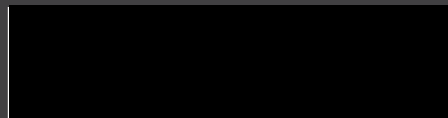


# Planning Permit Application

Childers Cove Road, Mepunga East

Issued  
December 2023



# Overview

## Background

Address	Childers Cove Road, Mepunga East
Lot Description	Lot 1 and 2 TP 534126

## 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 12 Environment and Landscape Values Clause 13 Environmental Risks and Amenity Clause 14 Natural Resource Management Clause 15 Built Environment and Heritage Clause 17 Economic Development Clause 19 Infrastructure
Zone	Farming Zone
Overlays	None applicable
Particular Provisions	None applicable
Strategic Planning Documents	None applicable
<b>Permit Application Details</b>	
Description of Proposal	Two-lot subdivision (re-subdivision)
Permit requirement	Clause 35.07-3: Farming Zone - Subdivision

## 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 of pro bono basis.

# Quality assurance

**Town Planning Report**

Childers Cove Road, Mepunga  
East

**Project Number**

23-1097

**Revision**

02

**Prepared By****Project Lead****Issued**

December 2023

Revision	Date	Issue
00	19 May 2023	Draft issued to client
01	29 May 2023	Lodgement to Council
02	21 December 2023	Re-issue to Council (Amended Application)



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# 1. Introduction

## 1.1. Purpose

This report has been prepared by [REDACTED] in support of a planning permit application for a two-lot subdivision (re-subdivision) at Childers Cove Road, Mepunga East, (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 35.07-3: Farming Zone - Subdivision

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:

- Certificate of Title
- OneMap Site Report
- Proposed Plan of Subdivision.

## 1.2. Limitations

This report has considered the following documents:

- Moyne Planning Scheme (as of VC253 on 14 December 2023);
- Certificate of Titles (dated 4 May 2023 ).

## 2. Site and surrounds

### 2.1. Site description and title particulars

Site address	Childers Cove Road, Mepunga East
Title details	Lot 1 and 2 TP 534126 (Volume 07438 Folio 409)
Site description	The Site is irregular in shape and has an area of approximately 51.6 hectares. The Site comprises a frontage of approximately 790 metres to Childers Cove Road to the west, and 424 metres to Kings Road to the south.
Easements, restrictions or covenants	The site is not encumbered by any easements, restrictions, covenants or agreements 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 comprises two lots, Lot 1 which comprises a narrow rectangular shape across the northern part of the Site, and Lot 2, which comprises the balance land.

The Site is located on the north-eastern corner of Childers Cove Road and Kings Road, Mepunga East. The Site comprises part of larger farm of over 200 hectares, located generally on the adjoining land to the north and east, and used as a dairy farm for approximating 450 head of milking cows. The main farm dwelling, as well as the dairy buildings and other farm buildings, are located at 240 Mepunga East School Road, to the east. The farm is operated by the landowners, as well as four staff, all of who currently live in Warrnambool, including the farm manager, who lives in a house provided by the landowners (in Warrnambool).

The land is gently undulating and comprises paddocks and pasture associated with the use of the land as a dairy farm. Internal fencing, water troughs, farm access tracks, and some patches of planted vegetation are location on the Subject Site, including part way along the frontage to Childers Cove Road. A low-lying area and basin, which drains to a lower point and dam on the adjoining land to the east, is located on the Subject Site.

In the southwest corner of the Subject Site is a dwelling currently under construction, with access via Kings Road. A building permit has been issued and the dwelling is currently under construction.

Refer to Figure 1 - Aerial Plan and Figure 2 - Whole Farm Plan.



Figure 1: Aerial Plan

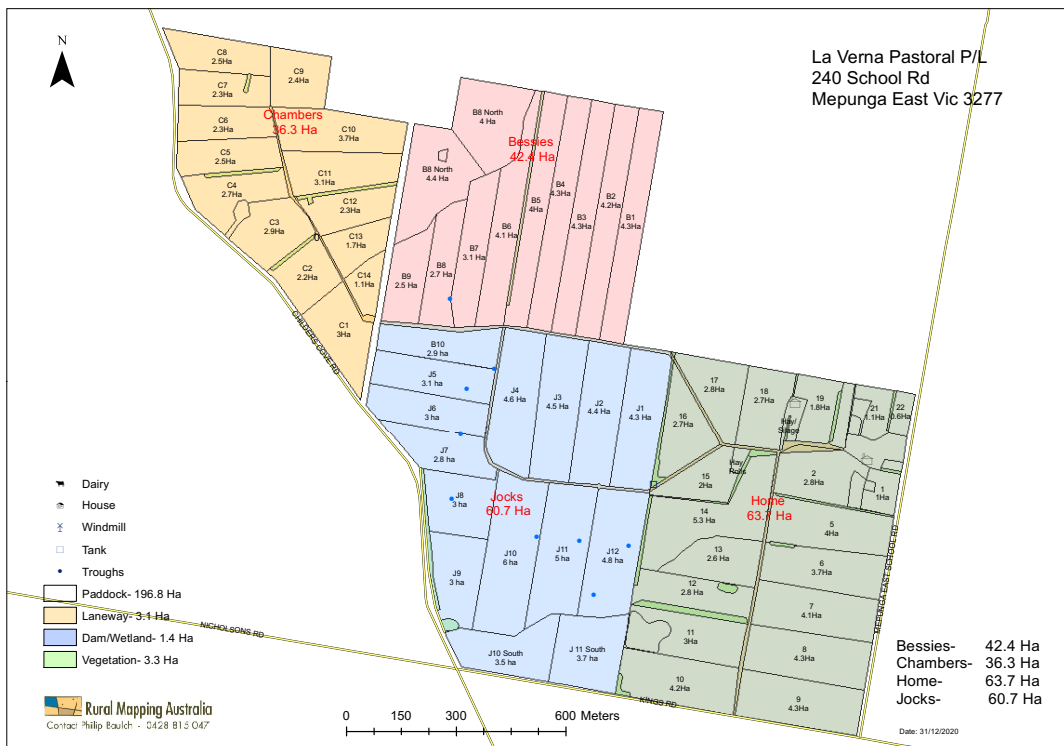


Figure 2: Whole Farm Plan

## 2.3. Site Context

The Site is located approximately 10 kilometres south west of Allansford and 16 kilometres south west of Warrnambool.

The Site is in an area of high agricultural production, particularly centred around dairying. The character of the surrounding land includes large farm holdings, and dwellings scattered in a low density throughout the area, typically on small lots, but associated with surrounding farming uses.

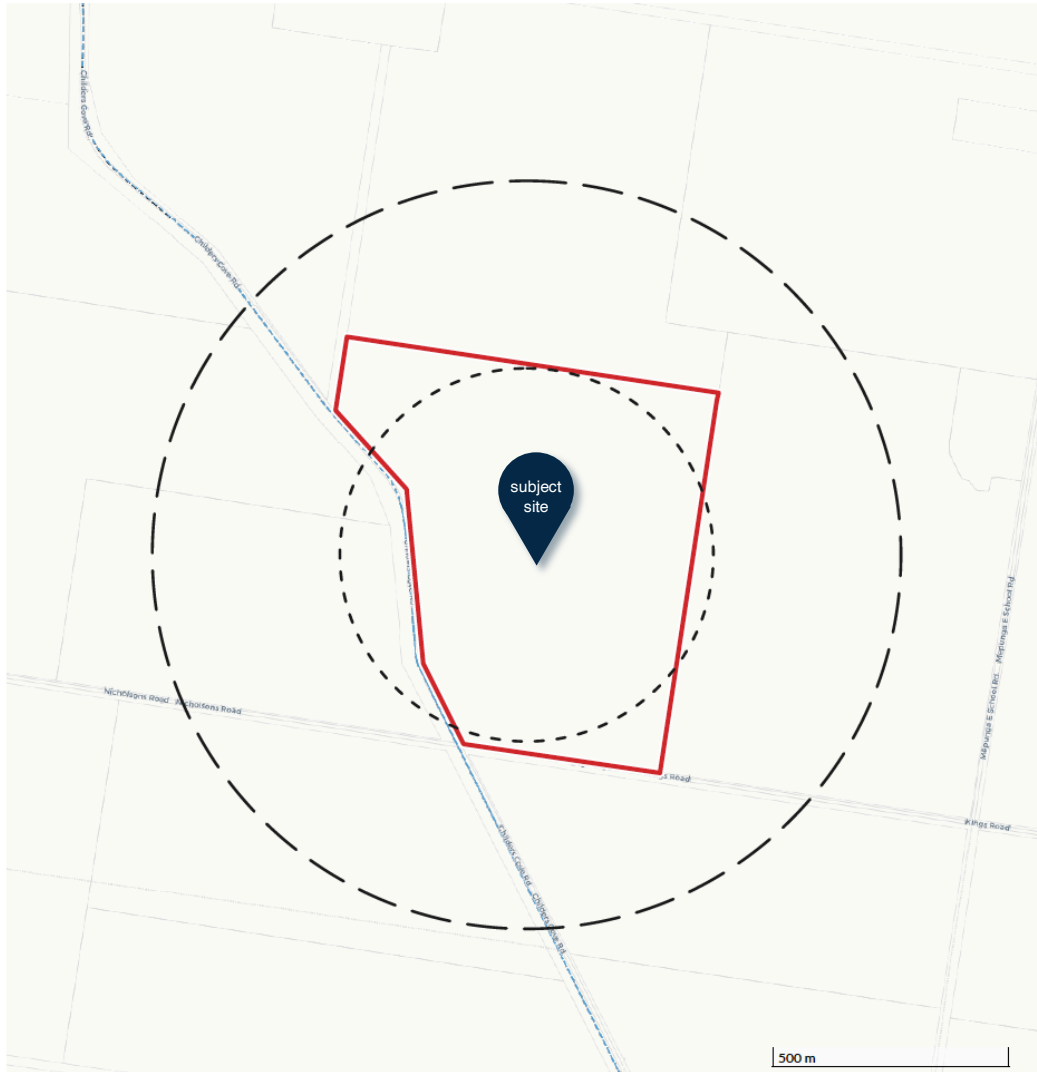
The Site's key interfaces are as follows:

North	Lot 1 LP3241, comprising an area of approximately 51 hectares and forming part of the same farm, known as 'Bessies'.
East	Lot 1 and 2 PS616886, comprising an area of approximately 64 hectares and forming part of the same farm, known as 'Home'. The existing older farm dwelling is located on this land.
North West	North west of an existing road reserve is Lot 1 TP749644, comprising an area of approximately 35 hectares and forming part of the same farm, known as 'Chambers'. This land is currently under lease, with the lessee being the owner's immediate family member.
West	To the west is the road reserve of Childers Cove Road. Further west is land used for dairy farming.

Refer to Figure 2 - Context Plan.







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**LEGEND**

- SITE BOUNDARY
- 400M RADIUS
- 800M RADIUS

**LAND USE**

- RETAIL
- MIXED USE
- OFFICE / COMMERCIAL
- INDUSTRIAL
- EDUCATION
- OPEN SPACE

**TRANSPORT**

- TRAIN STATIONS
- TRAM STOPS
- SMARTBUS STOPS
- BUS STOPS
- TRAIN LINES
- TRAM ROUTES
- SMARTBUS ROUTES
- BUS ROUTES

Figure 3: Context Plan



## 3. Proposal

### 3.1. Overview

The proposal seeks planning approval two-lot subdivision (re-subdivision) of the land to locate the existing dwelling (under construction) on a separate title, consistent with modern day farming practice. To facilitate this, the existing title boundaries of the Site are to be re-aligned, rather than creating any additional lots.

The new dwelling is being constructed for the owners to live in, to allow the farm manager (one of four employees) to move into the existing dwelling on the land (currently occupied by the landowners). The farm manager currently lives in Warrnambool, in a house supplied by the landowners, on the proviso that he can eventually move onto the farm within 2-3 years. The farm manager travels to Site every day, which is unsustainable for ease of management of the farm, and impacts on the time the manager has available to spend with his family. The landowners wish to utilise the existing dwelling to provide the on-farm residence for the manager, whilst also building a new house, to support their long-term farm structure planning, which sees the landowners intending to live and work on the property for the next 30 years.

Based on the current lot size, the dwelling is being constructed without a planning permit. This application seeks to limit the proliferation of dwellings from the two-lot subdivision as the landowners are willing to enter into an Agreement pursuant to Section 173 of the *Planning and Environment Act 1987*, to provide for:

- No further subdivision of the land subject to this application to create any additional lots;
- No further dwelling may be constructed on Proposed Lot 2.

Refer to enclosed Proposed Plan of Subdivision 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 35.07-3: Farming Zone - Subdivision

### 3.3. Key elements

The proposal seeks to re-subdivide the two existing titles, as follows:

- Lot 1 is to comprise an area of 2.03 hectares, be generally square in shape, and is to contain the existing Dwelling (under construction). Access is to be via a crossover to Kings Road to the south.
- Lot 2 is to comprise the balance farm land an area of 57.72 hectares.

Refer to **Appendix D** Proposed Plan of Subdivision for full details of proposal.



## 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:
  - o 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.

The priority aspirations for each of the above themes include a commitment to (as relevant):

- o Have access to housing that suits our budget, the size of our family and lifestyle needs.
- o Set the standard for sustainable farming practices.
- Clause 02.03 **Strategic directions:**
  - o 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. Relevant strategic directions include:
    - Ensure land use and development responds to fire risk.
  - o 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. Relevant strategic directions include:
    - Prevent land use conflicts between agricultural uses and sensitive uses.
    - Limit the use of productive agricultural land for non-productive agricultural purposes.
    - Restrict the rural residential use of productive agricultural land.
  - o 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.
    - Encourage consolidation of rural land holdings to increase the viability and sustainability of agriculture.
    - 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 4: Moyne Strategic Framework Plan

An assessment of the proposal against the policies of the MPS is contained within **Section 5.2.1** of this report.

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

### Clause 11 Settlement

- 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 11.01-1R **Settlement - Great South Coast**: Seeks to attract more people to the region.
- Clause 11.03-6S **Regional and local places**: Aims to facilitate integrated place-based planning.

### Clause 13 Environmental Risks and Amenity

- Clause 13.02-1S **Bushfire planning**: Aims to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

### 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 14.01-1L **Agricultural production**: Aims 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.
- Clause 14.02-1S **Catchment planning and management**: Seeks to assist the protection and restoration of catchments, waterways, estuaries, bays, water bodies, groundwater, and the marine environment.

### 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 agriculture and rural production.

#### **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.

An assessment of the proposal against the policies of the PPF is contained within **Section 5.2.1** of this report.

### 4.3. Farming Zone

The Site is located within the Farming Zone (Clause 35.07). The purpose 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 35.07-3, a permit is required subdivide land. Each lot must meet the area specified in the Schedule to the Zone (40 hectares). A permit may be granted to create smaller lots pursuant to dot point two which states:

- The subdivision is the re-subdivision of existing lots and the number of lots is not increased.

Decision guidelines are listed at Clause 35.07-6. See **Section 5.2.2** for a detailed response to the relevant decision guidelines and an assessment pursuant to the Farming Zone.

### 4.4. Overlays

The Site is not located within any Overlays.

Refer to **Appendix B** - OneMap Site Report.

### 4.5. Particular Provisions

There are no particular provisions relevant to the assessment of this application.

### 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.

Regulation 49 sets out that the subdivision of land into 3 or more lots is a high impact activity if the requirements of the Regulation are met. The proposed subdivision comprises a two lot subdivision, which does not constitute a high impact activity. On this basis, a CHMP is not required for the proposed subdivision.



# 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 (PPF) and Local Planning Policy Framework (LPPF)?

The proposal seeks realign the two existing titles, to relocate the existing small title to create a small lot around the existing dwelling (under construction). The proposal will allow the dwelling asset to be located on a small title, which will allow for future planning for the farm, whilst also maximising the land available for agriculture production.

Broadly, the Moyne Planning Scheme seeks to protect the agricultural productivity of the Shire, and discourage development and subdivision which is not compatible with, or which may compromise, the use of the land for farming or primary production. The MSS and LPPF provides guidance for applications for subdivisions in rural areas, seeking to ensure the traditional rural industries are supported and protected (Clause 02.03-4 **Natural resource management**, Clause 02.03-7 **Economic development**).

The proposed realignment of titles, will support the existing agricultural use of the land for a dairy farm, comprising a substantial landholding in this area of the Shire. The subdivision seeks to retain the productive parts of the land within one parcel, whilst limiting the loss of agricultural land to the area surrounding the existing dwelling (under construction).

Significantly, the landowners are willing to enter into a Section 173 Agreement, to facilitate the 'transferring' of the dwelling entitlement onto the smaller lot, and therefore protect Proposed Lot 2 from being developed for any further dwellings, or further subdivided to create additional lots in the future. In turn, this will protect the balance of the land as a productive lot able to be used for agriculture.

When considered on balance having regard to the Moyne Planning Scheme, this proposal supports the policy objectives of the PPF and LPPF. The proposed dwelling will allow the landowners, and their family, to continue to farm the land, and reside in a purpose-built family home, whilst also allowing their farm manager to make use of the existing dwelling on the farm. The retention of population and employment within the rural areas of the Shire, and especially within dairy land, is a key theme of Clause 11 **Settlement** and the MSS (Clause 11.01-1S **Settlement**, Clause 11.01-1R **Settlement - Great South Coast**).

The proposal is consistent with Clause 13.02-1S **Bushfire Planning**. The land is within a Bushfire Prone Area, but is not within the Bushfire Management Overlay. The proposed subdivision does not result in any significant increased bushfire risk.

The proposed dwelling directly supports the use of the land for a dairy farm and does not diminish the long-term productive capacity of the land. The realignment of titles will support the genuine farming enterprise occurring on this land and the surrounding land.

A detailed assessment against the Local Policy at Clause 14.01-1L **Agricultural Production** is provided below, which demonstrates the proposal, when considered on balance, provides an appropriate response to the relevant strategies and policies of this Clause.

Clause 14.01-1L Strategies

Response

Establish buffers around uses that may conflict with agricultural land use to limit land use conflicts.	The proposed title boundary has been located to provide ample area around the dwelling (under construction) to provide for a buffer between the agricultural use and the dwelling. Landscaping can be undertaken within this area, as required, to further mitigate any potential impacts.
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Discourage small lot subdivisions (including dwelling excisions and boundary re-alignments) unless:	Notwithstanding the discouragement of small lot subdivisions, the following assessment is noted:
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- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>- The subdivision supports the consolidation of productive agricultural land.</li> </ul>  | The subdivision supports consolidation of the productive agricultural land into the balance lot, and the owners are willing to enter into a Section 173 Agreement to limit further fragmentation of this lot.  |
| <ul style="list-style-type: none"> <li>- The proposed land uses (including dwellings) do not negatively impact on the ability to farm and avoid the loss of productive agricultural land.</li> </ul> | No additional land uses are proposed.  |
| <ul style="list-style-type: none"> <li>- Impacts on significant environmental and landscape features such as remnant vegetation and waterways are avoided or minimised.</li> </ul>                   | No adverse impacts to environmental or landscape features have been identified.  |
| <ul style="list-style-type: none"> <li>- Adequate distance is provided around an existing dwelling to lot boundaries to limit any impacts of adjacent agricultural activity.</li> </ul>              | Complies, the proposed title boundary has been located to provide ample area around the dwelling (under construction) to provide for a buffer between the agricultural use and the dwelling. Landscaping can be undertaken within this area, as required, to further mitigate any potential impacts. |
| <ul style="list-style-type: none"> <li>- The subdivision does not result in a concentration of dwellings or small lots that could change the general use and character of the rural area.</li> </ul> | Complies. The proposal will not result in a concentration of dwellings in this area. The character of the area will remain agricultural.   |

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Avoid further subdivision to excise additional dwellings where a dwelling has already been excised from the parent lot.	Complies. No dwelling has been excised from this parent lot. In addition, the Section 173 Agreement proposed will limit any future subdivision.
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Discourage boundary realignments and re-subdivisions between existing lots where the lots proposed to be created:	Notwithstanding the discouragement of re-subdivisions, the following assessment is provided:
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- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>- Are less than the minimum lot size specified in the schedule to the Farming Zone;</li> </ul> | Partly complies. One lot will be less than the minimum lot size, although this will maintain the existing conditions where there is one lot size smaller than the minimum. The balance lot is greater than the minimum lot size. |
| <ul style="list-style-type: none"> <li>- Create an opportunity for a dwelling where none previously existed; or</li> </ul>            | Complies. The proposal seeks to remove the additional opportunity for a dwelling which would be created by the subdivision as the owner is willing to enter into a Section 173 Agreement to limit a future                       |



dwelling on the balance land. This will maintain the status quo in relation to the number of dwellings the land could be used for.

- Rely on land which was previously a road reserve, utility lot or Crown land, or was of insufficient size to support a dwelling. Complies. The proposal does not rely on any such land.

Clause 14.01-1L Policy guidelines	Response
Consider as relevant:	
- Ensuring lots subdivided to excise an existing dwelling have a maximum size of 2 hectares and the balance (remaining) lot is greater than the minimum lot size specified in the schedule to the zone.	Generally, complies. The balance lot is greater than the minimum lot size, and the proposed small lot is 2.03 hectares which is considered to meet the intent of this policy guideline.
- Discouraging the construction of dwellings on lots greater than 2 hectares and less than the minimum lot size specified in the schedule to the Farming Zone.	Complies. This can be implemented by the Section 173 Agreement as proposed.
- Ensuring dwellings excised under the provisions of Clause 35.07-3 are in a habitable condition and comply with the Building Code of Australia.	The proposal is not a true house lot excision, however, for the sake of completeness, it is noted the dwelling on the small lot is currently under construction.
- Discouraging the excision of dwellings that did not exist at the date of approval of this scheme (6 January 2000).	Does not comply, however it is noted that the proposal is not a true house lot excision, nor is the house lot excision dot point of Clause 35.07-3 being relied upon. Rather, the proposal is a re-subdivision, and so strict accordance with this guideline is not considered warranted.
- Requiring the planting of vegetation within an excised lot to reduce any potential impacts of adjacent agricultural activity.	Additional landscaping can be provided in the proposed small lot, as required.

In general, and when considered on balance, the proposal is deemed to comply with the PPF (Principal Planning Framework) and MPS (Municipal Planning Strategy) of the Moyne Planning Scheme.

### 5.2.2. [Does the proposal appropriately respond to the Farming Zone?](#)

A response to the purposes of the Farming Zone is provided below:

Clause 35.07-6 Decision Guidelines	Response
<b>Purpose</b>	





Clause 35.07-6 Decision Guidelines	Response
To implement the Municipal Planning Strategy and the Planning Policy Framework.	The proposal is considered to implement the MPS and PPF. Refer to detailed assessment in <b>Section 5.2.1</b> of this report.
To provide for the use of land for agriculture.	The proposal will continue to provide for the use of land for agriculture, and no change to existing uses is proposed.
To encourage the retention of productive agricultural land	The proposal retains the balance of the land as a farming parcel. A Section 173 Agreement is proposed to limit the ability of Lot 2 to be developed for a dwelling, or further subdivided to create additional lots, in the future.
To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.	The proposed title boundary has been located to provide ample area around the dwelling (under construction) to provide for a buffer between the agricultural use and the dwelling. Landscaping can be undertaken within this area, as required, to further mitigate any potential impacts.
To encourage the retention of employment and population to support rural communities.	The proposal will support the retention of the employment of the farm manager on site, as well as the landowner. The proposal also supports the retention of population in this rural area.
To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.	The proposed subdivision seeks to support ongoing use of the land in association with dairy farming. No change to existing land management practices is proposed. All existing farm infrastructure is to be retained.
To provide for the use and development of land for the specific purposes identified in a schedule to this zone.	Not applicable to this application.

On balance, the proposal is considered to respond appropriately to the purposes of the Farming Zone.

The following assessment is provided in response to the relevant decision guidelines listed in Clause 35.07-6.

Decision guideline	Response
<b>General issues</b>	
The Municipal Planning Strategy and the Planning Policy Framework.	The proposal is considered to implement the MSS, LPPF, and PPF. Refer to detailed assessment 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 2021-2027 contains general objectives and management measures regarding the role of landowners in caring for and managing the environmental qualities of the land.  The strategy does not contain any objectives, nor any associated plan, specifically related to the Site.
The capability of the land to accommodate the proposed use or development, including the disposal of effluent.	Lot 1 is of a sufficient area to contain the existing dwelling (under construction) and associated effluent disposal system.



Decision guideline	Response
How the use or development relates to sustainable land management.	The proposal supports sustainable land management through the prioritisation and protection of Lot 2 for agricultural purposes. The proposal also supports the ongoing use of the land as a productive dairy farm.
Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby uses.	The Site is suitable for the subdivision, and the proposal is consistent with the nearby and adjoining land uses for dairy farming.
How the use and development makes use of existing infrastructure and services.	The proposal will retain all existing infrastructure on the land in association with the agricultural use.
<b>Agricultural issues and the impacts from non-agricultural uses</b>	
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 current agricultural uses occurring on the land will not substantially change as part of this application. The balance lot will continue to be used for dairy farming, in association with the adjoining land holdings. It is acknowledged that some land will be removed from agricultural production, primarily the land surrounding the dwelling (under construction). When balanced against the protection offered for Lot 2 by way of Section 173 Agreement, this is considered a reasonable loss in this instance.
The capacity of the site to sustain the agricultural use.	The current land uses will continue to be sustained on the land, noting this occurs in association with the adjoining land holdings.
The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.	The site has suitable agricultural qualities to sustain the agricultural use, which will remain largely unaffected by the proposal.
Any integrated land management plan prepared for the site.	No such plan has been prepared for the land.
<b>Environmental issues</b>	
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 proposal is unlikely to impact on soil and water quality, and is not expected to cause any adverse impacts on the natural features of the site. No flora or fauna is anticipated to be affected by the proposal.

On balance, the proposal provides an appropriate response to the provisions of the Farming Zone.



## 6. Conclusion

The proposal has been considered against the Farming Zone and relevant policies within the PPF and LPPF of the Moyne Planning Scheme. As demonstrated within the report, on balance, the proposal is considered to be consistent and in accordance with the purpose and objectives of the relevant planning controls and policy framework.

The proposal is considered to provide a net community benefit as follows:

- The proposal supports the ongoing retention of population within a key dairy area.
- The protection of agricultural land can be implemented through the Section 173 Agreement being offered by the landowners.

It is recommended that a planning permit be granted, and we look forward to working with Council during the assessment of the application.

████████████████████

**December 2023**



# Appendices

Appendix A	Certificate of Title
Appendix B	OneMap Site Report
Appendix C	Site Photos
Appendix D	Proposed Plan of Subdivision

