

# Planning Permit Application

Southern Cross Road, Illowa



# Overview

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## Background

Address	Southern Cross Road, Illowa
Lot Description	Lot 2 PS 904523C (Volume 12376 Folio 130)

## Relevant Planning Controls

State Planning Policy Framework	Clause 11 Settlement
	Clause 13 Environmental Risks and Amenity
	Clause 14 Natural Resource Management
	Clause 15 Built Environment and Heritage
	Clause 16 Housing
	Clause 17 Economic Development
	Clause 19 Infrastructure
Local Planning Policy Framework	Clause 21.02 Municipal Overview
	Clause 21.03 Factors Influencing Future Planning and Development
	Clause 21.04 Municipal Vision
	Clause 21.05 Settlement and Housing
	Clause 21.07 Economic Development
	Clause 22.02 Environment
	Clause 22.02-10 Management of Coastal Landscapes
	Clause 22.03-4 Agricultural Production
	Clause 22.03-5 Housing on Lots of Less than the Minimum Area
	Clause 22.03-8 Fire Protection Local Policy
Zone	Farming Zone
Overlays	None applicable
Particular Provisions	Clause 52.09 Extractive Industry and Extractive Industry Interest Areas
	Clause 52.29 Land Adjacent to a Road Zone Category 1
Strategic Planning Documents	None applicable

## Permit Application Details

Description of Proposal	Use and development of land for a dwelling
Permit requirement	Clause 35.07-1: Farming Zone - Use
	Clause 35.07-4: Farming Zone - Buildings and works

**Acknowledgement of Country**

We acknowledge the Traditional Owners of the Country on which this application applies and recognise their continuing connection to land, waters 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.

# Quality assurance

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**Town Planning Report**

Southern Cross Road, Illowa

**Project Number**

22-903

**Revision**

01

**Prepared By**

AP

**Reviewed By**

AP / CM

**Project Lead**

AP / CM

**Issued**

27 October 2022

Revision	Date	Issue
00	27 October 2022	Draft issue to Client
01	20 December 2022	Issue to Council
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# 1 Introduction

## 1.1 Purpose

This report has been prepared by [REDACTED] in support of a planning permit application for the use and development of land for a dwelling at Southern Cross Road, Illowa (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.
- 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 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:

- Certificates of title
- OneMap Site Reports
- Site Photos
- Town Planning Drawings
- Farm Management Plan.

## 1.2 Limitations

This report has considered the following documents:

- Moyne Planning Scheme (as of 29 September 2022);
- Certificate of Titles (dated 23 August 2022);
- Glenelg Hopkins Regional Catchment Strategy 2021-2027.

## 2 Site and surrounds

### 2.1 Site description and title particulars

Site address	Southern Cross Road, Illowa
Title details	Lot 2 PS 904523C (Volume 12376 Folio 130)
Site description	The Site is an irregular shape, comprising two larger areas to the north and south connected via a narrower section of land, with an area of 25.34 hectares
Easements, restrictions or covenants	<p>The Site is not encumbered by easements pursuant the Subdivision Act 1988.</p> <p>The Site is subject to Section 173 Agreement AK551668E, which was registered on the land as a requirement of a previous planning permit for subdivision of the land (PL13/066). The Agreement states that the owners agree that the land will not be further subdivided so as to increase the number of lots.</p>

Refer to Appendix A - Certificate of Title.

### 2.2 Site analysis

The Site has a frontage of approximately 349 metres to Southern Cross Road to the east, a frontage of 210 metres to Bushfield - Tower Hill Road to the south, and a frontage of 1.2 kilometres to the Warrnambool - Port Fairy Rail Trail to the west.

The Site is undulating and rises up from Southern Cross Road towards higher land on the west and north of the Site. The northern portion of the Site is generally flat.

The Site gains access from Southern Cross Road via an existing driveway and crossover. The perimeter of the Site is fenced with farm fencing. The Site has recently been re-fenced to delineate new paddocks associated with the agricultural use of the land. These paddocks range in size from approximately 1.2 hectares to 4.6 hectares.

One paddock has been ploughed and planted with potatoes, towards the Southern Cross frontage of the site. New farm accessways have been constructed on the land. Part of the adjoining rail trail land is leased by the owner and used as farm access to the paddocks.

The Site has been landscaped with new avenue landscaping planted along the main farm access from Southern Cross Road, and along the common boundary with the adjoining land at 209 Southern Cross Road.

A small shipping container has been installed on the land near the existing crossover to Southern Cross Road, to provide for a 'primary produce sales' area to sell the potatoes grown on the Site. Minor earthworks to create a pad site for an agricultural shed (not part of this permit application) have been undertaken towards the western portion of the Site. A small existing dam has also been reinstated for water storage on the site.

Refer to Figure 1 - Aerial Plan.



Figure 1: Aerial Plan

## 2.3 Site context

The Site is located east of Tower Hill, and south of the intersection of Mailors Flat – Koroit Road with Southern Cross Road. The Princes Highway is located approximately 1.3 kilometres to the south of the Site.

The Site and immediate surrounds are used for agricultural pursuits, including grazing and cropping, and dwellings. Land to the east of Southern Cross Road and further south is generally comprised of larger lots used for grazing or cropping.

A cluster of dwellings on a range of lot sizes are located around the Southern Cross Road and Tuddys Lane area, with lot sizes ranging from approximately 4,000 square metres to 10 hectares. Another pocket of dwellings is located on Tower Hill Road to the east, with lot sizes ranging from approximately 1 hectare to 12 hectares. Further to the south west is a cluster of dwellings centred around Settlers Lane.

The Site's key interfaces are as follows:

North	Land immediately to the north comprises an unnamed, unmade road, as shown on title. Land further to the north comprises a dwelling on a lot with an area of approximately 4.9 hectares (known as 247 Southern Cross Road), and Lot 1 PS 719371 which has an area of approximately 30 hectares and is used for agriculture.
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East	<p>191 and 193 Southern Cross Road comprise two small titles with areas of approximately 2,000 square metres, each developed with one dwelling and surrounded by the subject Site.</p> <p>209 Southern Cross Road comprises a lot with an area of 30 hectares, and comprises a dwelling.</p> <p>Land to the east of Southern Cross Road and opposite the Site is used for grazing and cropping.</p>
South	<p>Land to the south of the Site comprises grazing land. The Southern Cross Community Hall is located on the south western corner of Southern Cross Road and Tower Hill Road.</p>
West	<p>Land immediately adjoining the Site to the west comprises the Warrnambool-Port Fairy Rail Trail. Land further to the west at 988 Tower Hill Road comprises a quarry, and is located within the Special Use Zone. Land further to the west comprises larger lots used for dwellings and agriculture.</p>

Refer to Figure 2 - Context Plan, and Appendix B OneMap Site Reports.

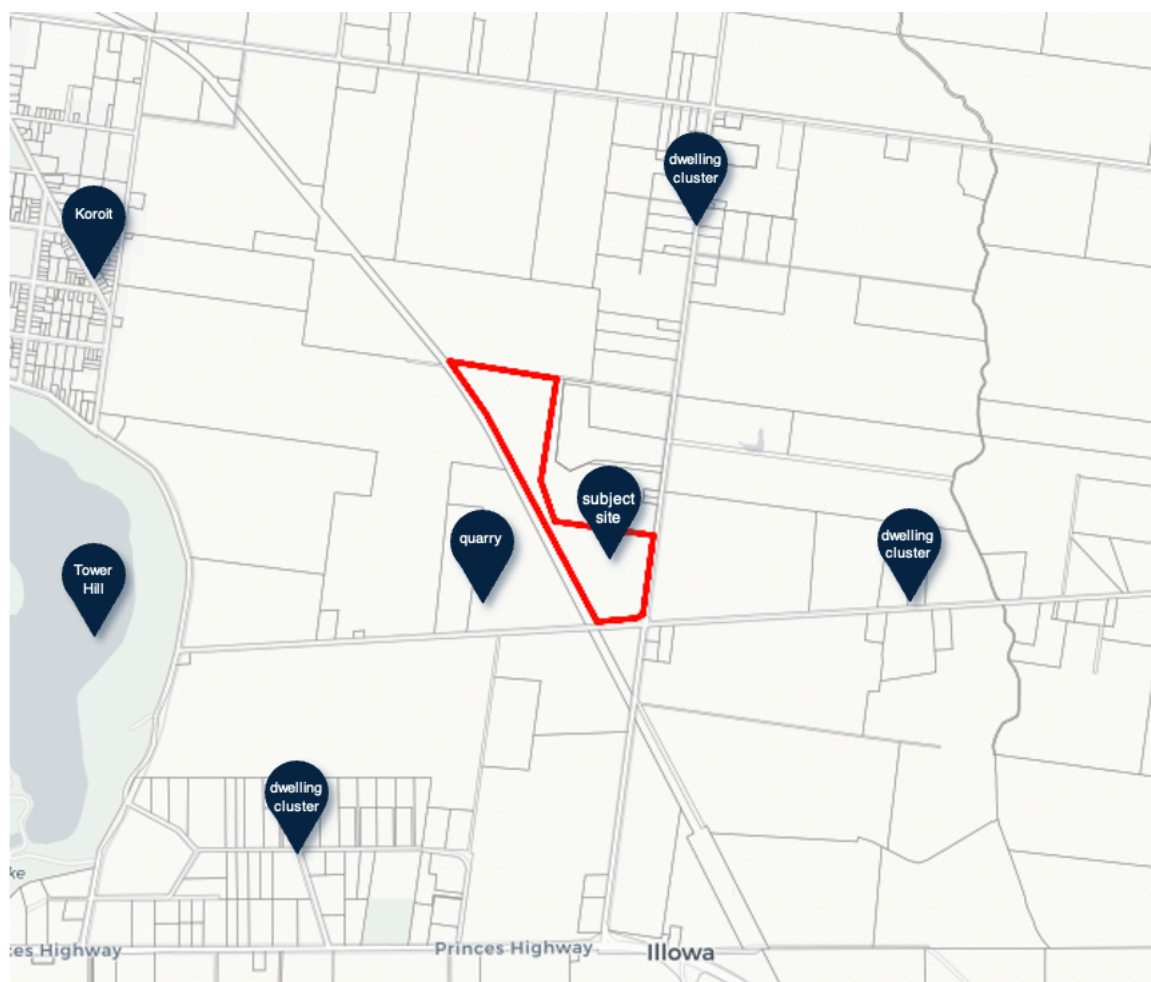


Figure 2: Context Plan

# 3 Proposal

## 3.1 Overview

The proposal seeks planning approval for the use and development of land for a dwelling, and buildings and works associated with primary produce sales. The owners of the land are investing in improving the agricultural qualities of the land and are seeking to construct a dwelling on the land to support their investment in the property.

Refer to Town Planning Drawings (**Appendix D**) for full details of the proposal.

## 3.2 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. A permit is required to use land for a dwelling.
- Clause 35.07-4: Farming Zone - Buildings and works. A permit is required to construct buildings and works for a dwelling (Section 2 Use). A permit is also required to construct buildings within 100 metres of the Transport Zone 2.

## 3.3 Key elements

Key elements of the proposal include:

### Use and development of a dwelling

The proposed dwelling has a floor area of 269 square metres, and is to be located on the western portion of the Site to avoid the flatter and easier to farm parts of the Site. The dwelling is to be setback from the title boundaries as follows:

- 65.9 metres to the nearest northern boundary
- 293.8 metres to Southern Cross Road to the east
- 84.2 metres to the Rail Trail to the west.

The dwelling is single storey, will have a maximum height of 4.957 metres with a 22.5 degree pitched hip roof form with open gables to the façade and a front verandah. The dwelling is to comprise face brick external walls in 'Tribeca', a mixed red tone brick, feature cladding in 'Night Sky' with a Colorbond roof finished in 'Night Sky'. The dwelling will comprise:

- Master bedroom with ensuite and walk in robe;
- Three (3) further bedrooms with built in robes;
- Open plan living area featuring kitchen, living and dining space connected to an outdoor patio by sliding stacker doors
- Bathroom with separate WC;
- Walk in pantry, leading to laundry and additional WC
- Double attached garage.

### Buildings and works associated with primary produce sales

The primary produce sales building comprises a modest building (shipping container) located near the frontage of the Site to Southern Cross Road. The purpose of the building is to provide primary produce sales for the potatoes grown on the land to customers in a farm gate format.

The building is a simple rectangular form clad in a dark grey steel, with a setback of 8.52 metres to the eastern property boundary. The building has dimensions 2.4 metres by 6 metres and has an overall height of 2.5 metres.

Refer to Town Planning Drawings for full details of the proposed buildings and works.

## 4 Planning policies and controls

### 4.1 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 to the Site and the proposal are set out below.

#### Clause 11 Settlement

- **Clause 11.01-1S Settlement** - seeks to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.
- **Clause 11.01-1R Settlement- Great South Coast** - aims to attract more people to the region.
- **Clause 11.03-6S - Regional and local places** - Seeks to facilitate place-based planning.

#### Clause 13 Environmental Risks and Amenity

- **Clause 13.02-1S Bushfire - 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 13.07-1S Land use compatibility** - aims 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** - Seeks to protect the state's agricultural base by preserving productive farmland.
- **Clause 14.01-2S - Sustainable agricultural land use** - Seeks to encourage sustainable agricultural land use.

#### 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 16 Housing

- **Clause 16.01-3S - Rural residential development** - Seeks to identify land suitable for rural residential development.

#### Clause 17 Economic Development

- **Clause 17.01-1S - Diversified economy** - Seeks to strengthen and diversify the economy.
- **Clause 17.01-1R - Diversified economy: Great South Coast** - Seeks to support agriculture as a primary source of economic prosperity and increase the region's contribution to the nation's food production.

#### Clause 19 Infrastructure

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

See **Section 5.2.1** of this report for an assessment of the proposal against the policies of the MSS and LPPF.

### 4.2 Local Planning Policy Framework (LPPF)

The Local Planning Policy Framework (LPPF) sets out local and regional planning policy with a focus on specific areas and issues within Moyne Shire. The Municipal Strategic Statement (MSS) and local policies relevant to the proposal are detailed overleaf.

## Clause 21 Municipal Strategic Statement

- **Clause 21.02 - Municipal Overview** - The Shire is predominantly rural based with a focus on grazing agriculture. The Koroit area developed after the discovery of gold in Victoria. The wealth created between 1860 and 1880 by agricultural production, including potato farming, was a key driver of the economic wealth experienced in Koroit between 1860 and 1880, and continues to be a mainstay of Koroit's economic activity.
- **Clause 21.03 - Factors Influencing Future Planning and Development** - Key factors of relevance to this application include:
  - The municipality relies heavily on agricultural activity as its economic base;
  - The existing agricultural base needs to be preserved in recognition of its strong economic performance;
  - Agricultural areas along the coast, between settlements or on the edge of townships are under pressure from other forms of development, most noticeably housing;
  - Demand for low density residential and rural living lifestyles has the potential to fragment productive agricultural land.
- **Clause 21.04 - Municipal Vision** - Council seeks to:
  - o To maintain and increase employment and to have real values of property increases;
  - o To support and protect the agricultural base of the Shire, recognising the potential of improving primary production, adding value to primary products and diversifying into other industries, in an effort to start new business, employment and increase economic wealth;
  - o To have balanced development and to protect the natural environment.
- **Clause 21.05 - Settlement and Housing** - This Clause seeks to prevent unwarranted alienation and fragmentation of valuable farming land by not supporting rural living and low density residential development, except in areas zoned for those purposes.
- **Clause 21.07 - Economic development: Agriculture** - The Clause emphasises the importance of agriculture to the Shire, and seeks to support and facilitate the development of local employment opportunities by:
  - o Maintaining the status of agriculture as the key element of the economy;
  - o Encouraging innovative farming practices and new products to expand the agricultural sector's role,
  - o Encouraging enterprisers which add value to local produce in appropriate locations.

## Clause 22 Local Planning Policies

- **Clause 22.02-10 - Environment: Management of Coastal Landscapes** - This policy applies to all non-urban land shown on Maps 1 and 2 Moyne Shire Coastal Landscapes Character Types and Areas.
  - The policy seeks to ensure that land use and development responds to the landscape character and identified Preferred Character directions outlined in Clause 21.06.
  - Policy for development in the hinterland locations (between settlements) is listed as a set of 15 dot points, summarised as seeking to reduce adverse visual impact on the landscape, and seeking to conserve and enhance native vegetation.
- **Clause 22.03-4 - Economic Development: Agricultural production** - Council seeks to:
  - Promote agricultural industries which are ecologically sustainable and incorporate best management practices;
  - Prevent land use conflicts between agricultural uses and sensitive uses and ensure that use and development in the municipality is not prejudicial to agricultural industries or the productive capacity of the land;
  - To support, protect and assist in the diversification of agriculture;
  - Ensure that land capability and land suitability will be considered in the assessment of use and development proposals.

Relevant policy includes:

- The traditional rural industries such as milk production, cattle, wool and cropping should be promoted and supported;

- Value adding opportunities and emerging agricultural activities that introduce diversity and productivity improvements should be provided for and encouraged;
  - Effective land management and the integration of economic and environmental needs through sustainable agricultural practices should be promoted;
  - Highly productive agricultural land should be protected from development that may detrimentally affect the amount of land available for viable farming enterprises, while providing opportunities for new and innovative agricultural operations;
  - Innovative and sustainable farming operations should be encouraged;
  - The non-agricultural use and development of high quality agricultural land should be limited.
- **Clause 22.03-5 - Economic Development: Housing on Lots of Less than the Minimum Area** - Council seeks to ensure that the development of houses does not prejudice rural production activities and are appropriately sited.
    - o Intensive farming: The construction of houses on lots greater than 2.0 hectares and less than the minimum specified in the schedule to the zone will be discouraged.
    - o Houses constructed on lots greater than 2.0ha in area will be sited as close as possible to a road.
  - **Clause 22.03-8 - Economic Development: Fire Protection Local Policy** - Council seeks to ensure that land use and development does not increase the level of fire risk.

See **Section 5.2.2** of this report for an assessment of the proposal against the policies of the MSS and LPPF.

### 4.3 Farming Zone

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

- 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.

Pursuant to Clause 35.07-1, a permit is required to use the land for a dwelling. The use of the land for primary produce sales does not require a permit.

A lot used for a dwelling must meet the requirements of Clause 35.07-2.

A permit is required for the buildings and works to construct a dwelling pursuant to Clause 35.07-4. A permit is also required to construct the buildings and works associated with the primary produce sales, as the building is less than 100 metres from Southern Cross Road.

Application requirements for dwellings are listed at Clause 35.07-5.

See Section 5.2.3 for a detailed response to the relevant application requirements and decision guidelines.

### 4.4 Overlays

The Site is not affected by any overlays.

## 4.5 Particular Provisions

### 4.5.1 Clause 52.09 Extractive Industry and Extractive Industry Interest Areas

Clause 52.09 seeks:

- To ensure that use and development of land for extractive industry does not adversely affect the environment or amenity of the area during or after extraction.
- To ensure that excavated areas can be appropriately rehabilitated.
- To ensure that stone resources, which may be required by the community for future use, are protected from inappropriate use and development.

This Clause applies to an application to use or develop land within 500 metres of an existing extractive industry operation. It is noted that the dwelling is located within 500 metres of the existing quarry on the land at 988 Tower Hill Road. No blasting occurs at this quarry.

Pursuant to Clause 52.09-3, an application must be referred under Section 55 of the Act as the proposal is to the use and development of a dwelling (accommodation) in a rural zone 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.

Any referral response received can be taken into consideration by Council as part of the assessment of this application.

### 4.5.2 Clause 52.29 Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road

Clause 52.29 seeks:

- To ensure appropriate access to identified roads.
- To ensure appropriate subdivision of land adjacent to identified roads.

The proposed dwelling utilises an existing access to Southern Cross Road. No permit is required pursuant to Clause 52.29.

## 4.6 Other planning considerations

### 4.6.1 Aboriginal Cultural Heritage Sensitivity

The Site is 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.

Regulation 9 sets out that the 'construction or an extension to one or 2 dwellings on a lot' is an exempt activity. On this basis, a CHMP is not required for the proposed development of a dwelling.

### 4.6.2 Bushfire Prone Area

The Site is wholly within a Bushfire Prone Area. See Appendix B OneMap Site Reports. Relevant construction standards can be managed through a building permit process.

# 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 Planning Policy Framework?
- Is the proposal consistent with the Local Planning Policy Framework?
- Does the proposal appropriately respond to the Farming Zone?

## 5.2 Key considerations

### 5.2.1 Is the proposal consistent with the Planning Policy Framework?

The PPF seeks to protect the State's agricultural land and prevent the permanent loss of agricultural land to inappropriately dispersed urban activities in rural areas. The PPF also seeks to direct housing into existing settlements and discourage the development of isolated small lots in the rural zones from use for dwellings or incompatible uses.

The proposal seeks to support the establishment of a dwelling on the land for the Landowners, who have a long family association with potato growing in the rural areas surrounding Koroit for over 60 years. The Landowners currently lease paddocks around Koroit to grow potatoes, including on the adjacent land at 988 Tower Hill Road. In addition, the Landowners sell their potatoes at a number of roadside stalls including along the Princes Highway (at numbers 626 and 636 Princes Highway), as well as at local markets in Port Fairy and Warrnambool, and in local supermarkets and produce stores when stock allows.

The proposed dwelling seeks to support a genuine farming use of the land, and consolidation of the Landowners farming activities on this parcel of land. The planting of potatoes on the land has commenced, along with significant investment in fencing and landscaping to support further farm improvements. It is intended to utilise a paddock rotation system to support potatoes and sheep to maximise the productivity of the land, as described in the Farm Management Plan (**Appendix E**). The proposed dwelling will support continued investment and the ongoing agricultural use of the land.

The Site is well located in an area which has soil suitable for crop raising and horticulture, as evidenced by the nearby agricultural uses for this purpose. The immediate locality surrounding the Site is not an isolated location where there are no dwellings, rather, dwellings are scattered throughout the area on a range of lot sizes, and used to support similar scale agricultural uses as is proposed in this application. The proposal does not remove land from agricultural production, and instead supports an increase in the use of the land for agricultural purposes (**Clauses 11.01-1S Settlement, Clause 11.01-1R Settlement - Great South Coast, Clause 14.01-1S Protection of agricultural land, Clause 14.01-2S Sustainable agricultural use, Clause 16.01-3S Rural residential development**).

The proposed use and development of a dwelling is consistent with the PPF with regards to protection of agricultural land. Although a small section of the Site will be 'lost' to agricultural production through utilisation as the house paddock, the balance of the land will be available and used for agricultural purposes. In relation to **Clause 14.01-1S**, it is submitted that this Site is not an isolated location and is adjacent to nearby dwellings at 191, 193 and 209 Southern Cross Road, as well as the broader character of land development to the north which includes dwellings on a range of lot sizes to the north and east. The proposal is therefore considered consistent the PPF with regard to **Clauses 14.01-1S Protection of agricultural land, 14.01-2S Sustainable agricultural land use, 16.01-5S Rural Residential Development, 16.01-5R Rural Residential Development - Great South Coast**.

The proposal is considered consistent with **Clause 13.02-1S Bushfire Planning**. The land is within a Bushfire Prone Area, but not within a Bushfire Management Overlay. The proposal does not result in any significant increased bushfire risk, and the dwelling will be provided with water storage for firefighting purposes in accordance with the requirements of the zone.

The dwelling design is modest in scale and will sit comfortably on the Site. The siting has been chosen to respond to the specific needs of the proposed agricultural uses, and allows the flatter paddocks to be maximised for crop raising and horticulture. The dwelling design and materials will complement the rural character of the area and meets the requirements of **Clause 15.01-6S Design for rural areas**.

On balance, the proposal is considered compatible with regards to the PPF.

#### 5.2.2 Is the proposal consistent with the Local Planning Policy Framework?

The MSS and LPPF identifies agriculture as key to the economic base of the Shire and recognises that demand for rural living lifestyles has the potential to fragment productive agricultural land. Local Policy builds on these themes, and also recognises the spectacular landscape character of coastal and hinterland location within the Shire.

The new dwelling has been sited on the least productive portion of the land. The dwelling will be screened from views from Tower Hill by the existing landscaping along the ridgeline, the topography of the Site, and the siting of the dwelling. The dwelling has been set back a substantial distance to Southern Cross Road, to retain the productive lower paddocks of the Site, and will retain the relatively open, pastoral character of the southern portion of the Site, in response to the 'Between settlements - Hinterland Locations' requirements of **Clause 22.02-10**. The proposed dwelling will not result in visual clutter when viewed from the Princes Highway. The proposal is consistent with Local Policy at **Clause 22.02-10 Management of Coastal Landscapes**.

The proposal will support the use of the Site for agricultural purposes, consistent with the objectives sought by the MSS and local policies. The proposal does not remove land from agricultural production, as the dwelling will provide an on-site presence which will result in an increase in the productivity of the land, and will allow the investment into the land to continue and expand. The proposal is not considered to be a rural living scenario, and will instead support a genuine existing business, and a local family with a long association with agricultural production in the Koroit area, which is well supported by the MSS (**Clause 21.02 - Municipal Overview, Clause 21.03 - Factors Influencing Future Planning and Development, Clause 21.04 - Municipal Vision, Clause 21.05 - Settlement and Housing, Clause 21.07 - Economic development: Agriculture, Clause 22.03-4 - Economic Development: Agricultural production**).

The proposal provides a positive response to the relevant Local Planning Policies. The Site benefits from existing landscaping and has recently been planted with new vegetation, which will minimise the visual impact of the dwelling and enhance the qualities of the Site (**Clause 22.02-10 - Environment: Management of Coastal Landscapes**).

**Clause 22.03-5 Housing on Lots of Less than the Minimum Area** seeks to limit the use of valuable farm land for non-productive purposes, and ensure that development of houses does not prejudice rural production activities whilst being appropriately sited. The Policy discourages the construction of houses on lots between 2.0 hectares and the minimum lot size (in this area, 40 hectares). In this instance, the proposed dwelling is associated with the newly established use of the land for crop raising and the keeping of sheep, and will support further investment in this agricultural use. The productivity of the land will be increased by the on-site presence of the owners. The dwelling has been sited to maximise the agricultural productivity on the land. The dwelling is considered to be appropriately sited given the existing paddock layout of the Site, and provides an appropriate response to **Clause 22.03-5**.

The LPPF contains policy at **Clause 22.03-8** to support **Clause 13.02-1S Bushfire planning**. The risk from bushfire associated with the proposal is acceptable. There are no constraints to the adequate provision and maintenance of defensible space, emergency vehicle access, and supply of fire-fighting water.

On this basis, the proposal is considered consistent with the LPPF.



### 5.2.3 Does the proposal appropriately respond to the Farming Zone?

The proposed dwelling is capable of meeting the requirements of Clause 35.07-2 for use of land for a dwelling. Access will be provided via the existing crossover to Southern Cross Road. Waste from the dwelling will be treated and retained on Site in accordance with State Environment Protection Policy (Waters of Victoria) and relevant permits from Council. The dwelling will be provided with an alternative potable water supply with storage for domestic and firefighting uses and will either be connected to reticulated electricity or utilise an alternative energy source. Conditions to this effect are invited on any permit issued.

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

Clause 35.07-6 Decision Guidelines	Response
<b>General issues</b>	
The Municipal Planning Strategy and the Planning Policy Framework	<p>The Municipal Planning Strategy (MPS) (currently in the format of the Municipal Strategic Statement and the Local Planning Policies) and the Planning Policy Framework (PPF) have been considered in this report.</p> <p>Please see <b>Sections 5.2.1</b> and <b>5.2.2</b>.</p>
Any Regional Catchment Strategy and associated plan applying to the land.	<p>The Glenelg Hopkins Regional Catchment Strategy (RCS) 2021-2027 applies.</p> <p>The Strategy does not contain any objectives specifically related to the Site, and there is no associated plan applying specifically to the Site.</p>
The capability of the land to accommodate the proposed use or development, including the disposal of effluent.	<p>There is sufficient area within the house paddock to treat wastewater onsite.</p> <p>The land is capable of supporting the agricultural uses proposed.</p>
How the use or development relates to sustainable land management.	The proposal will support an increase in the use of the land for crop raising and the keeping of sheep, as outlined in the Farm Management Plan.
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 currently used for agricultural purposes including crop raising. The proposed dwelling will complement this use and provide for increased economic investment in the land.
How the use and development makes use of existing infrastructure and services.	The dwelling will utilise the existing crossover provided to the Site, and existing internal vehicle access tracks. The existing fencing and landscaping will continue to be utilised in association with the agricultural use of the land.
<b>Agricultural issues and the impacts from non-agricultural uses</b>	
Whether the use or development will support and enhance agricultural production.	The proposed dwelling will support and enhance the agricultural productivity of the Site. As outlined in the Farm Management Plan, the dwelling will allow increased investment in the land through the cultivation of potatoes and keeping of sheep.
Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.	The dwelling will not permanently remove land from agricultural production, instead it will support the continued agricultural use of the land.

Clause 35.07-6 Decision Guidelines	Response
The potential for the use or development to limit the operation and expansion of adjoining nearby agricultural uses.	The siting of the dwelling is not likely to limit the operation and expansion of adjoining agricultural uses, given the siting of the dwelling proposed.
The capacity of the site to sustain the agricultural use.	The Site has capacity to sustain the ongoing use of the land for crop raising and the keeping of sheep, as evidenced by the existing use of the land for this purpose.
The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.	The Site has appropriate soil quality for the crop raising use, as demonstrated by the existing cultivation of the land for this purpose.
Any integrated land management plan prepared for the site.	A Farm Management Plan has been prepared, refer <b>Appendix E</b> .
<b>Accommodation issues</b>	
Whether the dwelling will result in the loss or fragmentation of productive agricultural land.	The dwelling will not permanently remove land from agricultural production, instead it will support the continued agricultural use of the land for crop raising and the keeping of sheep.
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.	The dwelling will be buffered from the agricultural activities on adjoining land by the existing landscaping and the setbacks to property boundaries proposed.
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 locality has an existing character of dwellings, including dwellings clustered around the Southern Cross settlement. This application is unlikely to lead to a concentration or proliferation of dwellings in the area. Applications for dwellings must be assessed on their merit.
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.	The existing quarry at 988 Tower Hill Road does not utilise blasting techniques for extraction. In addition, the quarry extraction area is screened from the proposed dwelling Site by the existing established landscaping on the quarry site, and the topography of the interface of the sites with the Rail Trail. The Landowners have a practical understanding of the quarry operations as they lease land for crop raising within the quarry site. Any conditions requested by Department of Jobs, Precincts and Regions (DJPR) can be included on any permit issued.

### 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 proposal is unlikely to detrimentally impact any nearby waterways or impact on water quality. Soil improvement will be undertaken as required to support the use of the land.

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

The proposed dwelling will support continued maintenance and improvement of planted vegetation on the land.

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 wastewater generated by the dwelling will be managed in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970. There is sufficient area on the Site to dispose of effluent.

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 dwelling is to be located in the western portion of the Site, nearby to a future agricultural shed and in a less productive part of the site. This will result in a clustering of buildings which will retain the balance of the land for the crop raising and sheep keeping use.

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 building design is modest and will be appropriately located within the Site. Colours and materials will be muted and non-reflective. The dwelling will be setback ample distance from the nearby roadsides and adjoining properties by the existing vegetation on the land. The visual impact when viewed from the road will be acceptable.

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

There are no identified areas or features of archaeological, historic or scientific significance or of natural scenic beauty or importance which would be affected by the proposal.

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

The existing and proposed infrastructure will be appropriate to the rural character of the area.

Whether the use and development will require traffic management measures.

Traffic management measures are unlikely to be required.

## 6 Conclusion

This report has described the proposal for the use and development of the land at Southern Cross Road, Illowa, 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, including the provisions of the Farming Zone. 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.



**December 2022**

# Appendices

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Appendix A	Certificate of Title
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Appendix B	OneMap Site Reports
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Appendix C	Site Photos
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Appendix D	Town Planning Drawings
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Appendix E	Farm Management Plan
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## Appendix A      Certificate of Title

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## Appendix B      OneMap Site Report

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## Appendix C      Site Photos

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## Appendix D      Town Planning Drawings

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## Appendix E      Farm Management Plan

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