



Planning Committee Minutes

Linton Customer Service Centre

**Tuesday 13 October 2015
10.45am – 11.52am**

Committee Charter

1. To oversee the effective planning of the Shire in accordance with Council's Municipal Strategic Statement, policies and provisions of the Golden Plains Planning Scheme.
2. To work with the Development Unit to identify opportunities for the development of local planning policies and provide direction in the preparation of such policies and any relevant state policies.
3. To implement the provisions of the Golden Plains Planning Scheme, including the Municipal Strategic Statement, Local Planning Policies, State Planning Policies and Victorian Planning Provisions.
4. To consider the views of written submissions from the public; relevant Government and resource bodies and the Planning Officer's report and recommendations in the assessment of planning applications which attract objection(s) or are recommended for refusal.
5. To make recommendations to Council on planning applications and other planning matters, where appropriate.
6. To take all reasonable steps to improve our knowledge of matters relevant to our planning duties.

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1. PRESENT

Cr Jenny Blake
 Cr Andrew Cameron
 Cr Nathan Hansford
 Cr Helena Kirby
 Cr Des Phelan, Mayor
 Cr Greg Vaughan

Rod Nicholls
 Greg Anders
 Jillian Evans
 Richard Trigg
 Leigh Page
 Adrian Peggie
 Kerrie Tomkins
 Petra Neilson (Minutes)

Chief Executive Officer
 Director Assets & Amenity
 Director Community Services
 Director Corporate Services
 Acting Planning Team Leader
 Town Planner
 Waste Management Coordinator
 Council Support Officer

Brooke Killen
 Andrew Freeman
 Robert Eskdale
 James Parkin

2. APOLOGIES

Cr Bill McArthur

Chairperson

3. ELECTION OF CHAIR

Cr Phelan, Mayor, called for nominations for the position of chairperson. Cr Blake nominated Cr Phelan. Cr Phelan accepted the nomination. As there were no further nominations, Cr Phelan was declared elected.

4. DECLARATIONS & MINUTES

4.1. DECLARATIONS OF INTEREST

File: 02-03-007

Councillors must disclose a conflict of interest in accordance with Section 79 of the *Local Government Act 1989*.

Nil

4.2. CONFIRMATION OF MINUTES

Moved Crs Kirby/Hansford

That the Minutes of the Planning Committee meeting held 8 September 2015, as circulated, be confirmed.

Carried

5. REPORTS

5.1. KEY RESULT AREA: ENVIRONMENT & LAND USE PLANNING

5.1.1 Planning Application P15-085 for the development of a shed at 70 Quarry Road, Lethbridge

Directorate	Assets and Amenity
Unit	Development
Senior Manager	Greg Anders, Director Assets & Amenity
Responsible Manager	Tim Waller, Development Manager
Responsible Team Leader	Leigh Page, Acting Planning Team Leader
Author	Adrian Peggie, Town Planner
File References	Planning Application P15-085
Relevant Policies & Legislative Frameworks	Golden Plains Planning Scheme
Proposal Summary	The development of land for a shed
Land Address	70 Quarry Road, Lethbridge
Applicant	Andrew Freeman
Zone & Overlay Summary	Farming Zone
Attachments	<ol style="list-style-type: none"> 1. Plans 2. Locality Plan 3. Objection 4. Justification for shed and response to objection

Declarations of Interest: Councillors & Officers

Greg Anders: In providing this advice as the senior manager, I have no disclosable interests in this report.

Tim Waller: In providing this advice as the responsible manager, I have no disclosable interests in this report.

Leigh Page: In providing this advice as the responsible team leader, I have no disclosable interests in this report.

Adrian Peggie: In providing this advice as the author, I have no disclosable interests in this report.

Purpose

This report relates to a planning permit application for the development of a shed at the subject site. The application has been referred to the Planning Committee for determination as refusal of the proposal is recommended. This report provides a background to the application, a summary of the relevant planning considerations and an officer recommendation.

Proposal

The application proposes to develop land at 70 Quarry Road, Lethbridge, with an agricultural shed. The shed is to be 30m deep and 26m wide with ridged roof at a height of 7.04m and eaves height of 5.1m. The shed is to be located 50m from the front boundary and positioned against the eastern (side) boundary. The shed is to be constructed with a steel portal frame and clad with Colorbond steel. The walls and roller doors are to be built from 'Rivergum' cladding, and the roof and barges from 'Smooth Cream' cladding.

The shed is to be used for the storage of agricultural items and equipment. The proposed use is permitted as-of-right in the farming zone. Typically, such a shed would not require a planning permit in a farming zone, however, in this instance, the proposed development will take place within five metres of a boundary, and within 100 metres of a dwelling not in the same ownership. Consequently, a planning permit is required.

Site Description

The subject site is located at 70 Quarry Road, Lethbridge. It is formally known as Crown Allotment 67, of the Parish of Wabdallah. The lot is nearly square and has an area of approximately 3.6 hectares. There is a large two-storey dwelling positioned near to the centre of the site. There are other ancillary buildings within the curtilage of the house, with scattered trees between the dwelling and the road. The remainder of the site is cleared grassland. The lands falls to the northeast.

The land along the south side of Quarry Road contains dwellings within the Low Density Residential Zone. The adjoining lot to the east is similarly sized to the subject site and contains a dwelling. The adjoining lot to the north contains a dwelling and restricted recreation facility while the adjoining site to the west is a former quarry.

The area has a generally open setting, with wide spacings between buildings and little in the way of dense vegetation, and forms an interface between the township of Lethbridge and the large, broad-acre farms to the north.

History

The application was received on 1 May 2015. Further information was requested in regards to the proposed use of the development, and the application was subsequently advertised.

Community Communication

Notice of the application was given to two neighbours pursuant to Section 52 (1)(a) of the *Planning and Environment Act 1987* ("the Act"). An advertisement was also displayed at the front of the site.

One objection was received following notification of the proposal. A copy of the objection is provided at Attachment 3. The main ground of the objection is that the proposed development will have a detrimental impact on the visual amenity of the area. The objection proposed an alternate site for the development.

A consultation meeting was held on 24 August 2015 to discuss the proposal. The applicant presented a response and further justification for the development of the shed, a copy of which is provided at Attachment 4. The objector put to the applicant that the building could be re-sited to a nearby location to the north, as shown in the objection, which would not affect the objector to the same degree. The applicant indicated that he would not countenance the re-siting of the shed. No agreement was reached on the issues raised.

Golden Plains Planning Scheme

State Planning Policy Framework (SPPF)

Clause 15 Built Environment and Heritage

"Planning should ensure all new land use and development appropriately responds to its landscape..."

Zone & Overlay Provisions

Clause 35.07 – Farming Zone

The purpose of the Zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for the use of the 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.*

The responsible authority must consider the following, as appropriate:

General Issues

- *The State Planning Policy Framework and Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *Any Regional Catchment Strategy and associated plan applying to the land.*
- *The capability of the land to accommodate the proposed use or development, including the disposal of effluent.*
- *How the use or development relates to sustainable land management.*
- *Whether the site is suitable for the use or development and whether the proposal is compatible adjoining and nearby land uses.*
- *How the use and development makes use of existing infrastructure and services.*

Agricultural issues and the impacts from non-agricultural issues

- *Whether the use or development will support and enhance agricultural production.*
- *Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.*
- *The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.*
- *The capacity of the site to sustain the agricultural use.*
- *The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.*
- *Any integrated land management plan prepared for the site.*

Dwelling issues

- *Not Applicable.*

Environmental issues

- *The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.*
- *The impact of the use or development on the flora and fauna on the site and its surrounds.*
- *The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.*
- *The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.*

Design and siting issues

- *The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.*
- *The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.*
- *The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.*
- *The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.*
- *Whether the use and development will require traffic management measures.*

Discussion

Planning Scheme

The proposed development is considered to fail to meet the objectives of the State Planning Policy Framework and the decision guidelines of the zone.

State Planning Policy Framework

The proposed development does not respond appropriately to its landscape. Although farm buildings are typically suitable in the farming zone, a permit is required for the development of such buildings where they are placed within designated setbacks from boundaries to ensure that they do not cause harm to neighbouring sites. The schedule to the farming zone states that any buildings within 100 metres of a dwelling not in the same ownership and any buildings within five metres of a boundary (more in the case of a road) require a planning permit. The proposed building is within five metres of the boundary and is approximately 30 metres from the neighbouring dwelling at 62 Quarry Road. Furthermore, the dwelling at 62 Quarry Road is aligned so that its front windows face to the south west, meaning that the proposed building will fall within the sight lines from these windows. It will harm the visual amenity of the subject site and that of the neighbour, due to the restriction of views and the imposition of a blank frontage against the boundary of the property. Additionally, the local area doesn't contain any other buildings of such mass and therefore the proposed building will detrimentally affect the local rural residential setting.

It is to be noted that the building could be placed on another part of the site where it would not fall within the applicable setbacks and hence, a planning permit would not be required for its development.

Farming Zone

The proposal meets the purpose of the zone, in that the development is proposed to facilitate agricultural production.

General issues

- The proposal does not meet the State Planning Policy Framework, as identified above.
- There is no Regional Catchment Strategy applying to the land.
- The land is capable of accommodating the development, although it is considered that the proposal is poorly-sited.
- The siting of the building is not compatible with the adjoining site to the east. It is not setback from the boundary and will have an unreasonable impact in terms of its effect on visual amenity currently enjoyed by the neighbouring dwelling to the east.

Agricultural issues

- The proposed building is designated for agricultural use, and should benefit agricultural production.
- The proposal will not limit the operation or expansion of adjoining and nearby agricultural uses.

Dwelling issues

Not applicable.

Environmental issues

There are no significant recognised environmental values on the site. The proposal is not expected to have an adverse impact on the environment.

Design and siting issues

- The building is located in broadly the same area as other buildings on the site, and will minimise the loss of agricultural land.
- The siting, height and bulk are expected to have a localised impact on the setting of the natural environment. No measures are proposed to minimise those impacts.
- The proposal is expected to have an adverse impact on the appearance of the area. The proposed shed has a substantial building footprint that would exceed that of other buildings on the site and the adjoining site to the east. The height of the building at the boundary would also have a deleterious effect on the amenity of the area. Furthermore, the land falls to the NE, which would exacerbate the effect the building would have on the adjoining land to the east. As the building is to be constructed on the boundary, there is no possibility of utilising landscaping techniques to mask its size.
- Infrastructural items required for the building can be provided to it.
- The development doesn't require any traffic management measures.

General Provisions – Clause 65

Although agricultural development in farming areas is generally supported by the planning scheme, it is considered that the proposal is inappropriately sited having regard to the size, height and bulk of the proposed shed. It is considered that the development would have an adverse effect on the visual amenity of the area.

Financial & Risk Management Implications

It is considered that there are no financial or risk management implications.

Economic, Social & Environmental Implications

It is considered that the application does not present any economic, social or environmental implications.

Conclusion

The application fails to satisfy all the provisions of the State Planning Policy Framework and the decision guidelines of the zone and the Planning Scheme. The development is therefore considered unacceptable.

Moved Crs Blake/Vaughan

That Council suspend Standing Orders to hear a submission.

Carried

It is recorded that Council suspended Standing Orders at 10.58am.

It is recorded that Brooke Killen addressed Council between 10.58am and 10.54am

Moved Crs Blake/Vaughan

That Council resume Standing Orders.

Carried

It is recorded that Council resumed Standing Orders at 10.54am.

Moved Crs Vaughan/Hansford

That the Planning Committee resolves to issue a Notice of Decision to Refuse to Grant a Permit for the development of the land for a shed at 70 Quarry Road, Lethbridge, for the following reasons:

- ***the development fails to accord with the Clause 15 of the State Planning Policy Framework, in that the building does not respond appropriately to its landscape; and,***
- ***the development fails to respond appropriately to the decision guidelines of the zone (Clause 35.07-6) and of the Planning Scheme (Clause 65), in that the siting, bulk and height of the building will have an unacceptable impact upon visual amenity and detract from the character and appearance of the area.***

Carried

5.1.2 Planning Application P15-144 for a dwelling at 2104 Meredith-Mt Mercer Road, Mt Mercer

Directorate	Assets and Amenity
Unit	Development
Senior Manager	Greg Anders, Director Assets & Amenity
Responsible Manager	Tim Waller, Development Manager
Responsible Team Leader	Leigh Page, Acting Planning Team Leader
Author	Adrian Peggie, Town Planner
File References	Planning Application
Relevant Policies & Legislative Frameworks	Golden Plains Planning Scheme
Proposal Summary	The use and development of the land for a dwelling
Land Address	2104 Meredith-Mt Mercer Road
Applicant	James Parkin
Zone & Overlay Summary	Farming Zone
Attachments	5. Plans 6. Locality Plan 7. Parry v Moorabool [2014]

Declarations of Interest: Councillors & Officers

Greg Anders: In providing this advice as the senior manager, I have no disclosable interests in this report.

Tim Waller: In providing this advice as the responsible manager, I have no disclosable interests in this report.

Leigh Page: In providing this advice as the responsible team leader, I have no disclosable interests in this report.

Adrian Peggie: In providing this advice as the author, I have no disclosable interests in this report.

Purpose

This report relates to a planning permit application for the use and development of the land for a dwelling. The application has been referred to the Planning Committee for determination as refusal of the proposal is recommended. This report provides a background to the application, a summary of the relevant planning considerations and an officer recommendation.

Proposal

The application proposes the use and development of the land for a dwelling. The use is to occur in conjunction with a stud sheep farm use, for which a farm management plan has been prepared.

The dwelling is to be 23.6m wide and 14.3m deep, including encompassing verandah, for a total building footprint of 337 square metres. It is to have a ridged roof of maximum height of 6.9m. It is to feature two front and rear gables and front and rear entrance porticos. The external walls are to be clad in weatherboard, with the roof clad in Colorbond metal sheeting.

The effluent disposal area is to be located between the site of the proposed dwelling and the front boundary. Two 10,000L watertanks are proposed for water collection. The proposed dwelling is to make use of the existing access way.

Site Description

The subject site is located at 2104 Meredith-Mt Mercer Road. It is formally known as Lot 13 on Plan of Subdivision 208254A. The site is rectangular, with front boundary length of approximately 170m and side boundaries of approximately 470m, for total area of approximately 8 hectares.

The site contains two distinct parts, with a front yard containing a shed, shearing sheds, dam and pasture, and a rear paddock containing pasture and two dams. A row of conifers divides the two yards. The land falls towards the north. A timber paling fence has been erected along the front boundary which obstructs views of the site from the road.

The site and the broader surrounding area are part of the Farming Zone. There are a few dwellings in the vicinity of the site on similarly-sized lots. There are also a number of similarly-sized lots which are free of dwellings. Agricultural uses in the area are generally broad-acre in nature. The Golden Plains Rural Land Use Strategy identifies the area as being part of the Central Core Agricultural Area.

The Mount Mercer Windfarm is nearby to the south, with the nearest turbine located approximately 600m to the south.

History

The application was received on 6 July 2015 and the application was subsequently advertised. Following an initial assessment, a letter was sent to the applicant on 20 August 2015 advising that the proposal was unlikely to receive officer support. A meeting was held between the officer and the applicant on 7 September 2015. The applicant indicated that he would be willing to accept a condition on any permit issued requiring that the dwelling use only be undertaken in accompaniment with the actions identified in the farm management plan and overseen by an agreement under Section 173 of the *Planning and Environment Act 1987* ("the Act"). The applicant also tabled the Victorian Civil and Administrative Tribunal (VCAT) decision, *Parry v Moorabool* [2014], in support of the application.

Community Communication

Notice of the application was given to four neighbours and Meridian Energy Pty Ltd pursuant to Section 52 (1)(a) of the Act. An advertisement was also displayed at the front of the site. No objections were received.

Golden Plains Planning Scheme

State Planning Policy Framework (SPPF)

Clause 11.05-3 Rural Productivity

The objective of this policy is to manage land use change and development in rural areas to promote agriculture and rural production. The policy seeks to prevent inappropriately dispersed urban activities in rural areas and 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 single dwellings, rural living or other incompatible uses and encouraging consolidation of existing isolated small lots in rural zones.

Clause 11.06 Central Highlands Regional Growth

The *Central Highlands Regional Growth Plan* identifies the site within a designated broad acre cropping and grazing area. The policy for agricultural productivity (Clause 11.06-8) aims to support long-term agricultural productivity by identifying land for primary production and protecting key agricultural assets from incompatible uses.

Clause 14.01-1 Protection of agricultural land

The objective of this policy is to protect productive farmland which is of strategic significance in the local or regional context. The policy seeks to ensure that the State's agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use. In considering a proposal to develop agricultural land, factors to be considered include the impacts of the proposed development on the continuation of primary production on adjacent land, with particular regard to land values. Where inappropriate subdivisions exist on productive agricultural land, priority should be given by planning authorities to their re-structure.

Clause 16.02-1 Rural residential development

This policy aims to identify land suitable for rural residential development to avoid or significantly reduce adverse economic, social and environmental impacts. This is to be achieved in part by discouraging development of isolated small lots in rural zones from use for rural living or other incompatible uses and by encouraging consolidation of existing isolated small lots in rural zones.

Local Planning Policy Framework (SPPF)**Clause 21 Municipal Strategic Statement (MSS)**

According to the Municipal Profile (Clause 21.01), the main use of land in the shire is for primary production including grazing and broad acre cropping. Agricultural industries generate approximately \$44 million worth of product and 14% of the workforce is employed in primary industry.

Clause 21.01-7 identifies managing residential growth, economic growth and maintaining and encouraging viable agricultural industries as major issues affecting the Shire's land use planning and development. The policy states that the Shire contains a relatively large number of small townships and that Council seeks to focus residential development within the boundaries of these townships. It is recognised that there is pressure for development outside these townships particularly for subdivision and hobby farm development therefore the urban-rural interface needs to be managed appropriately. The policy also recognises that the Shire relies on the strength of its grazing and cropping industries as its economic base therefore it is vitally important to maintain a viable agricultural sector.

Clause 21.02 contains the vision for the shire which includes a prosperous agricultural industry. This will be achieved in part by focusing urban development into existing townships, sustainable management and protection of natural resources, facilitating productive agricultural activities, and protecting rural areas.

Clause 21.03 contains the settlement policy, which states that the Shire is characterised by a number of small towns located in the midst of productive agricultural areas and, as a result, the maintenance of a clear distinction between urban and rural areas is essential to the continuation of viable agricultural pursuits. The policy contains strategies which seek to restructure the land in the north west of the Shire to maintain viable agricultural holdings, establish an urban edge to all settlements by using zoning to provide a clear urban growth boundary, and protect land in agricultural production from adjoining uses and development inconsistent with normal farming practices.

Clause 21.05-2 relates to agriculture and emphasises the economic importance of agricultural industries to the Shire however this is potentially threatened by the fragmentation of land for non-agricultural purposes, including rural residential development and conflict between sensitive uses and agricultural uses. A critical element in the planning for agricultural uses in the Golden Plains Shire is to maintain farm size. The policy aims to ensure that agricultural land is protected and used as an economically valuable resource and to maintain farm size to allow for viable agriculture. This will be achieved by avoiding sensitive uses near agricultural operations where there may be conflict, ensuring that the use and development of rural land is both compatible and complementary to agricultural activities and avoiding fragmentation of land for non-agricultural purposes, including rural residential development.

Rural Land Use Strategy

The *Golden Plains Rural Land Use Strategy* was adopted by Council in 2008 and is a reference document to the planning scheme. The strategy is designed to guide future land use and development across the Shire's rural areas. The Strategy states that the Farming Zone has been applied to land to protect agricultural land and maintain broad acre lots in core agricultural areas. The Strategy directly addresses the issue of old and inappropriate subdivision and small lots and states that: "These areas should be zoned Farming, while the individual lots exist as separate legal parcels no provision should be made for their development."

Zone Provisions

Clause 35.07 – Farming Zone

The purpose of the Zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for the use of the 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.*

The responsible authority must consider the following, as appropriate:

General Issues

- *The State Planning Policy Framework and Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *Any Regional Catchment Strategy and associated plan applying to the land.*
- *The capability of the land to accommodate the proposed use or development, including the disposal of effluent.*
- *How the use or development relates to sustainable land management.*
- *Whether the site is suitable for the use or development and whether the proposal is compatible adjoining and nearby land uses.*
- *How the use and development makes use of existing infrastructure and services.*

Agricultural issues and the impacts from non-agricultural issues

- *Whether the use or development will support and enhance agricultural production.*
- *Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.*
- *The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.*
- *The capacity of the site to sustain the agricultural use.*
- *The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.*
- *Any integrated land management plan prepared for the site.*

Dwelling issues

- *Whether the dwelling will result in the loss or fragmentation of productive agricultural land.*
- *Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.*
- *Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.*
- *The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.*

Environmental issues

- *The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.*
- *The impact of the use or development on the flora and fauna on the site and its surrounds.*
- *The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.*
- *The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.*

Design and siting issues

- *The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.*
- *The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.*
- *The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.*
- *The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.*
- *Whether the use and development will require traffic management measures.*

Discussion

Planning Scheme

The proposed development is considered to not satisfy the relevant policies and decision guidelines contained with the Golden Plains Planning Scheme. An assessment against the relevant provisions of the planning scheme is made as follows:

State and Local Planning Policy Frameworks

The frameworks and the Rural Land Use Strategy all recognise the importance of agriculture to the Shire and seek to protect agricultural uses and land supply for such uses. The policies seek to protect agricultural land from use and development that is inconsistent with existing agricultural activities, discourage the development of small lots for dwellings and encourage the consolidation and restructure of small lots to maintain viable farm sizes. Whilst it is acknowledged that the applicant has proposed an agricultural use for the premises, the proposed use is of a relatively small-scale and would appear to add little value to the existing agricultural use of the site.

There are also a few dwellings on similarly-sized lots in the vicinity of the site on both Meredith-Mt Mercer Road and Buninyong-Mt Mercer Road, as well as a number of similarly-sized lots which are undeveloped. While planning applications are assessed on their individual merits, the grant of a planning permit in this instance may lead to greater development pressure on similar undeveloped lots. It is considered that the dwelling developments that have occurred on nearby land demonstrate not that further such development is acceptable but demonstrate how land can be lost from agricultural use. Further such ad-hoc, cumulative development in the area may result in the creation of a de-facto town settlement and undermine the outcomes sought for the Farming Zone and for settlement within the Shire. This would result in farming land broadly becoming more expensive, due to the potential pressure of land speculation.

The applicant has cited a VCAT decision, *Parry v Moorabool SC [2014]*, where a planning permit was granted on a similarly-sized lot in a Farming Zone in Moorabool Shire. Although some of the points in that case are relevant to this site, a number of factors differ being, in particular, the Planning Scheme and its suite of adopted local policies as well as the pattern of development and ownership in the area.

It is acknowledged that whilst the proposed agricultural use's lack of viability as a stand-alone enterprise should not be determinative in itself, it is considered that should the enterprise succeed there would be little scope for expansion due to the layout and use of adjoining lots. Expansion of the use may necessitate its relocation to a more suitable property.

On balance, it is considered that the resultant benefit from approving the application, being slightly enhanced agricultural production, would be outweighed by the threats, being a loss of farmland, the creation of a dwelling outside a settlement, a proliferation of dwellings in a farming area and higher prices for farmland.

Farming Zone

The purpose of the zone

The use and development will continue to provide for the use of land for agriculture, and will assist agricultural production in the short-term. The use and development of the site for a dwelling will mount a threat to the long-term use of the land for agricultural purposes as the outlay for the proposed dwelling (approximately \$300,000) will substantially outweigh the expected gross margin annual of the farming operation (approximately \$11,000). The site will therefore be more valuable for the dwelling use than for the agricultural use. This could result in productive agricultural land no longer being used for agricultural purposes. Furthermore, there is little additional capital spending required to facilitate the use to its best extent. This means that the value of the infrastructure on the site for the farming purpose is to be far exceeded by the capital value of the proposed dwelling.

Clause 35.07-2 Use of land for a dwelling

The proposed dwelling can be connected to an electricity supply. Wastewater can be disposed of on-site. Water can be obtained via way of rain water and tanks. Access to the site can be provided via an all-weather road.

General issues

- The proposal does not meet the State and Local Planning Policy Frameworks, as identified above.
- The proposal will not affect the Regional Catchment Strategy.
- The land is capable of accommodating the development, and disposing of effluent.
- A farm management plan has been prepared for the site. The proposed farm use does not appear to be sustainable in an economic sense. The use and development of a dwelling is not expected to be unsustainable.
- The proposed use and development is not incompatible with adjoining and nearby land uses. There are dwellings on the adjoining sites to the east and west. Meridian Energy does not object to the proposal as the applicant has entered into an agreement with Meridian.

Agricultural issues

- It is considered that the use and development could support and enhance agricultural production, in that it will enable the applicant to be on-site more often.
- In the long-term, it is considered that the dwelling use would become more valuable than the farming operation and the farming operation could cease. The forecast cost of the dwelling is approximately \$300,000, while the forecast gross margin of the farming enterprise is approximately \$11,000 per annum.
- Surrounding farming uses on the sites to the east and west appear to be of a similar small-scale. It is not expected that the proposed use would result in these uses being limited from their current scope.
- The site is expected to be able to sustain the agricultural use. The applicant expects to be able to achieve a stocking rate of approximately 14 Dry Sheep Equivalents with some supplementary feeding taking place.
- The farm management plan identifies the soil as being a fertile, grey clad loam suitable for improved pastures.
- An integrated land management plan has not been prepared for the site.

Dwelling issues

- The use and development of a dwelling will result in the loss of agricultural land. To begin with, the area the dwelling occupies will no longer be available for agriculture. In addition, the site would be more valuable with a dwelling than it is a farming property, and would become attractive for a rural residential use, rather than for a primarily agricultural use. That could lead to the site being lost to agriculture in the long-term. There are reasonable vistas from the property to the north towards Mt Buninyong which could make the property attractive as either a dwelling or a “weekender”.
- There do not appear to be any particularly intensive uses on nearby land. The application was advertised to surrounding properties and no objections were received.
- Surrounding farming uses on the sites to the east and west appear to be of a similar small-scale. It is not expected that the proposed use would result in these uses being limited from their current scope.
- There are already a number of dwellings in the vicinity of the subject site. The use of the subject site for a dwelling would further limit the potential of the lots in the area to be restructured in a way which would further the objectives of the farming zone.

Environmental issues

- The proposed dwelling is not expected to have a detrimental impact upon the natural physical features and resources of the area.
- The proposed dwelling is not expected to have a detrimental impact on flora, fauna or landscape features of the locality.
- The dwelling is to be situated in the front yard of the property, which is an appropriate position in relation to the features of the property. No vegetation of note is proposed for removal as a result of the development.
- Effluent disposal areas can be located to minimise impacts on native vegetation. There are no nearby waterways.

Design and siting issues

- The dwelling is to be located in the same part of the land as the other buildings on the site. This is an appropriate position for the building. It is not expected to have an impact on natural environment or vistas. There are no nearby major roads or notable water features.
- It is considered that the dwelling will not have an adverse impact on the character and appearance of the area. Indeed, the design of the dwelling is considered to be reasonably attractive and should be suitable for a rural location. There are no nearby identified features of architectural, historic or scientific significance.
- It is considered that the required infrastructure items can be connected with minimal impact.
- The proposal doesn't require any traffic management measures.

General Provisions – Clause 65

The decision guidelines of Clause 65 relevant to the application already been considered through the previous provisions.

Financial & Risk Management Implications

It is considered that there are no financial or risk management implications.

Economic, Social & Environmental Implications

It is considered that the application does not present any economic, social or environmental implications.

Conclusion

The application fails to satisfy all the provisions of the State and Local Planning Policy Framework and the decision guidelines of the zone and the Planning Scheme. The use and development is therefore considered unacceptable.

Recommendation

That the Planning Committee resolves to issue a Notice of Decision to Refuse to Grant a Permit for the use and development of the land for a dwelling at 2104 Meredith-Mt Mercer Road, Mount Mercer, for the following reasons:

- **the development fails to accord with the State and Local Planning Policy Framework, in that the dwelling may lead to the loss of productive agricultural land;**
- **the proposal is contrary to the Local Planning Policy Framework, in particular Clauses 21.01-2, 21.02, 21.03 & 21.04-3, which seek to protect agricultural land, by discouraging use and development that is inconsistent with agricultural activities and the development of dwellings on small lots in rural areas; and,**
- **the proposal does not satisfy the objectives and decision guidelines of the Farming Zone; in particular, it has the potential to lead to the loss of productive agricultural land and a proliferation of dwellings in the surrounding area.**

Moved Crs Blake/Cameron

That Council suspend Standing Orders to hear a submission.

Carried

It is recorded that Council suspended Standing Orders at 11.12am.

It is recorded that Robert Eskdale addressed Council between 11.12am and 11.21am

Moved Crs Blake/Kirby

That Council resume Standing Orders.

Carried

It is recorded that Council resumed Standing Orders at 11.21am.

Moved Crs Cameron/Hansford

That Planning Permit Application P15-144 for a dwelling at 2104 Meredith-Mt Mercer Road, Mt Mercer lay on the table to allow a further assessment of the permit.

The motion was withdrawn with the approval of Council.

Moved Crs Vaughan/Hansford

That Planning Officers:

1. **prepare a report for presentation to Councillors at a workshop session to be held on 27 October 2015, with the report to identify the suite of conditions that the officers believe should be attached to any planning permit which Council may ultimately decide to issue for the use and development of land for a dwelling at 2104 Meredith-Mt Mercer Road, Mt Mercer.**
2. **present a further report on Planning Application P15-144 for the use and development of the land for a dwelling at 2104 Meredith-Mt Mercer Road, Mt Mercer to the Planning Committee at the meeting to be held on 22 November 2015.**

Carried

6. OTHER BUSINESS

Moved Crs Vaughan/Blake

That Council, in accordance with Section 89 of the Local Government Act 1989, close the meeting to members of the public to discuss proposed developments.

Carried

It is recorded that at 5.22pm the meeting moved In Camera to discuss proposed developments.

Refer In Camera Minutes 11.38am to 11.50am for details.

Cr Hansford raised the issue of public toilets. Mr Anders, Director Assets and Amenity, advised that this is an ongoing concern and is being addressed.

7. ATTACHMENTS

Attachment 1	Item 5.1.1	P15-085 plans
Attachment 2	Item 5.1.1	P15-085 locality plan
Attachment 3	Item 5.1.1	P15-085 objection
Attachment 4	Item 5.1.1	P15-085 justification for shed and response to objection
Attachment 5	Item 5.1.2	P15-144 plans
Attachment 6	Item 5.1.2	P15-144 locality plan
Attachment 7	Item 5.1.2	P15-144 Parry V Moorabool [2014]

Attachments are available upon request.

8. DATE OF NEXT MEETING

To be advised.

9. CLOSE OF MEETING

The meeting closed at 11.52am.

10. CERTIFICATION

In accordance with Section 93(5) of the Local Government Act 1989, I hereby certify that the minutes of this Planning Committee meeting have been confirmed as a true and correct record.

Confirmed, Acting Chair, Cr Des Phelan

Date