast, estuary or wetland area.*

- *The soil stability of the land and whether the proposal minimises ground surface disturbance and included adequate measures to prevent and control soil erosion and sedimentation during construction works and/or associated with the proposed use.*
- *Whether the proposal minimises the impact of construction (including construction of roads) within prominent areas such as hillsides, promontories, ridgelines and headlands.*
- *Whether the proposal avoids the construction (including construction of roads) and works in fragile, unstable areas or hazardous soils, including land subject to inundation and land adjoining coastal or lake foreshore boundaries where acid sulphate soils may occur.*
- *How it is proposed to manage potential acid sulphate soils and satisfy the requirements of the EPA's Industrial Waste Management Policy (Waste Acid Sulphate Soils), 1999.*
- *Potential threats to the quality, life cycle processes or functioning of aquatic and terrestrial ecosystems or native plant and animal species.*
- *Whether development avoids impacts on an estuary and wetlands from any drainage, excavation, filling and reclamation works or supports the ecology of the wetland.*
- *Whether the proposal protects and avoids the loss of indigenous native vegetation particularly sensitive coastal and foreshore vegetation, in particular heathlands, dune vegetation, saltmarshes and sedges from clearing, pollution, grazing, and trampling.*
- *Whether the proposal emphasises the use of indigenous species in revegetation programs particularly for riparian buffers along waterways, gullies, ridgelines, property boundaries and recharge areas, as well as site management measures to minimise the occurrence of salinity, erosion, groundwater and surface water problems.*
- *The need for an agreement or a covenant on title to protect significant habitat and whether this should be a condition of any permit.*
- *Whether the proposal takes into account possible sea and water level rises or other coastal hazards when planning the siting and design of buildings and works.*
- *Whether the proposal avoids development with any associated wastewater within 100 metres of a waterway, wetland or coastal foreshore boundary.*
- *Whether the proposal incorporates stormwater systems, which prevent high nutrient and sediment concentration entering waterways, wetlands and groundwater.*
- *Potential effects of the proposal on quality and quantity of water, the flow of floodwaters and on flood control measures.*

- *The necessity of retaining a buffer zone from either the high water mark of the coast adequate to avoid coastal erosion hazard and coastal shoreline retreat or up to 100 metres from high water mark from an estuary or wetland for landward migration of wetland vegetation due to sea level rise including the benefit of implementing the buffer through an appropriate permit condition and requiring any such buffer to be fenced to exclude stock or vermin.*
- *Control of noxious and environmental weeds and pest animals, including the need to minimise the spread of weeds and soil pathogens.*
- *The Siting and Design Guidelines for Structures on the Victorian Coast (Department of Environment, Land, Water and Planning, 2020) and the Landscape Setting Types for the Victorian Coast (Victorian Coastal Council, May 1998).*
- *The impact of the siting, size, height, use of materials, colours and external finishes of any proposed buildings and/or extensions of works on the visual amenity of the coastal and estuarine environment with the intent of minimising any visual impact, including visual impact including views from the water or ocean.*
- *For an application to subdivide land, consider the intended development and use of the land and its likely effects on the coastal location, estuary and/or wetland and if acceptable, the need to impose conditions on lot sizes, lot boundaries, road network, open space, building envelopes or effluent disposal sites to ensure better protection of the coastal location, estuary and/or wetland.*
- *Any comments by the Department of Environment Land Water and Planning, Catchment Management Authorities, Western Coastal Board or Council Environment sections.*
- *Any approved management plan and coastal action plan.*

ASSESSMENT

The small second dwelling is a small single storied structure collocated with the existing dwelling so as to reduce visual impacts. The small second dwelling will be connected to existing services and has no impact upon vistas, views, flooding or acid sulphate soils as shown below.

The proposed dwelling is sufficiently distanced from the coastal dune system to be of no effect.

The plan below from the Agriculture Victoria website shows coastal acid sulphate soil mapping which confirms the subject site is outside the area of Coastal Acid Sulphate Soils (CASS).



Clause 52.02

EASEMENTS, RESTRICTIONS AND RESERVES

Purpose

To enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered.

Permit requirement

A permit is required before a person proceeds:

- *Under Section 23 of the Subdivision Act 1988 to create, vary or remove an easement or restriction or vary or remove a condition in the nature of an easement in a Crown grant.*
- *Under Section 24A of the Subdivision Act 1988.*
- *Under Section 36 of the Subdivision Act 1988 to acquire or remove an easement or remove a right of way.*

This does not apply:

- *If the action is required or authorised by the schedule to this clause.*
- *In the circumstances set out in Section 6A(3) of the Planning and Environment Act 1987.*

- *If the person proceeds under Section 362A of the Land Act 1958.*
- *In the case of a person proceeding under Section 36 of the Subdivision Act 1988, if the council or a referral authority gives a written statement in accordance with Section 36(1)(a) or (b) of the Subdivision Act 1988.*

In this clause, restriction has the same meaning as in the Subdivision Act 1988.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in clause 65, the responsible authority must consider the interests of affected people.

ASSESSMENT

The agreement was registered on title in 2012. The test for this restriction is under section 60(2) of the Planning and Environment Act 1987 and is as follows:

“(2) The responsible authority must not grant a permit which allows the removal or variation of a restriction (within the meaning of the Subdivision Act 1988) unless it is satisfied that the owner of any land benefited by the restriction (other than an owner who, before or after the making of the application for the permit but not more than three months before its making, has consented in writing to the grant of the permit) will be unlikely to suffer—

(a) financial loss; or

(b) loss of amenity; or

(c) loss arising from change to the character of the neighbourhood; or

(d) any other material detriment— as a consequence of the removal or variation of the restriction.”

As the compact size of the small second dwelling and its siting there is considered no material detriment to any known beneficiaries of the restriction. The altered building envelope is sited outside the 1/100 year flood area. Refer below.

Clause 44.04

LAND SUBJECT TO INUNDATION OVERLAY

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify flood prone land in a riverine or coastal area affected by the 1 in 100 (1 per cent Annual Exceedance Probability) year flood or any other area determined by the floodplain management authority.

To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.

To minimise the potential flood risk to life, health and safety associated with development.

To reflect a declaration under Division 4 of Part 10 of the Water Act, 1989.

To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.

To ensure that development maintains or improves river, marine, coastal and wetland health, waterway protection and floodplain health.

Clause 44.04-8

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *Any local floodplain development plan.*
- *Any comments from the relevant floodplain management authority.*
- *The existing use and development of the land.*
- *Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.*
- *Alternative design or flood proofing responses.*
- *The susceptibility of the development to flooding and flood damage.*
- *The potential flood risk to life, health and safety associated with the development.*
Flood risk factors to consider include:
 - *The frequency, duration, extent, depth and velocity of flooding of the site and accessway.*
 - *The flood warning time available.*
 - *Tidal patterns.*
 - *Coastal inundation and erosion.*
 - *The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.*

ASSESSMENT

The CMA flood mapping for the property which has been overlaid over the site plan and building envelope shows that the enlarged building envelope is outside of the 1/100 year flood area and as such meets the requirements of the overlay.

Figure 1: 1% AEP flood depths (+0.8m Sea Level Rise) - 2008 Port Fairy Regional Flood Investigation

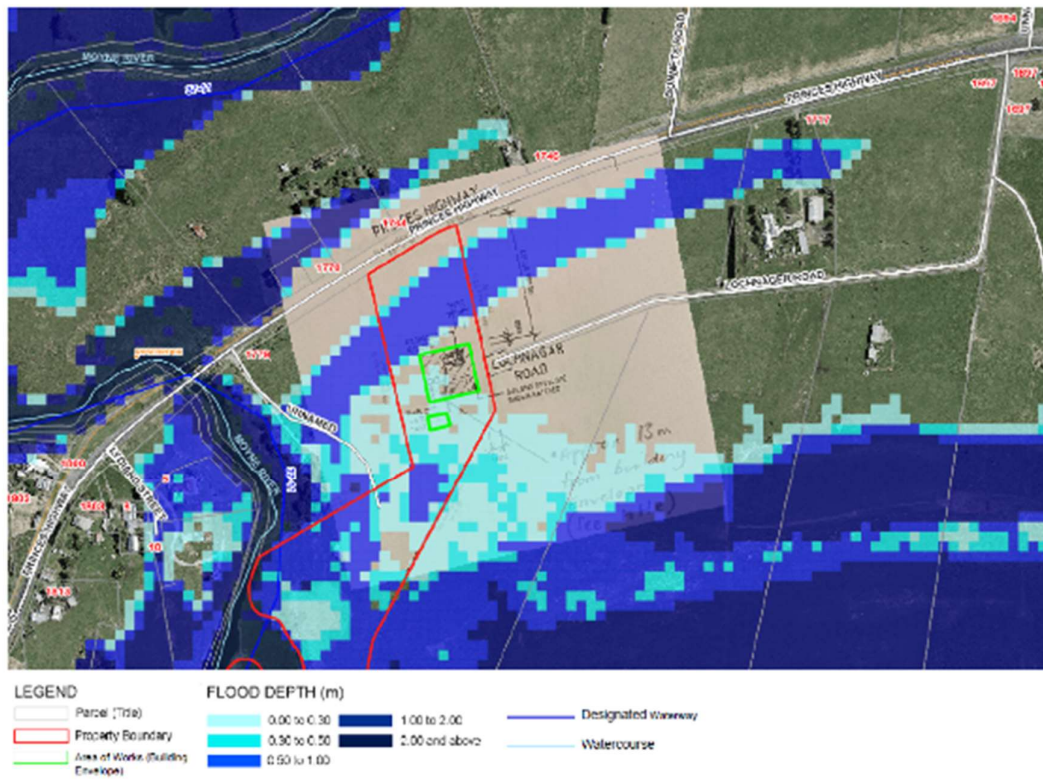
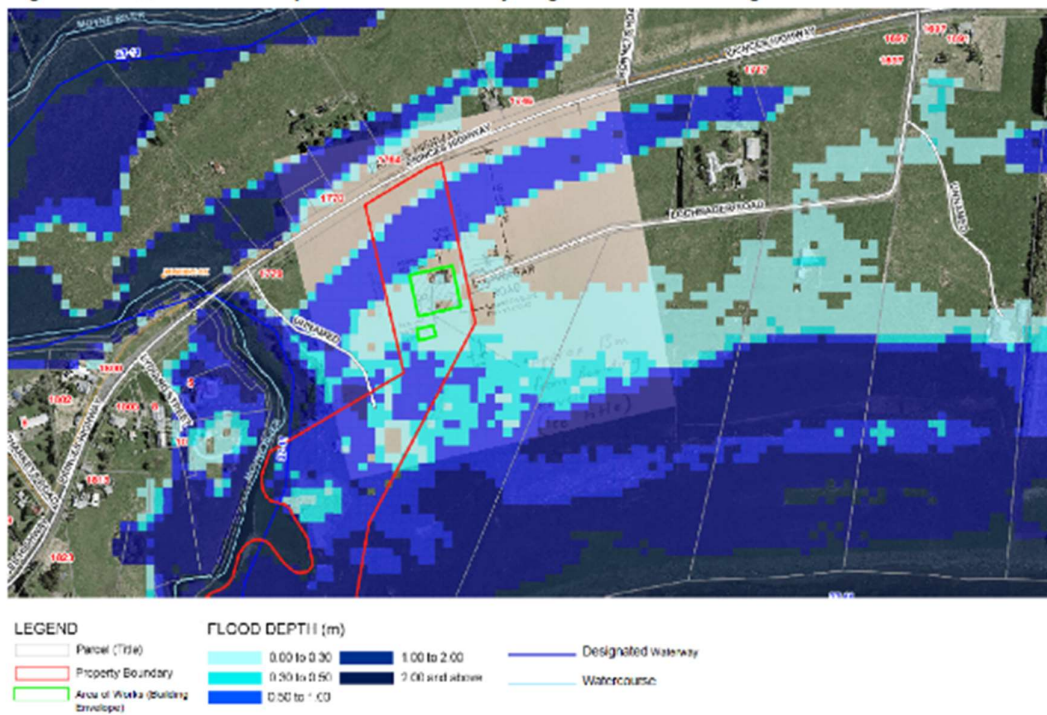
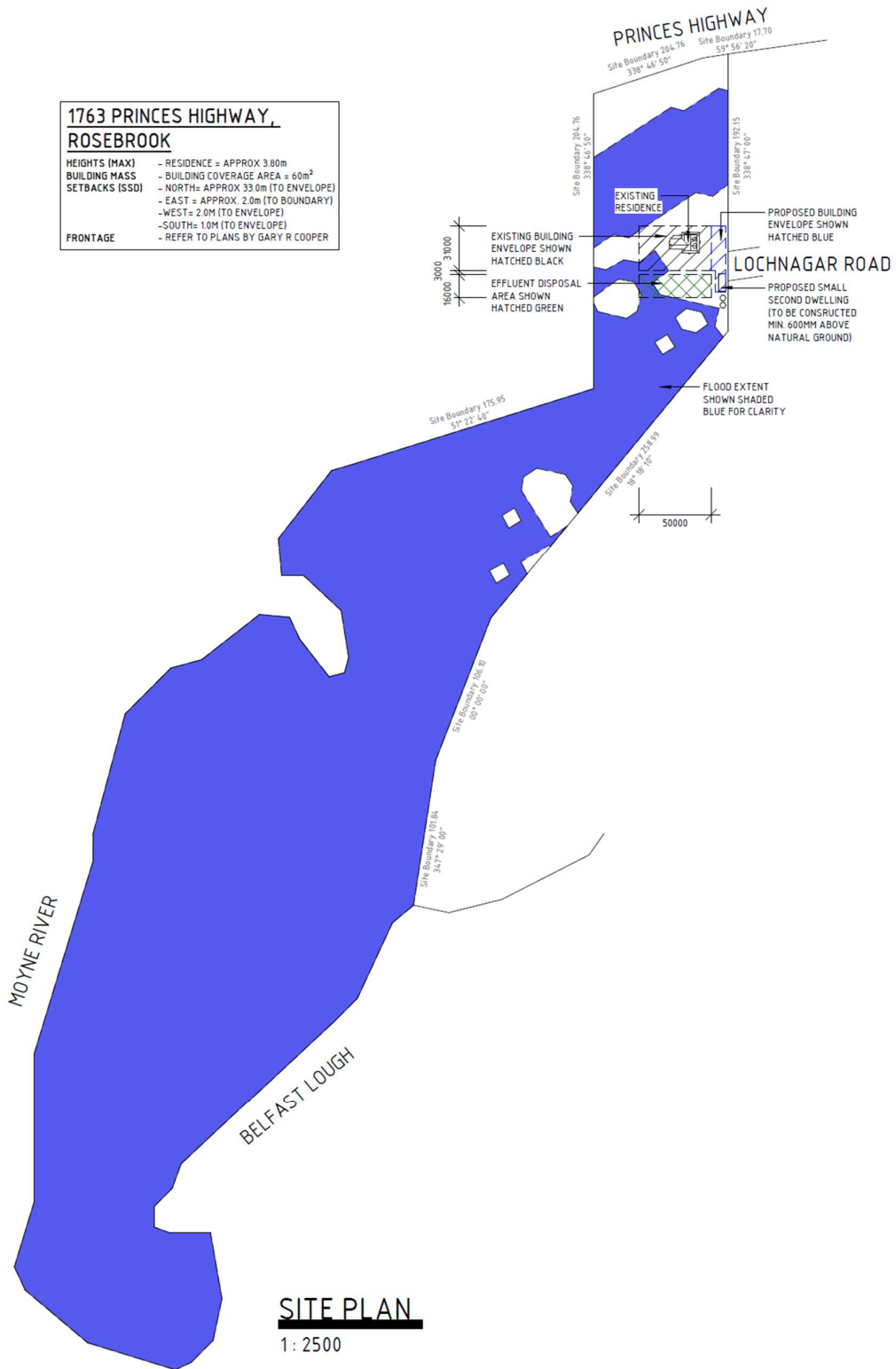


Figure 2: 0.5% AEP flood depths - 2008 Port Fairy Regional Flood Investigation



**1763 PRINCES HIGHWAY,
ROSEBROOK**

HEIGHTS (MAX) - RESIDENCE = APPROX 3.80m
BUILDING MASS - BUILDING COVERAGE AREA = 60m²
SETBACKS (SSD) - NORTH = APPROX 33.0m (TO ENVELOPE)
 - EAST = APPROX 2.0m (TO BOUNDARY)
 - WEST = 2.0M (TO ENVELOPE)
 - SOUTH = 1.0M (TO ENVELOPE)
FRONTAGE - REFER TO PLANS BY GARY R COOPER



MPS ASSESSMENT

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 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.

The Belfast Rural area (also known as the Killarney Area) between Rosebrook and the Tower Hill State Game 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.

ASSESSMENT

As acknowledged in the above clause, the land is suitable for small scale agriculture due to the fertile nature of the volcanic soils in the immediate vicinity.

Clause 02.03-7

Economic development

The economy of the Shire is based on agriculture, manufacturing, tourism and commerce.

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.

ASSESSMENT

The clause acknowledges the importance of agriculture to the economy of the Shire which is not adversely affected by the proposal. The proposal does provide economic benefit derived from additional development and additional self-contained accommodation on a serviced and compatible site.

PPF ASSESSMENT

Clause 13.02

BUSHFIRE

13.02-1S

Bushfire planning

This policy must be applied to all planning and decision making under the Planning and Environment Act 1987 relating to land that is:

- *Within a designated bushfire prone area;*
- *Subject to a Bushfire Management Overlay; or*
- *Proposed to be used or developed in a way that may create a bushfire hazard.*

Objective

To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

ASSESSMENT

There is no Bushfire Management Overlay on the subject land however the site is within an area designated as “Bushfire Prone” which is a lesser risk. The proposed small second dwelling has good all weather road access, good visibility and accessibility and an existing water supply of 45,000l rainwater tank water in conjunction with the main dwelling for firefighting

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.

ASSESSMENT

The proposed second dwelling does not compromise agricultural production as it is alongside the existing dwelling and is a section 1 use in the Farming Zone.

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.

ASSESSMENT

The proposal makes innovative use of land for additional accommodation as intended by the small second dwelling provisions.

14.02-1S

Catchment planning and management

Objective

To assist the protection and restoration of catchments, waterways, estuaries, bays, water bodies, groundwater, and the marine environment.

Strategies

Ensure the continued availability of clean, high-quality drinking water by protecting water catchments and water supply facilities.

Consider the impacts of catchment management on downstream water quality and freshwater, coastal and marine environments.

Retain natural drainage corridors with vegetated buffer zones at least 30 metres wide along each side of a waterway to:

- Maintain the natural drainage function, stream habitat and wildlife corridors and landscape values,*
- Minimise erosion of stream banks and verges, and*
- Reduce polluted surface runoff from adjacent land uses.*

Undertake measures to minimise the quantity and retard the flow of stormwater from developed areas.

Require appropriate measures to filter sediment and wastes from stormwater prior to its discharge into waterways, including the preservation of floodplain or other land for wetlands and retention basins.

Ensure that development at or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their instream uses.

Ensure land use and development minimises nutrient contributions to water bodies and the potential for the development of algal blooms.

Require appropriate measures to restrict sediment discharges from construction sites.

Ensure planning is coordinated with the activities of catchment management authorities.

Ensure that water quality infrastructure is designed to minimise risk of harm to surface waters and groundwater.

ASSESSMENT

The siting of the revised envelope and small second dwelling is outside of the 1/100 year flood area and will be connected to existing services. Stormwater will be managed to Council's satisfaction ideally as a condition of the permit.

Clause 65.01

APPROVAL OF AN APPLICATION OR PLAN

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The matters set out in section 60 of the Act.*
- Any significant effects the environment, including the contamination of land, may have on the use or development.*
- The Municipal Planning Strategy and the Planning Policy Framework.*
- The purpose of the zone, overlay or other provision.*
- Any matter required to be considered in the zone, overlay or other provision.*
- The orderly planning of the area.*
- The effect on the environment, human health and amenity of the area.*
- The proximity of the land to any public land.*
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- The extent and character of native vegetation and the likelihood of its destruction.*
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*

- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*
- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*
- *The impact the use or development will have on the current and future development and operation of the transport system.*

This clause does not apply to a VicSmart application.

ASSESSMENT

The application meets the decision guidelines of Clause 65 as the land is suitable for a small second dwelling which does not affect surrounding land uses or the production of agriculture on the subject land or surrounding properties and has no detrimental environmental impacts and represents orderly planning.

6. CONCLUSION

The variation of restriction has been designed to meet the flooding and environmental constraints of the site and makes prudent use of land as intended by the small second dwelling provisions.

The proposal has been assessed against the provisions of the Farming Zone Schedule 2, ESO1, FO2, LSIO2, SLO5, MPS and PPF and Clause 65 and as such is considered appropriate for approval.