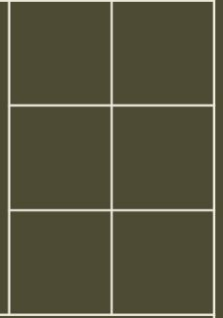


ELEVATE



PLANNING



Planning
Submission

44 McSweens Rd, Rosebrook VIC 3285

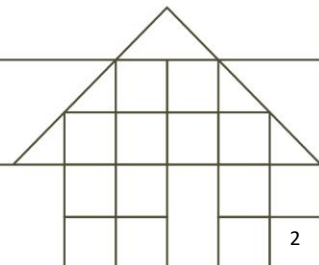
RESUBDIVISION OF ALLOTMENTS



REV	DATE	DETAILS
1	25-05-2026	VERSION 1
2		
3		

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1. Outline

Elevate Planning has been engaged to prepare a report on behalf of the property owners for the resubdivision of titles located at 44 McSweens Road and 42 McSweens Road in Rosebrook 3285.

The title for 42 McSweens Road, Rosebrook comprises Lot 1 on Title Plan 005816L and contains an area of approximately 8.987 hectares. The land is held in joint ownership by [REDACTED] and [REDACTED]. The title benefits from an appurtenant carriageway easement identified as Easement A-1, created by Instrument U808740R, which provides access rights over adjoining land. The allotment has frontage to McSweens Road and an irregular river frontage to the Moyne River.

The title for 44 McSweens Road, Rosebrook comprises Lot 2 on Plan of Subdivision 069659. The land is owned by [REDACTED] Property Nominee Pty Ltd and is burdened by a carriageway easement (E-1) created by Instrument U808740R. The title has extensive frontage to the Moyne River and road frontage to McSweens Road, with the easement providing access to the adjoining landholding at 42 McSweens Road.

The third title comprises Lot 1 on Title Plan 586643V at McColls Road, Port Fairy. The land is also owned by [REDACTED]. The title was created in 1938 and forms an irregularly shaped rural allotment adjoining the Moyne River. The title plan notes that the land may abut Crown land potentially subject to a Crown licence to use.

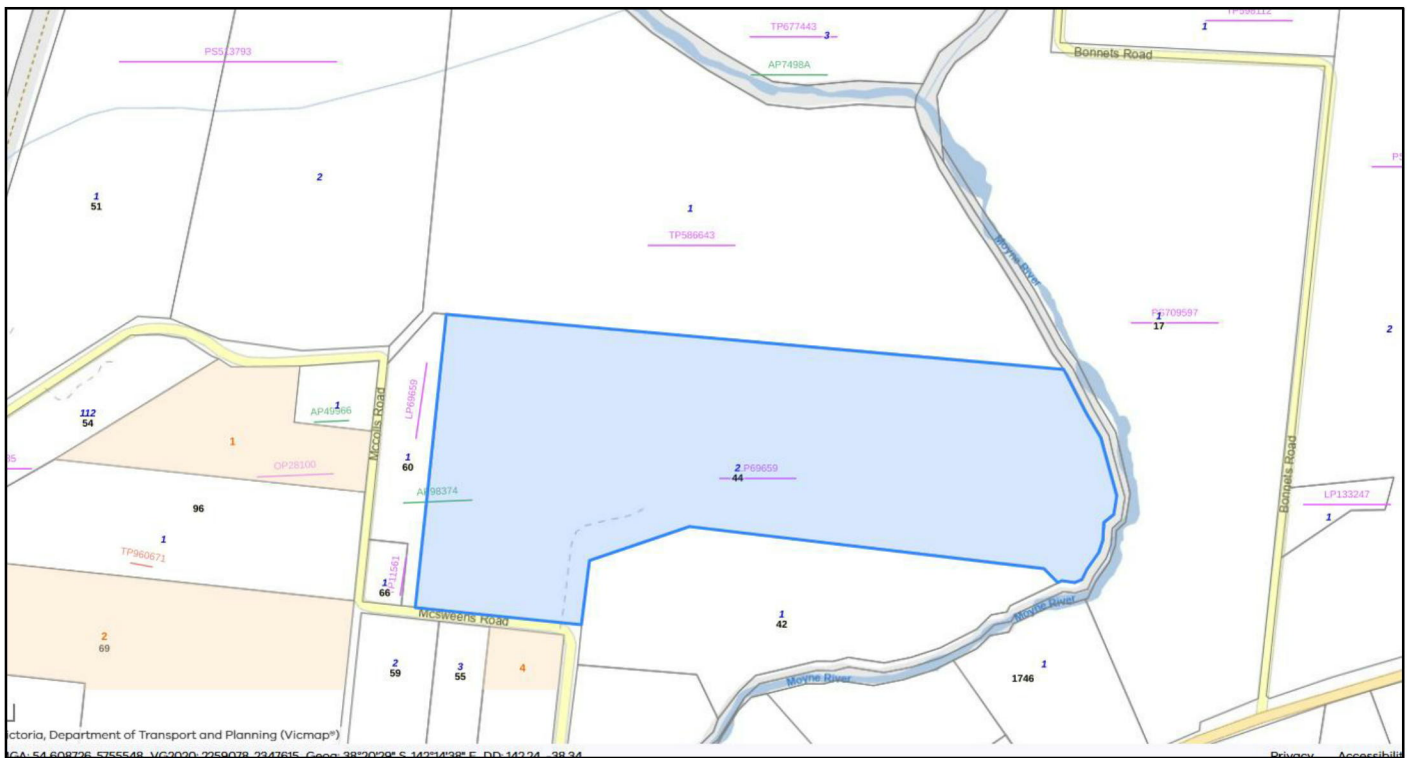


Figure 1 Lassi extract

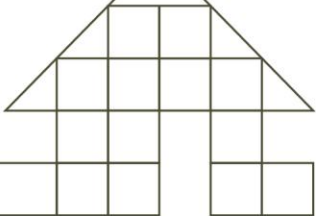
2. Site and Surrounding Area



Figure 2 Site Aerial



Figure 3 Surrounding context area



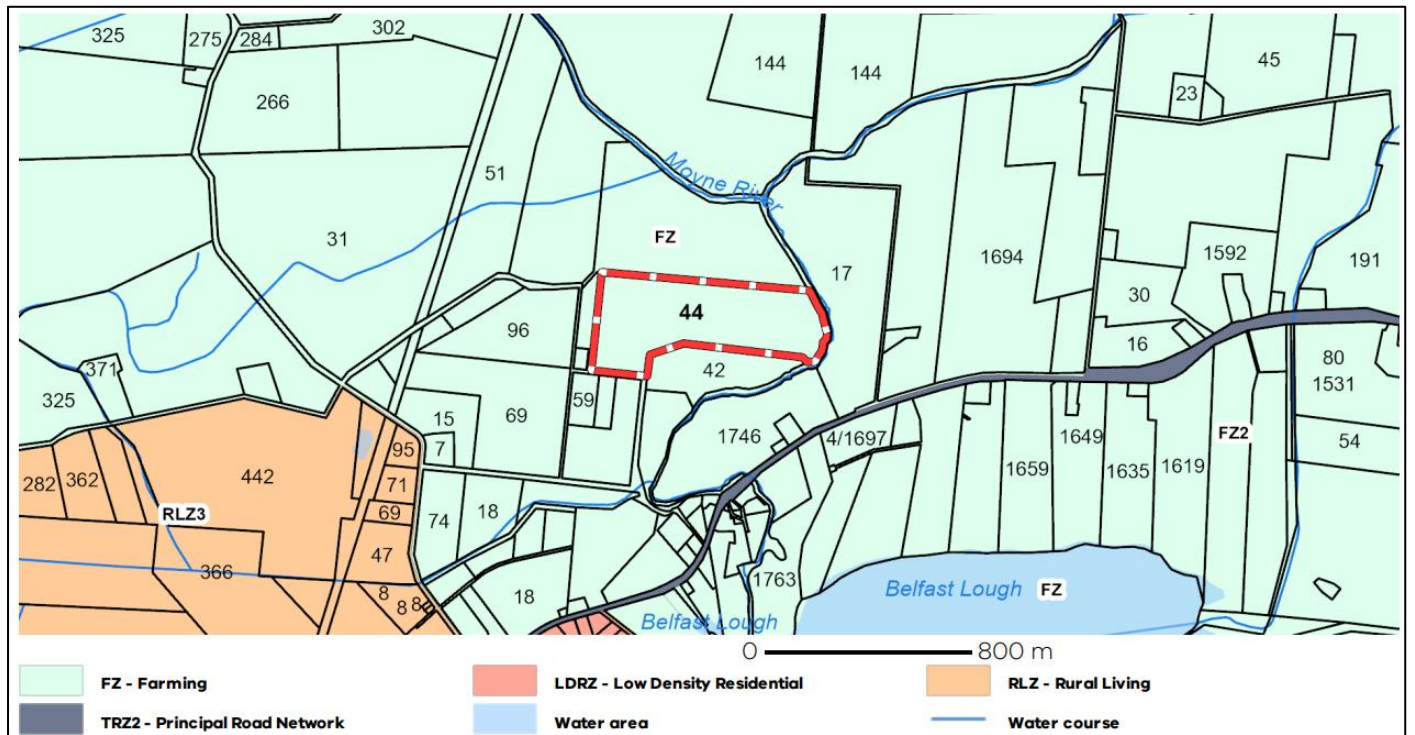
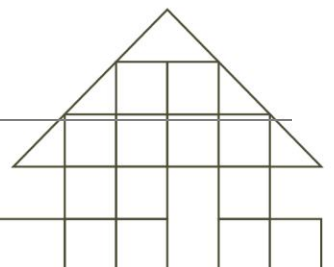


Figure 4 VicPlan Zoning Mapping

Street Address:	44 and 42 McSweens Road Rosebrook
Title Details:	<p>Lot 1 on Title Plan 586643V 26.88 hectares</p> <p>Lot 2 on Plan of Subdivision 069659 24.72 hectares</p> <p>Lot 1 on Title Plan 005816L 8.56 hectares</p>
Restrictions/Covenants:	Nil
Zone:	Farming Zone
Overlays:	<p>Land Subject to Inundation Overlay</p> <p>Flood Overlay</p>
Other Regulatory Constraints:	<p>The site is partially affected by AAV Mapping.</p> <p>A Cultural Heritage Management Plan (CHMP) is not required for the proposed boundary realignment as the proposal does not constitute a high impact activity pursuant to the Aboriginal Heritage Regulations 2018. The application relates solely to the realignment of existing title boundaries and does not facilitate buildings, works or subdivision creating additional lots capable of further development beyond the existing lawful use of the land.</p>



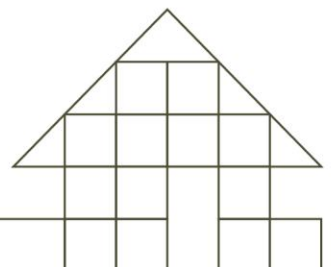
The proposal will not result in significant ground disturbance and is limited to an administrative rearrangement of land between existing titles associated with an established rural farming operation. Existing accessways, dwellings and infrastructure are to be retained and no new areas of development are proposed as part of the application. Accordingly, the proposal does not trigger the mandatory CHMP requirements under the Aboriginal Heritage Act 2006.

Site Features:

The subject land is located at 42 and 44 McSweens Road, Rosebrook and comprises three adjoining rural titles with a combined area of approximately 60 hectares. The land is irregular in shape and generally flat to gently undulating, with extensive frontage to the Moyne River along the eastern and southern boundaries. Existing development on the land includes two dwellings, associated outbuildings, farm infrastructure and access tracks concentrated toward the south-western portion of the site adjacent to McSweens Road. The broader landholding is used predominantly for rural and agricultural purposes, including grazing. An existing carriageway easement traverses part of the land and provides access arrangements between the titles.

Surrounds

The surrounding area is characterised by a rural farming landscape comprising large agricultural allotments interspersed with isolated dwellings, sheds and rural outbuildings. Land to the north, east and west is generally zoned Farming Zone and utilised for agricultural purposes, while areas further south-west transition toward Rural Living and Low Density Residential development associated with the Rosebrook / Port Fairy outskirts. The Moyne River corridor forms a significant environmental and landscape feature within the locality. Access to the site is obtained via McSweens Road, which connects to the surrounding local and regional road network.



3. PROPOSAL

The application seeks approval for what is best described as two concurrent boundary realignments between three existing titles located at 42 and 44 McSweens Road, Rosebrook.

Realignment of 44 McSweens Road

The proposal will realign the common boundary between Lot 1 on TP5816 and Lot 2 on LP69659 to create a smaller existing dwelling allotment containing the existing dwelling, sheds and associated curtilage, while consolidating the balance farming land into a larger agricultural allotment. No additional lots are created as part of the proposal and no intensification of land use is proposed. The subdivision is administrative in nature and is intended to formalise the existing use and occupation of the land.

The proposed subdivision will result in:

- Proposed Lot A comprising approximately 49.43 hectares containing the balance farming land; and
- Proposed Lot B comprising approximately 1.7 hectares containing the existing dwelling, sheds, access arrangements and associated residential infrastructure.

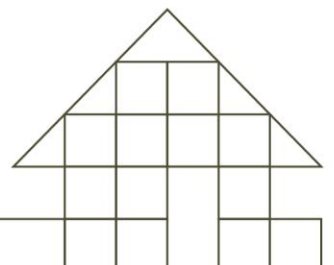
Importantly, the proposal retains the productive agricultural capacity of the balance landholding and will not fragment the surrounding farming area through the creation of additional rural lifestyle lots. Existing access arrangements, including the carriageway easement, are to be maintained. No new buildings, works or accessways are proposed as part of the application. Overall, the proposal represents a logical rationalisation of title boundaries that aligns land ownership with the established physical layout and historic use of the land.

Realignment of 42 and 44 McSweens Road, Rosebrook

The proposal has arisen from an agreement between neighbouring landowners to realign the existing title boundaries so they more accurately reflect the established pattern of development, occupation and access arrangements that currently exist on the ground.

At present, portions of existing sheds and associated rural infrastructure servicing the dwelling at 42 McSweens Road are located across the title boundary within the adjoining land at 44 McSweens Road. The current cadastral arrangement does not align with the long-established fence lines, accessways and built form on the land, resulting in an impractical and irregular ownership outcome. The proposal seeks to rationalise these arrangements through a reconfiguration of the existing lot boundaries.

The proposed boundary realignment will remove the practical need for the existing carriageway easement, as access will be wholly contained within 42 McSweens Road.



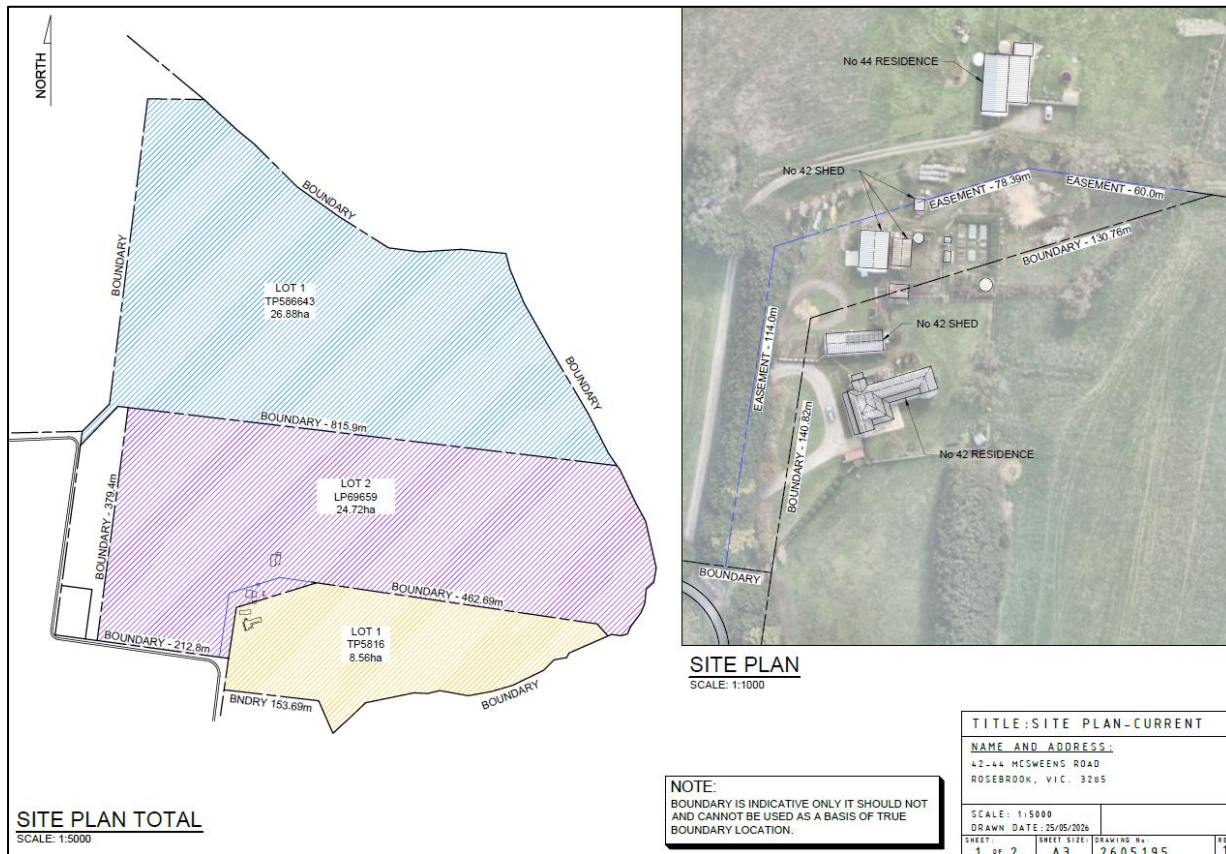


Figure 5 Existing

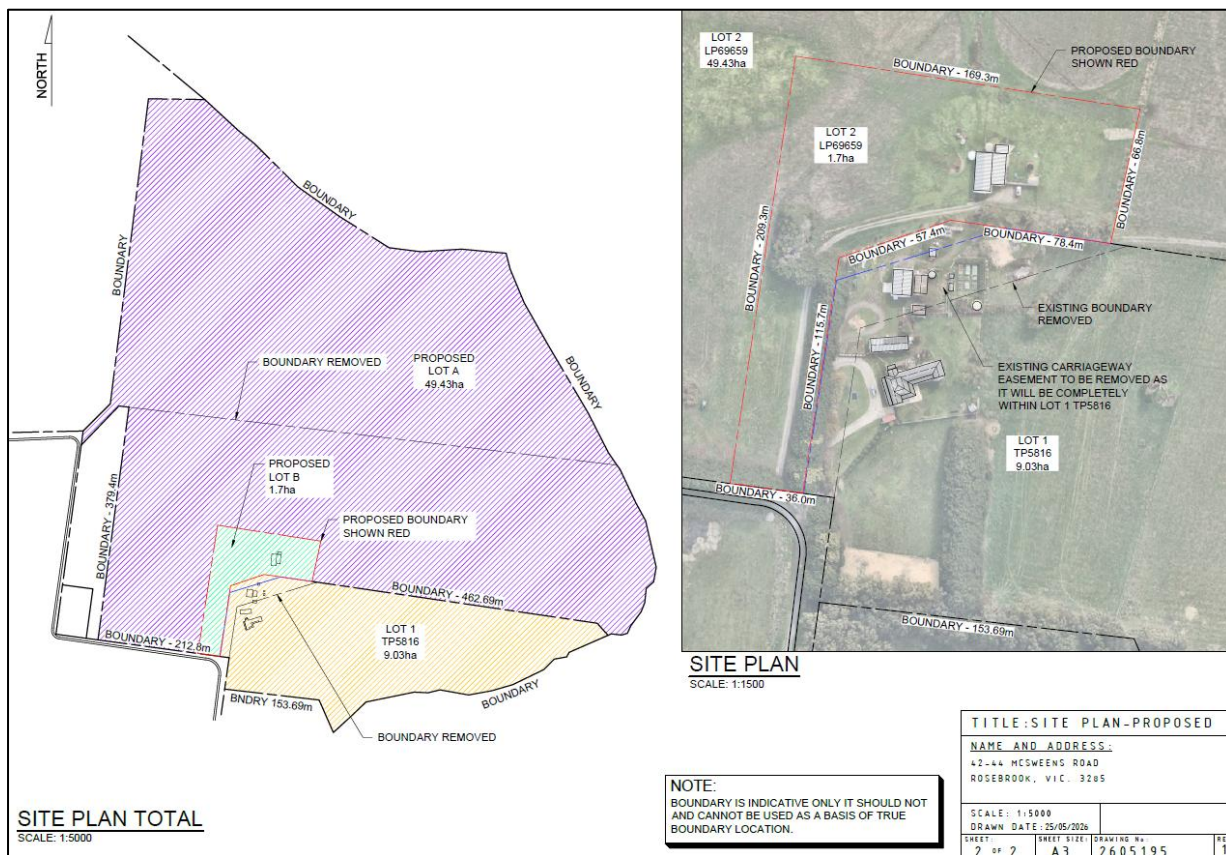


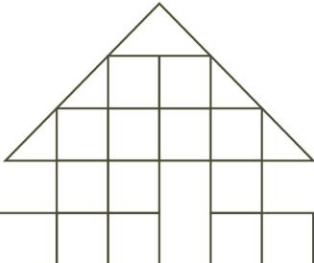
Figure 6 Proposed

4. Planning Triggers

Clause 35.07-3 – Subdivision (Farming Zone)

Clause 44.04-2 – Subdivision (Land Subject to Inundation Overlay Schedule 1)

Clause 44.03-2 - Subdivision (Floodway Overlay Schedule 2)



5. Municipal Planning Strategy

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, including beef cattle and sheep for wool and meat, are major activities in the northern part of the Shire.

Agricultural areas along the coast, between settlements and on the edge of townships are under pressure from other forms of development, particularly housing on existing small lots interspersed with farming land. The construction of dwellings on many or all such lots would not be consistent with responsible management of rural land. Such areas include:

- Extensive areas where the size of lots is less than half the minimum lot size specified under the Farming Zone; and
- Areas of open farming land which are comprised of comparatively small lots that are distant and isolated from townships with appropriate infrastructure and services.

Demand for rural lifestyle properties on small lots has increased mainly in the south of the Shire, and the proliferation of dwellings for lifestyle or hobby farm purposes in rural areas can compromise the long-term viability of farming. Dwellings or small lot subdivisions can sometimes genuinely be required to support agricultural production, however the development of isolated dwellings and housing clusters of small lots that are not associated with agriculture can result in land use conflicts, the loss of productive agricultural land and inefficient demand for social and physical infrastructure services. Council seeks to direct the demand for rural lifestyle living to land zoned for such purposes. A 'Lifestyle Farming' area at Bushfield, Grassmere and Wangoom is intended to accommodate demand for lifestyle farming and small-scale farming enterprises which can make productive use of agricultural land.

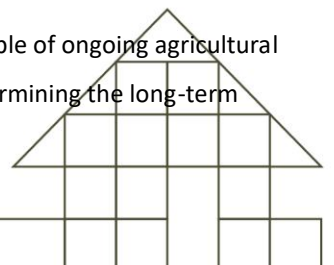
The Belfast Rural area (also known as the Killarney Area) between Rosebrook and the Tower Hill Wildlife Reserve comprises high quality fertile volcanic soils that have traditionally been the focus for potato farming. The area is characterised by a large number of small land holdings that are predominantly 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.

Response to Municipal Planning Strategy

The proposal is considered to respond appropriately to the agricultural and rural land management objectives of the Municipal Planning Strategy. Importantly, the application does not create additional rural lifestyle lots or facilitate further fragmentation of productive agricultural land. Rather, the proposal represents a rationalisation of existing title boundaries to better reflect the established pattern of development, occupation and farming operations that already exist on the land.

The balance allotment will remain a substantial farming parcel of approximately 49.43 hectares capable of ongoing agricultural use consistent with the productive rural character of the locality. The proposal therefore avoids undermining the long-term



viability of agriculture within the Western District and does not introduce additional dwelling opportunities that could lead to land use conflict or pressure for further rural residential development.

The application is also supported given the Belfast Rural area is characterised by historic small landholdings often managed as consolidated farming operations. In this context, the proposal formalises an existing arrangement between neighbouring landowners and improves the functionality of the land without compromising agricultural productivity or the broader rural landscape. Existing dwellings, infrastructure and access arrangements are retained, with no new buildings or works proposed. Overall, the proposal is considered a logical and low-impact boundary realignment that maintains the ongoing productive use of the land while aligning title boundaries with the established on-ground conditions.

6. Planning Policy Framework

13.07-1S Land use compatibility

Objective

To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

Strategies

- Ensure that use or development of land is compatible with adjoining and nearby land uses
- Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.
- Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.
- Protect commercial, industrial and other employment generating uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.

Policy documents

Consider as relevant:

- Separation Distance Guideline (Environment Protection Authority, August 2024)
- Landfill Buffer Guideline (Environment Protection Authority, August 2024)

Clause 14.01-1S Protection of agricultural land

Objective

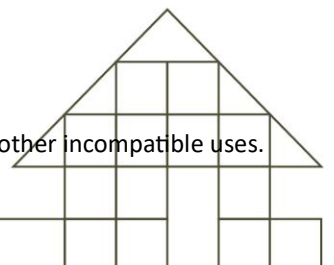
To protect the state's agricultural base by preserving productive farmland.

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.

14.01-1L Agricultural production

Policy application

This policy applies to land in the Farming Zone and Rural Living Zone.

Objective

To ensure that 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.

Strategies

Establish buffers around uses that may conflict with agricultural land use to limit land use conflicts.

Avoid non-agricultural land use and development in rural areas that prejudices the productive use of agricultural land.

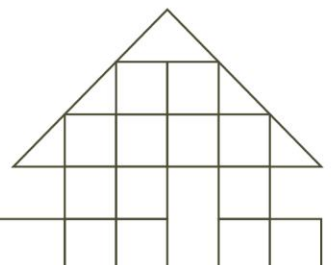
Discourage the construction of dwellings on productive agricultural land, unless it can be demonstrated that the dwelling is required to support the productive agricultural use of the land.

Locate and site dwellings so that they do not compromise surrounding farming activities.

Discourage dwellings on lots where wastewater cannot be retained and treated within the lot.

Discourage the construction of more than one dwelling on a lot unless:

- It is demonstrated to be necessary to support a viable agricultural enterprise.



- The agricultural use it is associated with has commenced.
- It is located to avoid restricting agricultural use of the land.

Discourage small lot subdivisions (including dwelling excisions and boundary re-alignments) unless:

- The subdivision supports the consolidation of productive agricultural land.
- The proposed land uses (including dwellings) do not negatively impact on the ability to farm and avoid the loss of productive agricultural land.
- Impacts on significant environmental and landscape features such as remnant vegetation and waterways are avoided or minimised.
- The subdivision seeks to make minor adjustments to take account of topographical or public infrastructure features.
- Adequate distance is provided around an existing dwelling to lot boundaries to limit any impacts of adjacent agricultural activity.
- 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.

Avoid further subdivision to excise additional dwellings where a dwelling has already been excised from the parent lot.

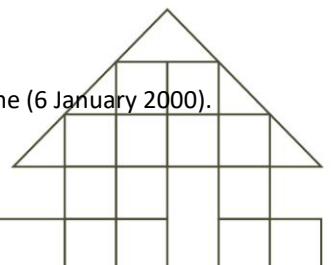
Discourage boundary realignments and re-subdivisions between existing lots where the lots proposed to be created:

- 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; or
- Rely on land which was previously a road reserve, utility lot or Crown land, or was of insufficient size to support a dwelling.

Policy guidelines

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.
- Ensuring that land capability and land suitability are considered in the assessment of use and development proposals.
- 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.
- Ensuring dwellings excised under the provisions of Clause 35.07-3 are in a habitable condition and comply with the Building Code of Australia.
- Discouraging the excision of dwellings that did not exist at the date of approval of this scheme (6 January 2000).



- Requiring the planting of vegetation within an excised lot to reduce any potential impacts of adjacent agricultural activity.

Clause 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.

Response to Planning Policy Framework

The proposal is considered to strongly align with the objectives and decision guidelines of Clauses 13.07-1S, 14.01-1S, 14.01-1L and 14.01-2S as it represents a genuine rationalisation of existing rural title arrangements rather than the fragmentation of productive agricultural land for rural lifestyle purposes. Importantly, no additional dwellings or future dwelling opportunities are created through the subdivision and the proposal will not introduce land use outcomes that could compromise the ongoing agricultural use of the locality.

The proposal has arisen from an agreement between adjoining landowners to correct long-standing anomalies between the cadastral layout and the established physical use of the land. Existing sheds and rural infrastructure associated with 42 McSweens Road currently encroach across the title boundary onto 44 McSweens Road, while the historic fence alignments and access arrangements do not correspond with the existing cadastral pattern. In this regard, the proposal is appropriately characterised as a logical administrative boundary rationalisation that formalises the existing occupation of the land rather than facilitating new rural residential development.

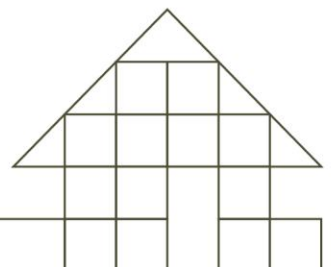
The balance farming allotment will retain a substantial area of approximately 49.43 hectares, ensuring the ongoing productive agricultural use of the land is maintained. This outcome is consistent with the policy objective of protecting productive agricultural land from inappropriate fragmentation and ensuring agricultural activities are not prejudiced by non-agricultural land

uses. The proposal will not diminish the long-term productive capacity of the landholding, create isolated rural living lots or establish a concentration of small lots that would alter the rural character of the locality. Rather, it consolidates the farming land into a larger and more practical allotment configuration.

While the proposal includes the creation of a smaller lot containing an existing dwelling, the excision is directly associated with an established dwelling and associated infrastructure already physically separated from the balance farming activities. The proposed lot is limited to approximately 1.7 hectares, which is generally consistent with the policy guidance encouraging excisions to remain below 2 hectares. Importantly, the proposal does not create an additional dwelling entitlement and provides sufficient separation between the dwelling and surrounding agricultural activities to minimise the potential for land use conflict. Existing agricultural operations on adjoining land can therefore continue without unreasonable constraint.

The proposal also appropriately responds to the policy discouraging boundary realignments that create inappropriate development opportunities. In this instance, both lots already contain existing lawful dwellings and the subdivision does not rely upon former road reserves, Crown land or otherwise unusable land to create additional development potential. No new buildings or works are proposed and the existing carriageway easement and access arrangements are retained.

Overall, the proposal is considered an appropriate and low-impact subdivision outcome that improves the practical management and ownership arrangement of the land while maintaining the ongoing agricultural productivity, rural character and land use compatibility of the locality.



7. Zone

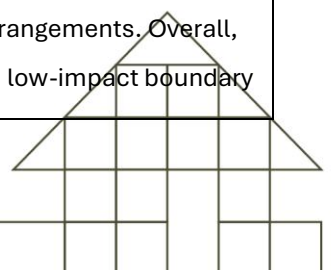
Clause 35.07 FARMING ZONE

Purpose

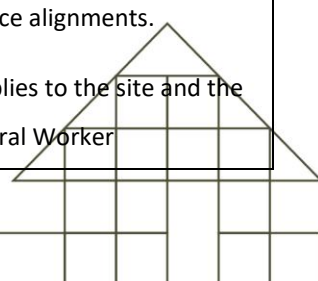
- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- 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.

CLAUSE 35.07 FARMING ZONE (FZ)	COMMENTS / RESPONSE
<p>Purpose</p> <p>To implement the Municipal Planning Strategy and the Planning Policy Framework.</p> <p>To provide for the use of land for agriculture.</p> <p>To encourage the retention of productive agricultural land.</p> <p>To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.</p> <p>To encourage the retention of employment and population to support rural communities.</p> <p>To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.</p> <p>To provide for the use and development of land for the specific purposes identified in a schedule to this zone.</p>	<p>The proposal is considered to respond appropriately to the purposes of the Farming Zone. The subdivision does not facilitate the loss of productive agricultural land or introduce an inappropriate non-agricultural land use outcome within the rural area. Rather, the application seeks to rationalise existing title arrangements and align cadastral boundaries with the long-established pattern of development, access and occupation that currently exists on the land.</p> <p>Importantly, the proposal will not reduce the ongoing agricultural capability of the broader landholding. The balance lot will retain an area of approximately 49.43 hectares and will continue to be used for productive agricultural purposes consistent with the surrounding farming landscape. The subdivision therefore maintains a substantial and viable farming parcel capable of ongoing agricultural production and does not fragment the land into multiple small rural lifestyle allotments.</p> <p>While a smaller allotment containing the existing dwelling is proposed, the dwelling and associated infrastructure are already established on the land and physically separated from the balance farming activities. The proposal merely formalises this existing arrangement and does not create any additional</p>

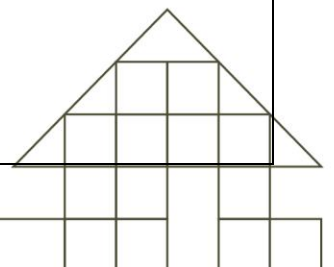
	<p>dwelling entitlement or future development opportunity beyond what already exists. The excised lot is also limited in size and appropriately contains the existing residential curtilage without unnecessarily sterilising productive agricultural land.</p> <p>The proposal is further supported as it will not introduce unreasonable land use conflicts or constrain ongoing agricultural operations on adjoining or nearby land. Existing farming activities within the locality can continue unimpeded, with the proposal retaining adequate separation between the dwelling and surrounding agricultural land uses. No additional accessways, infrastructure or non-agricultural development is proposed and the rural character of the locality will remain unchanged.</p>
<p>Clause 35.07-6 - Decision Guidelines</p>	
<p>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:</p> <p>General issues</p> <p>The Municipal Planning Strategy and the Planning Policy Framework.</p> <p>Any Regional Catchment Strategy and associated plan applying to the land.</p> <p>The capability of the land to accommodate the proposed use or development, including the disposal of effluent.</p> <p>How the use or development relates to sustainable land management.</p> <p>Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.</p>	<p>The proposal is consistent with the Municipal Planning Strategy and Planning Policy Framework as it rationalises existing title boundaries without creating additional rural residential development or unnecessary fragmentation of productive agricultural land. The subdivision formalises the existing pattern of development and occupation already established on the land.</p> <p>No new buildings, works or earthworks are proposed and the application will not adversely impact catchment values, waterways or surrounding agricultural land uses. Existing wastewater and access arrangements remain unchanged and contained within the proposed allotments.</p> <p>Importantly, the proposal retains a substantial balance farming allotment of approximately 49.43 hectares capable of ongoing agricultural production. The subdivision therefore does not diminish the long-term agricultural potential of the land or compromise surrounding farming activities.</p> <p>The proposal also makes efficient use of existing infrastructure and services, relying entirely on established dwellings, accessways and servicing arrangements. Overall, the application represents a logical and low-impact boundary</p>



<p>How the use and development makes use of existing infrastructure and services.</p>	<p>realignment outcome that supports sustainable rural land management and ongoing agricultural use of the land.</p>
<p>Agricultural issues and the impacts from non-agricultural uses</p> <p>Whether the use or development will support and enhance agricultural production.</p> <p>Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.</p> <p>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</p> <p>The capacity of the site to sustain the agricultural use.</p> <p>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</p> <p>Any integrated land management plan prepared for the site.</p> <p>Whether Rural worker accommodation is necessary having regard to:</p> <p>The nature and scale of the agricultural use.</p> <p>The accessibility to residential areas and existing accommodation, and the remoteness of the location.</p> <p>The duration of the use of the land for Rural worker accommodation.</p>	<p>The proposal is considered to support the ongoing productive agricultural use of the land by consolidating the balance farming land into a larger and more practical allotment configuration. Importantly, the subdivision does not create additional dwellings, rural lifestyle opportunities or fragmented farming lots that could undermine the long-term agricultural function of the locality. Rather, the proposal rationalises historic cadastral anomalies and aligns title boundaries with the existing pattern of farming activities, fencing, infrastructure and occupation already established on the land.</p> <p>The proposal will not adversely affect soil quality or permanently remove productive agricultural land from use. No new buildings, works, earthworks or vegetation removal are proposed and the balance allotment will retain approximately 49.43 hectares capable of ongoing grazing and agricultural production consistent with the surrounding rural landscape.</p> <p>The subdivision will not limit the operation or future expansion of adjoining or nearby agricultural uses as no increase in residential density or sensitive land use is generated. Existing agricultural activities, including machinery operation, stock movement and associated rural activities, can continue without unreasonable constraint. The proposal also retains adequate separation between the existing dwelling and surrounding farming land to minimise the potential for land use conflict.</p> <p>The land exhibits agricultural qualities consistent with the broader Belfast Rural area, including productive farming land, access to existing rural infrastructure and established access arrangements. The proposal improves the practical management of the land by consolidating farming land into a larger and more efficient holding while resolving historic title inconsistencies associated with existing buildings and fence alignments.</p> <p>No integrated land management plan applies to the site and the application does not seek approval for Rural Worker</p>

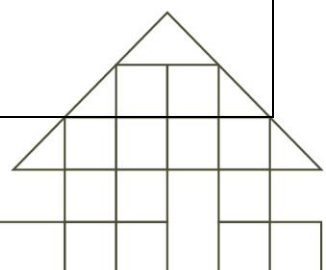


	Accommodation. Accordingly, those considerations are not considered relevant to the assessment of the proposal.
<p>Accommodation issues</p> <p>Whether the dwelling will result in the loss or fragmentation of productive agricultural land.</p> <p>Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.</p> <p>Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.</p> <p>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.</p> <p>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:</p> <p>A permit for a wind energy facility; or</p> <p>An application for a permit for a wind energy facility; or</p> <p>An incorporated document approving a wind energy facility; or</p> <p>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 <i>Environment Effects Act 1978</i>.</p> <p>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</p>	<p>The proposal will not result in the loss or fragmentation of productive agricultural land as no additional dwelling opportunities are created and the balance farming allotment will retain approximately 49.43 hectares capable of ongoing agricultural use. The subdivision simply formalises the existing arrangement of an established dwelling and associated infrastructure already physically separated from the balance farming land.</p> <p>The existing dwelling is located within an established farming area and will continue to coexist with surrounding agricultural activities, including noise, dust, machinery operation and agricultural traffic typical of the locality. As the dwelling already exists, the proposal will not introduce a new sensitive use that could create additional land use conflict or constrain surrounding farming operations.</p> <p>Similarly, the proposal will not adversely affect the operation or expansion of adjoining agricultural uses as no increase in dwelling density or rural lifestyle development will occur. The application does not create a proliferation of dwellings or small lots within the Farming Zone and will not alter the broader agricultural character of the locality.</p> <p>The land is not known to be affected by a nearby wind energy facility or extractive industry operation and the proposal is therefore unlikely to result in adverse amenity impacts associated with those uses.</p>



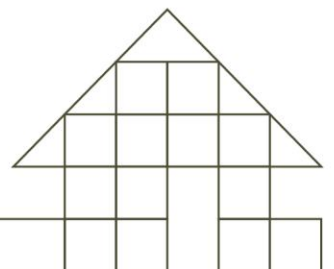
<p>the <i>Mineral Resources (Sustainable Development) Act 1990</i>.</p>	
<p>Environmental issues</p> <p>The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.</p> <p>The impact of the use or development on the flora and fauna on the site and its surrounds.</p> <p>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.</p> <p>The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.</p>	<p>The proposal is unlikely to result in adverse environmental impacts given it is limited to a boundary realignment associated with existing development and established farming land. No new buildings, works, vegetation removal or earthworks are proposed as part of the application and the existing use of the land will remain unchanged. Accordingly, the proposal will not adversely affect soil stability, land capability, water quality or the natural physical features of the area.</p> <p>The subdivision will also not result in adverse impacts on flora and fauna values within the locality. Existing vegetation patterns, riparian areas and habitat features associated with the Moyne River corridor are to be retained and are unaffected by the proposal. Importantly, the application does not increase development intensity or facilitate additional encroachment into environmentally sensitive areas.</p> <p>Existing effluent disposal arrangements associated with the dwelling will remain unchanged and contained wholly within the proposed residential allotment, with no anticipated increase in wastewater generation or nutrient impacts on surrounding land or waterways.</p>
<p>Design and siting issues</p> <p>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.</p> <p>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</p>	<p>From a design and siting perspective, the proposal formalises an existing development pattern rather than introducing new built form into the rural landscape. Existing dwellings, sheds, accessways and infrastructure are already established on the land and the subdivision simply aligns title boundaries with these long-standing on-ground conditions. The proposal therefore</p>

<p>measures to be undertaken to minimise any adverse impacts.</p> <p>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.</p> <p>The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.</p> <p>Whether the use and development will require traffic management measures.</p> <p>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:</p> <p>A permit for a wind energy facility; or</p> <p>An application for a permit for a wind energy facility; or</p> <p>An incorporated document approving a wind energy facility; or</p> <p>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 <i>Environment Effects Act 1978</i>.</p> <p>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 <i>Mineral Resources (Sustainable Development) Act 1990</i>.</p>	<p>maintains the existing rural character, landscape qualities and visual appearance of the locality.</p> <p>The application does not require additional infrastructure or traffic management measures, with all existing access and servicing arrangements retained. Similarly, the proposal is not expected to be impacted by nearby wind energy or extractive industry operations, nor will it introduce new sensitive land uses that could create future land use conflict.</p>
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8. Overlays

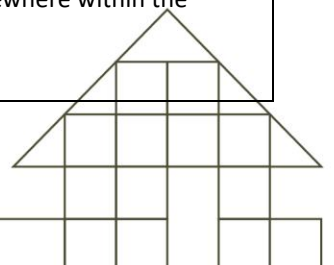
Clause 44.03 FLOODWAY OVERLAY

Schedule 2 - PORT FAIRY INLAND AREAS

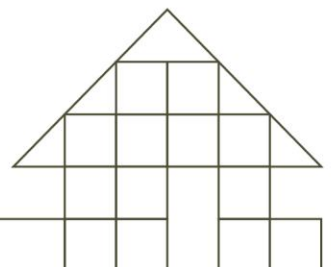
Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify waterways, major floodpaths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding.
- To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.
- To reflect any declarations under Division 4 of Part 10 of the *Water Act, 1989* if a declaration has been made.
- 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 and wetland health, waterway protection and flood plain health.

Decision Guidelines	COMMENTS / RESPONSE
The Municipal Planning Strategy and the Planning Policy Framework.	The proposal is consistent with the Municipal Planning Strategy and Planning Policy Framework as it represents a low-impact boundary realignment associated with existing development and established rural land use. The application does not facilitate additional buildings, works or intensification of development within the floodplain and therefore maintains the existing flood storage capacity, flood conveyance and environmental function of the land.
The local floodplain development plan or flood risk report.	The proposal is considered to appropriately respond to the objectives of the Floodway Overlay as no physical works or changes to landform are proposed. Existing buildings, accessways and infrastructure are already established on the land and the subdivision will not alter local drainage conditions, flood behaviour or increase flood risk elsewhere within the catchment.



<p>Any comments of the relevant floodplain management authority.</p>	<p>Any comments or requirements of the relevant floodplain management authority can be appropriately addressed through the permit process. Importantly, the proposal does not seek to introduce additional development within identified flood-prone land and is therefore unlikely to prejudice the floodplain management objectives of the overlay.</p>
<p>The Victorian River Health Strategy (2002) and any relevant regional river health strategy and associated wetland plan.</p>	<p>The application is also consistent with the objectives of the Victorian River Health Strategy and broader river health initiatives as the proposal will not impact the Moyne River corridor, riparian vegetation or associated environmental values. No vegetation removal, earthworks or disturbance to waterways is proposed and the existing environmental condition of the land will remain unchanged.</p>
<p>Any other matters specified in a schedule to this overlay.</p>	<p>No additional matters specified within the schedule to the overlay are considered to be adversely impacted by the proposal. Overall, the application represents an administrative subdivision outcome that will maintain the existing floodplain, environmental and waterway characteristics of the land.</p>



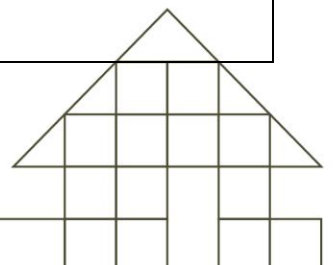
Clause 44.04 LAND SUBJECT TO INUNDATION OVERLAY

Schedule 2 - PORT FAIRY INLAND AREAS

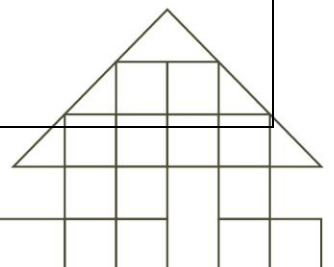
Purpose

- *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.*

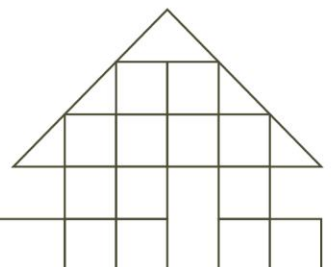
Decision Guidelines	COMMENTS / RESPONSE
The Municipal Planning Strategy and the Planning Policy Framework.	The proposal is consistent with the Municipal Planning Strategy and Planning Policy Framework as it represents a low-impact administrative boundary realignment that does not facilitate additional development, intensification of land use or increased exposure to flood risk. The application maintains the existing pattern of rural land use and development while ensuring the ongoing flood storage and conveyance function of the floodplain is preserved.
Any local floodplain development plan.	The proposal is considered to appropriately respond to the objectives of any applicable local floodplain development strategy as no buildings, works, earthworks or changes to landform are proposed. Existing accessways, buildings and servicing arrangements will remain unchanged and the subdivision will not alter existing flood behaviour or drainage conditions on the land.



Any comments from the relevant floodplain management authority.	Any comments or conditions of the relevant floodplain management authority can be appropriately incorporated into the permit process. Importantly, the proposal does not seek approval for additional development within the overlay and is therefore unlikely to prejudice broader floodplain management objectives.
The existing use and development of the land.	The application is directly associated with the existing use and development of the land, with the subdivision formalising long-established occupation and infrastructure arrangements already present on the site. The proposal does not introduce new buildings or development into flood-prone areas and therefore avoids unnecessary intensification of flood risk exposure.
Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.	Given no new development is proposed, there is no practical alternative location or lesser flood hazard area required to be considered. The proposal is limited to a cadastral realignment only and does not alter the siting of existing buildings or access arrangements.
Alternative design or flood proofing responses.	Similarly, alternative flood proofing or design responses are not required as the application does not involve new built form or operational works. Existing development on the land will remain unchanged.
The susceptibility of the development to flooding and flood damage.	The susceptibility of the land to flooding will not increase as a result of the proposal and no additional risk to life, property or emergency access is created. The subdivision does not generate additional dwellings, population increases or intensified land use within the floodplain.
<p>The potential flood risk to life, health and safety associated with the development. Flood risk factors to consider include:</p> <ul style="list-style-type: none"> ○ The frequency, duration, extent, depth and velocity of flooding of the site and accessway. ○ The flood warning time available. ○ Tidal patterns. 	<p>The proposal will not obstruct, redirect or otherwise impact floodwater movement, drainage patterns or flood storage capacity as no filling, excavation or physical works are proposed. Existing floodplain conditions will remain unchanged.</p>



<ul style="list-style-type: none"> ○ 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. 	
<p>The effect of the development on river, marine and coastal health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality, estuaries and sites of scientific significance.</p>	<p>The application is also unlikely to adversely affect river health, wetlands, riparian areas, environmental flows or water quality values associated with the Moyne River corridor. No vegetation removal, disturbance or encroachment into waterways is proposed as part of the subdivision.</p>
<p>Any other matters specified in a schedule to this overlay.</p>	<p>No other matters specified within the schedule to the overlay are considered to be adversely impacted by the proposal. Overall, the application represents a logical and low-impact subdivision outcome that maintains the existing environmental and floodplain characteristics of the land.</p>



9. Particular Provisions

No particular provisions are considered relevant to the assessment of the application

10. Conclusion

Overall, the proposal is considered to represent an appropriate and orderly planning outcome that is strongly supported by the relevant provisions of the Moyne Planning Scheme. The application seeks to rationalise existing title boundaries and formalise long-established development and access arrangements already present on the land, without facilitating additional rural residential development, land fragmentation or adverse environmental outcomes.

Importantly, the proposal retains the ongoing productive agricultural use of the land through the consolidation of a substantial balance farming allotment while ensuring existing dwellings and infrastructure are contained within logical and practical title boundaries. The subdivision will not compromise surrounding agricultural activities, increase flood risk, impact environmental values or create unreasonable servicing or infrastructure demands.

The application is administrative and low impact in nature, with no new buildings, works, vegetation removal or intensification of land use proposed. Existing floodplain functions, rural character, environmental qualities and agricultural productivity of the locality will therefore remain unchanged.

Accordingly, it is considered the proposal achieves the objectives of the Farming Zone and relevant overlay controls and should be supported subject to standard conditions.