

MPAA STUDIO

5 August 2025

Planning Department
Moyne Shire Council
Princes Street
Port Fairy VIC 3284

By SPEAR and email: moyne@moyne.vic.gov.au

Dear planning department,

**Application for a Planning Permit PL23/063
258 Mortlake-Ararat Road, Mortlake**

I write in relation to the above application, and Council's email correspondence dated 29 July 2025, and Council's Request for Further Information dated 8 April 2025.

A response to Council's request is provided below.

Response to Clause 14.01-1

A response to the requested Clauses 14.01-1S and 14.01-1L, in addition to the response provided in the Town Planning Report, is provided below.

Strategies	Response
Limit new housing development in rural areas by: <ul style="list-style-type: none">- 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. Give priority to the re-structure of inappropriate subdivisions where they exist on productive agricultural land.	No new housing is proposed as part of this resubdivision application. It is acknowledged the resubdivision would enable an as-of-right dwelling on proposed Lot 2 where one does not currently exist. While the strategy discourages this, it does not preclude the creation of such a lot. Given that Lot 2 is intended to comprise the productive farming land and is above the minimum lot size, this is considered an appropriate and positive planning outcome. The existing dwelling at 258 Mortlake-Ararat Road is currently on a 16-hectare lot: below the 40-hectare minimum but above 2 hectares. Following the resubdivision, this dwelling will be on a 5.48-hectare lot, still above 2 hectares and reflective of the land currently used in association with the dwelling. (continued overleaf).

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Strategies	Response
	<p>The resubdivision places the land used for grazing within one title (Proposed Lot 2) whilst reducing the area around number 258, to allow the land currently used as grazing land to be retained as one, productive parcel.</p> <p>The resubdivision does not create an isolated small lot. The site is immediately adjacent to Rural Living land to the south of Campbells Lane and is less than 2 kilometres from the General Residential land of Mortlake.</p> <p>It is acknowledged that consolidation of existing small lots in rural zones is <u>encouraged</u>. This resubdivision seeks to realign title boundaries, and does not create any new lots. Proposed Lot 2 is, in essence, a consolidation of the balance farm land not comprising the land used with the dwelling at 258.</p> <p>Clause 14.01-1S also seeks to <u>give priority</u> to the restructure of inappropriate subdivisions. This application seeks a restructure of the current titles.</p> <p>Neither strategy in relation to restructure or consolidation precludes the assessment of applications which are not consolidation or restructure.</p> <p>The restructure of existing titles is consistent with the objectives of Clause 14.01-1S.</p>
<p>Discourage small lot subdivisions (including dwelling excisions and boundary re-alignments) unless:</p> <ul style="list-style-type: none"> - The subdivision supports the consolidation of productive agricultural land. - 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. 	<p>The resubdivision supports consolidation of productive agricultural land, by consolidating the grazing land within Proposed Lot 2.</p> <p>The existing site comprises three lots, and seeks to resubdivide into three new lots. There is no increase in the number of lots proposed as part of this application.</p> <p>The subdivision would create the opportunity for one additional dwelling as of right. However, this is not considered to compromise the area's agricultural character. The existing farming activities will continue, and the established character of small lots along Mortlake-Ararat Road remains unchanged.</p> <p>It is acknowledged that this strategy seeks to discourage small lot subdivisions; however, the strategy does not prohibit assessment of proposals that present a balanced planning outcome.</p>
	(continued overleaf).



Strategies	Response
Discourage boundary realignments and re-subdivisions between existing lots where the lots proposed to be created Are less than the minimum lot size specified in the schedule to the Farming Zone; Create an opportunity for a dwelling where none previously existed.	<p>The resubdivision reduces the area for 258 Mortlake-Ararat Road from 16 hectares to 5.48 hectares. This is already a small lot in the Farming Zone, and its reduction to reflect the existing land uses is considered an appropriate outcome.</p> <p>The subdivision would create the opportunity for one additional dwelling as of right. On balance, this is not considered to tip the balance of uses in the area away from farming, and instead provides a lot which meets the minimum lot size, as sought by this strategy.</p> <p>It is noted that this strategy does not preclude the assessment of this application.</p>

Farm Management Plan

A Farm Management Plan has not been provided as part of this application.

The horse keeping at 258 Mortlake-Ararat Road (Lot 1 TP575877) is limited to 5–6 horses within the proposed 5.48-hectare Lot 1. This is an existing use that currently occurs on land below the Farming Zone minimum. The remainder of the site, including Lot 1 TP918835Q, is used for cattle grazing and is intended to form Proposed Lot 2.

This is not a commercial horse keeping or breeding enterprise. The horses are kept ancillary to the dwelling and are used for community purposes, including at the local pony club.

Accordingly, Proposed Lot 1 is not intended to comprise a farm enterprise but to continue the current residential and low-scale equine use. As no change of use is proposed, a Farm Management Plan is not considered necessary.

However, if Council wishes to require a Farm Management Plan as a condition of permit, we would not object. We note again that no intensification of land use is proposed.

Town Planning Drawings

Revised Town Planning Drawings are enclosed, showing the requested building setbacks. Please note that the distance between the buildings is 4.2 metres (not 3 metres as previously stated).

I trust the above provides sufficient information to allow Council's assessment of the application to proceed.

Should this information not adequately meet Council's Request for Further Information, please also consider this a request to extend the time for an RFI response

Yours sincerely,



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