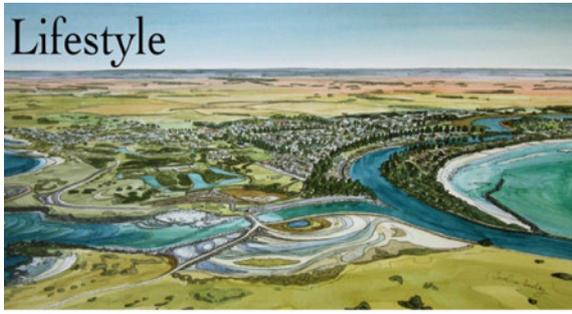


# Lifestyle



## Town Planning & Services

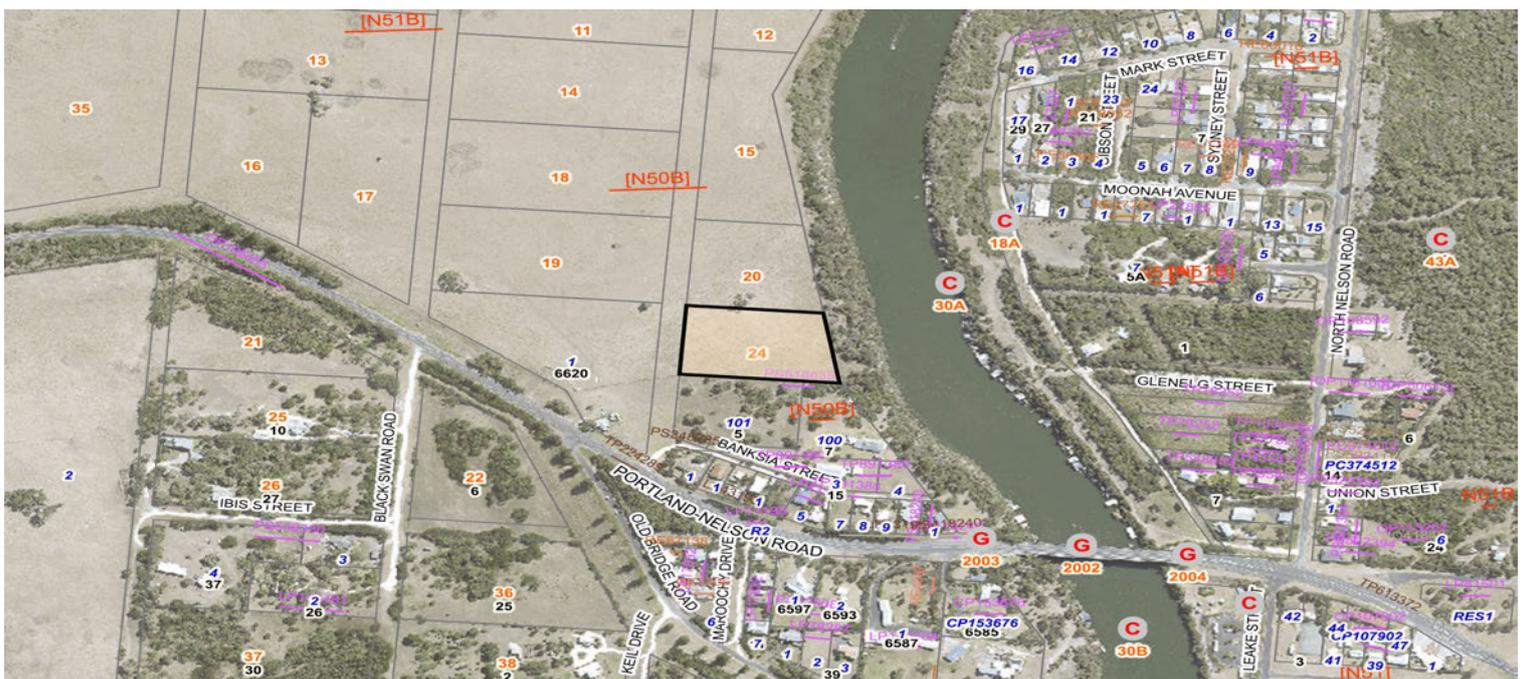
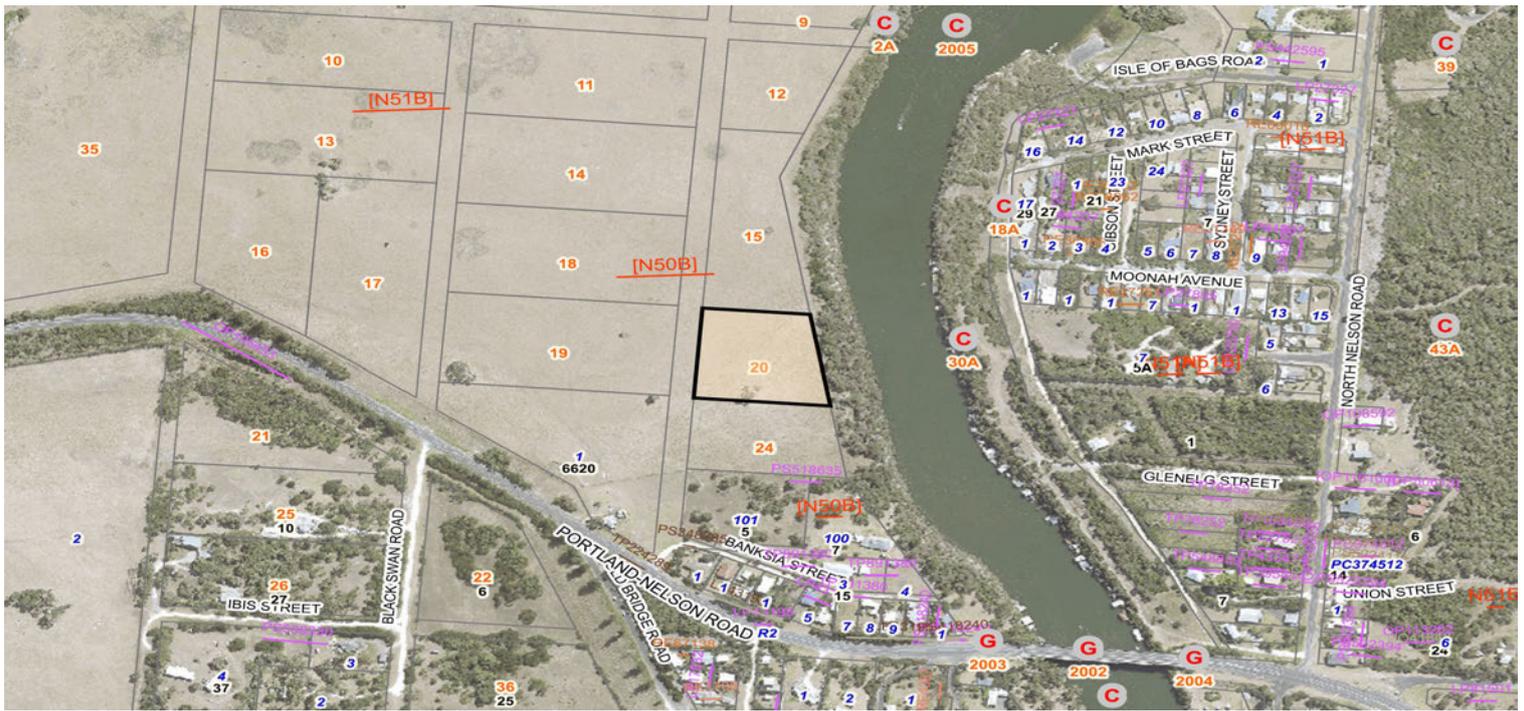
### Planning Report

Date 14/01/26

Portland Nelson Road, Nelson  
Vic 3292.

CA's 20,24 Township of Nelson,  
Parish of Glenelg.

Use and development of a  
dwelling and outbuilding.



## **ACKNOWLEDGEMENTS**

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# 1. PROPOSAL

The proposal consists of the consolidation of 2 existing titles into 1 allotment and the construction of a single dwelling and outbuilding at Portland Nelson Road, Nelson.

The intent of the proposal is to consolidate two undersized farming allotments into a more viable land holding for small scale agricultural purposes and to construct a dwelling to enable the land to be run as a smallholding. The land is ideal for cattle grazing and particularly good for rearing calves. This requires 24 hour animal care which cannot be well managed living remotely from the animals.

The proposal is based upon local policy 14.01-1L-03 where the application meets the policy criteria for the construction of a dwelling in conjunction with consolidation of titles.



The landowner is creating an opportunity for the land to be used for small scale farming practices which area which is anticipated to appeal to young farmers with limited capital to get a foothold into the property market to develop their farming experience and skills. The land would also be similar for a range of other agricultural purposes such as poultry and egg production, vegetable or fruit growing such as strawberries etc which is anticipated to be viable with the size of the proposed landholding situated in a readily accessible location to markets.

The importance of living on site is critical to the success of the venture for effective security, and hands on land care practices to create a niche agricultural cottage industry which is seen as an innovative way to diversify agricultural production in the area and attract people to the land and to the industry.

The economic benefits of attracting people to the area supports local communities which is widely supported by local planning policies and the wider Victorian planning policies.

The components of the proposal are listed below.

#### **Consolidation of titles**

Crown Allotment 20 Township of Nelson Parish of Glenelg – 1.07 Ha

Crown Allotment 24 Township of Nelson Parish of Glenelg – 1.042 Ha

When consolidated the new lot will have a combined site area of 2.112 Ha.

#### **Dwelling.**

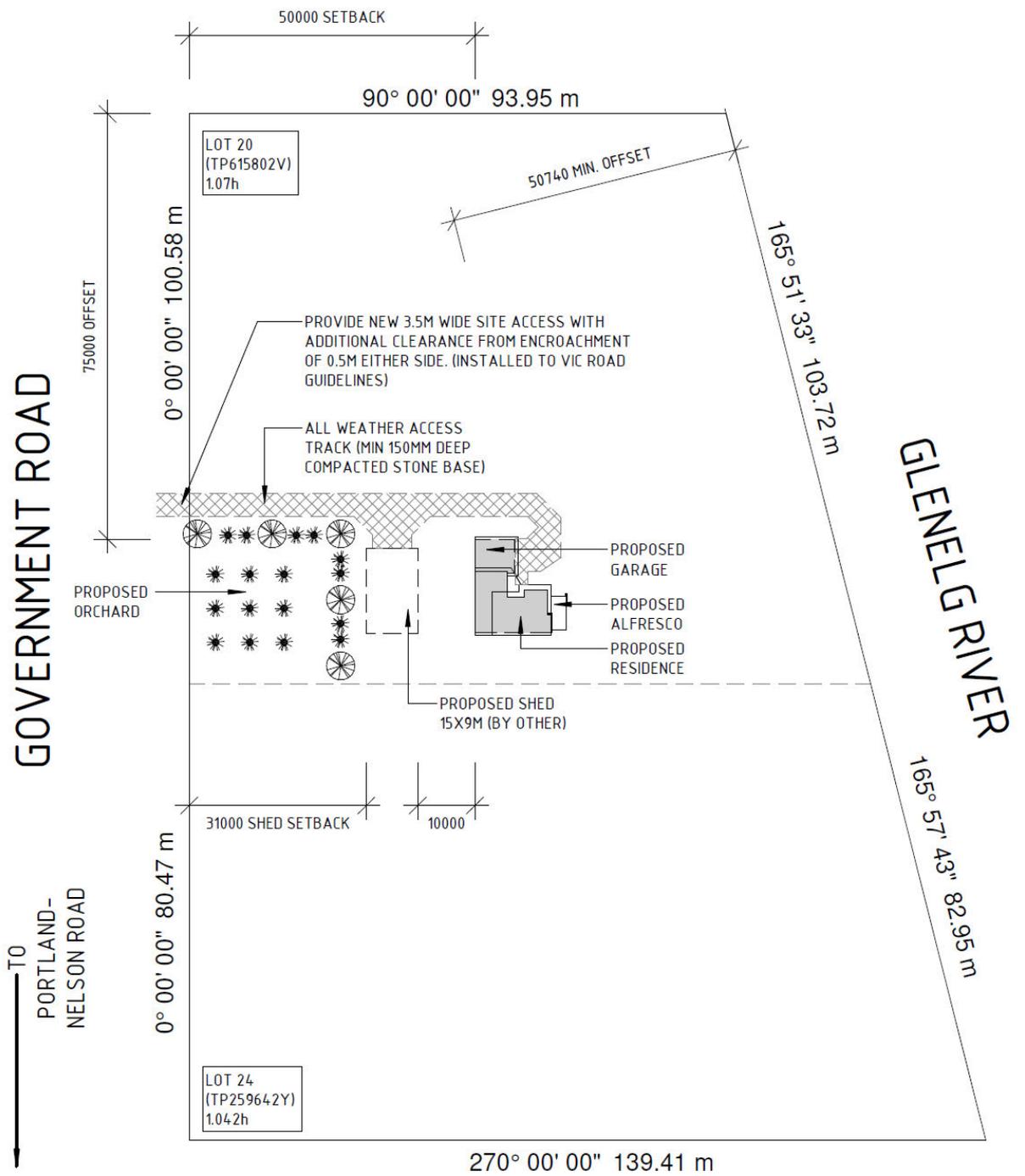
The proposed dwelling is double storied and proposed to be sited almost in the middle of the two consolidated allotments lot accessed via a new all-weather access road leading from Portland Nelson Road.

The dwelling will be finished externally in a mix of facing brickwork, timber and corrugated iron cladding, under a slightly pitched Trimdeck iron roof covering with aluminium windows and external doors.

The dwelling will have a footprint of 236.49 sqm only occupying less around 1% of the overall consolidated site which maximises the potential for agricultural production and together with its modest height of 6.57m minimises visual intrusion of the dwelling in the landscape.

The proposed dwelling is well setback (50m) from the east boundary and 50m from the front (west) boundary (unmade Government Road reserve) and will be accessed via a new all-weather access to accommodate emergency vehicles.

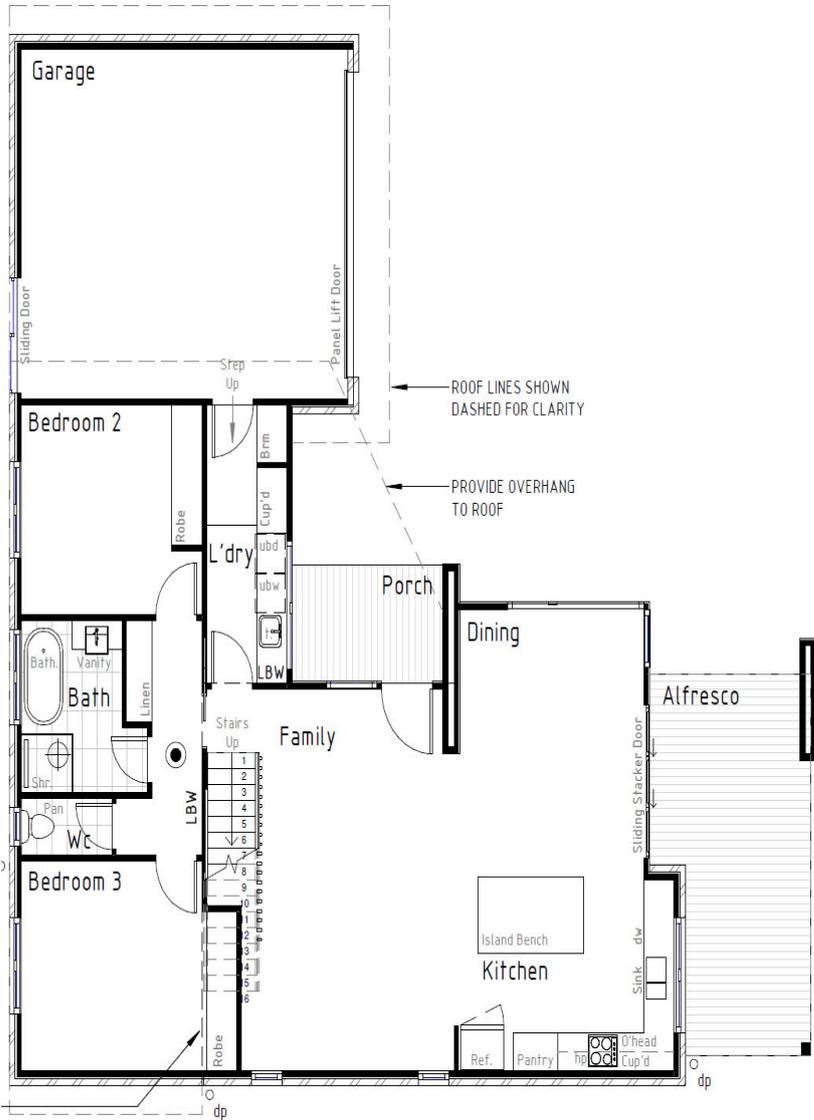
Services include rain water tanks for potable water and septic tank waste water to Council and EPA satisfaction. Mains electricity is available for connection.



## SITE PLAN

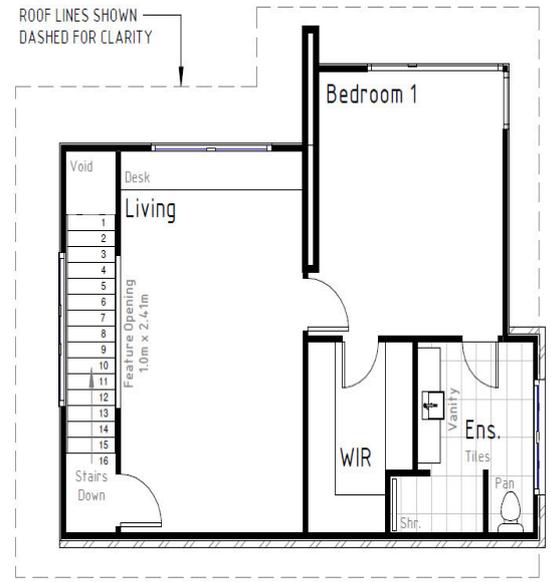
1:1000

# Floor Plan of dwelling



## GROUND FLOOR

1: 100

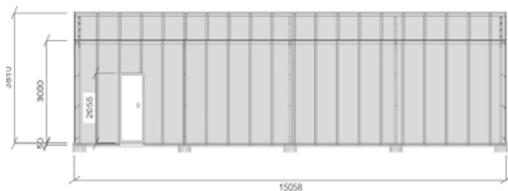


## FIRST FLOOR

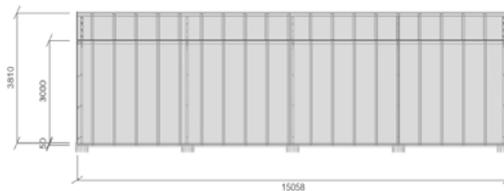
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## Outbuilding

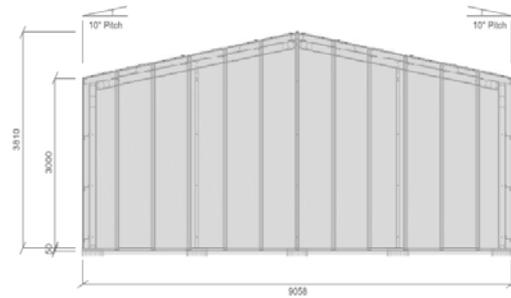
The outbuilding (shed) has dimensions of 15m x 9m (136.2 sqm) and a maximum height of 3.81m. It is of steel frame construction on a concrete slab and clad externally in Colorbond sheeting. There are 2 roller shutter doors to the front elevation and a personnel door to the side. The shed has a maximum height of 3.81m above ground level. The shed will be of a non-reflective material in a neutral colour which is yet to be decided however a colour schedule can be decided in response to a permit condition if required.



EAST ELEVATION  
FRONT VIEW



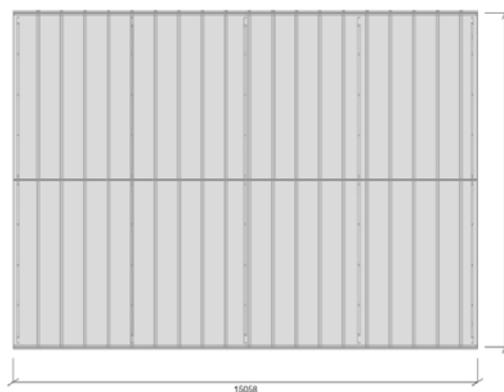
WEST ELEVATION  
BACK VIEW



SOUTH ELEVATION  
LEFT VIEW



NORTH ELEVATION  
RIGHT VIEW



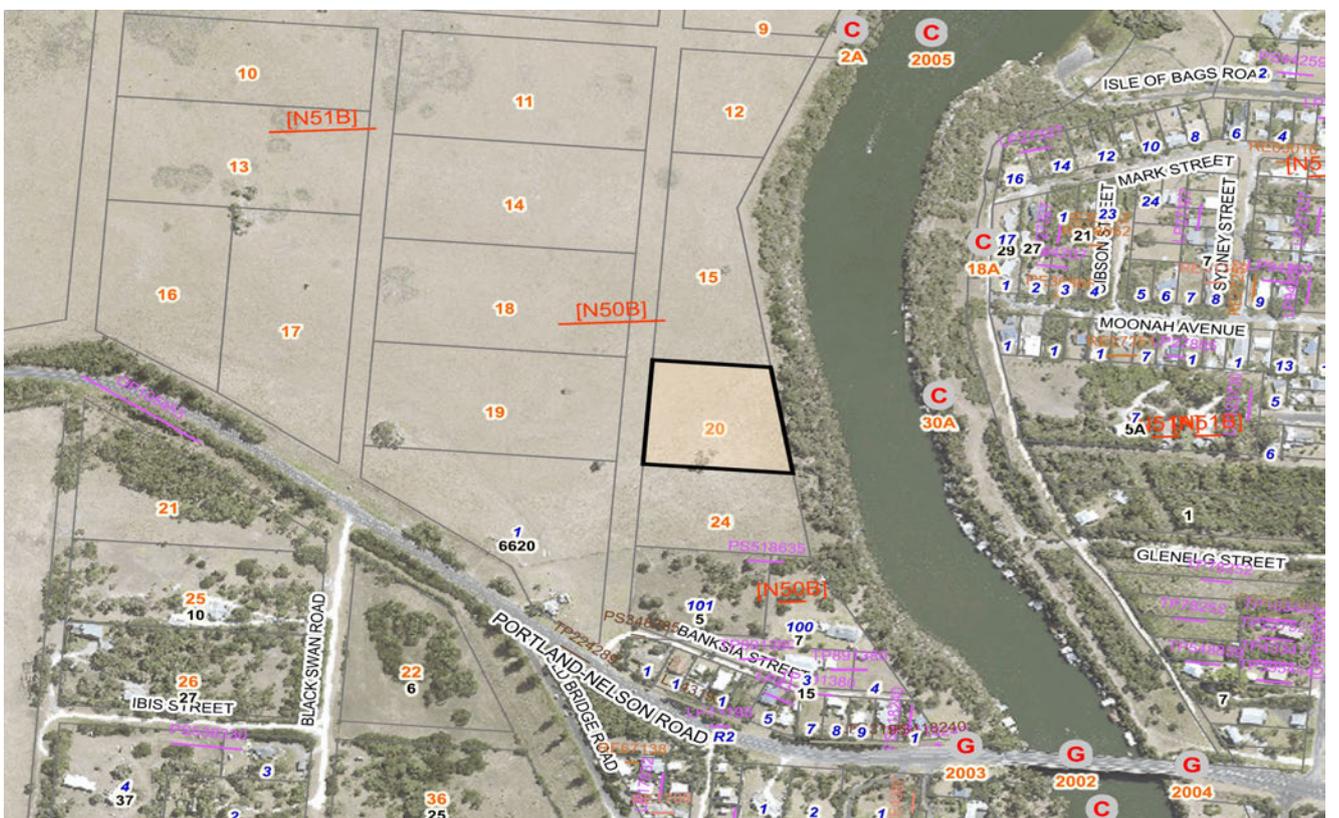
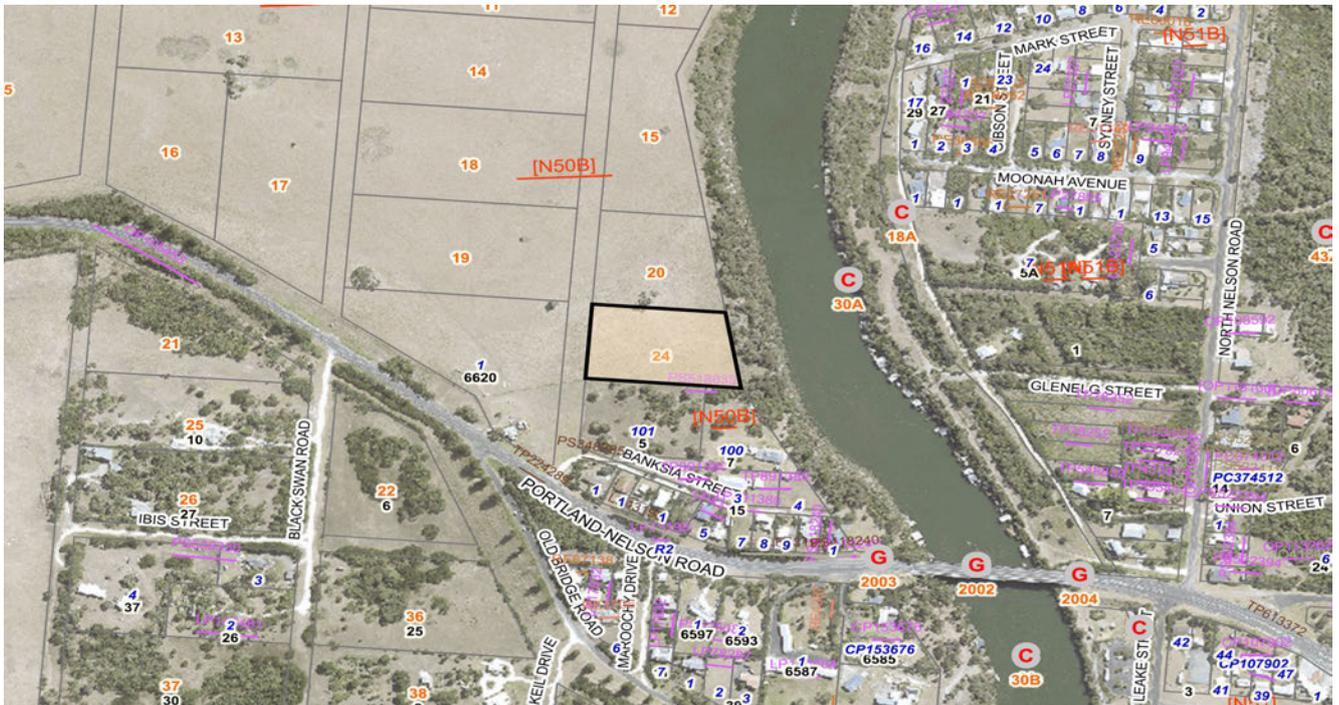
▲ ▲ ▲  
PLAN VIEW



ISO FRONT LEFT VIEW

## 2. SITE ANALYSIS

The site is situated on the northern side of Portland Nelson Road on the western outskirts of Nelson with frontage to the Glenelg River reserve. The site undulates with the proposed dwelling site generally flat and is bordered by an unmade government road reserve on the western frontage and the Glenelg River Reserve on the eastern side. There is a dwelling abutting to the south approximately 100m from the title boundary.



Nelson is situated 28 km to the southwest of Mount Gambier with Portland 69 km to the southeast. The land is undeveloped pasture used for livestock grazing, enclosed by farm style post and wire fencing. There is a clump of paddock trees present which are unaffected by the proposal. The combined site extends to approximately 2.11 Ha. No services are connected although electricity is available for connection nearby. The surrounding area is mostly grazing farmland to the west with the township zone and boatsheds fronting the river on the eastern side of the river.

**Looking south across the subject land towards the river and Nelson**



**Looking south towards Nelson across the subject land**



**Looking north**



### 3. PLANNING CONTROLS

#### Zone

Farming Zone Schedule 2 (FZ2).



## Overlays

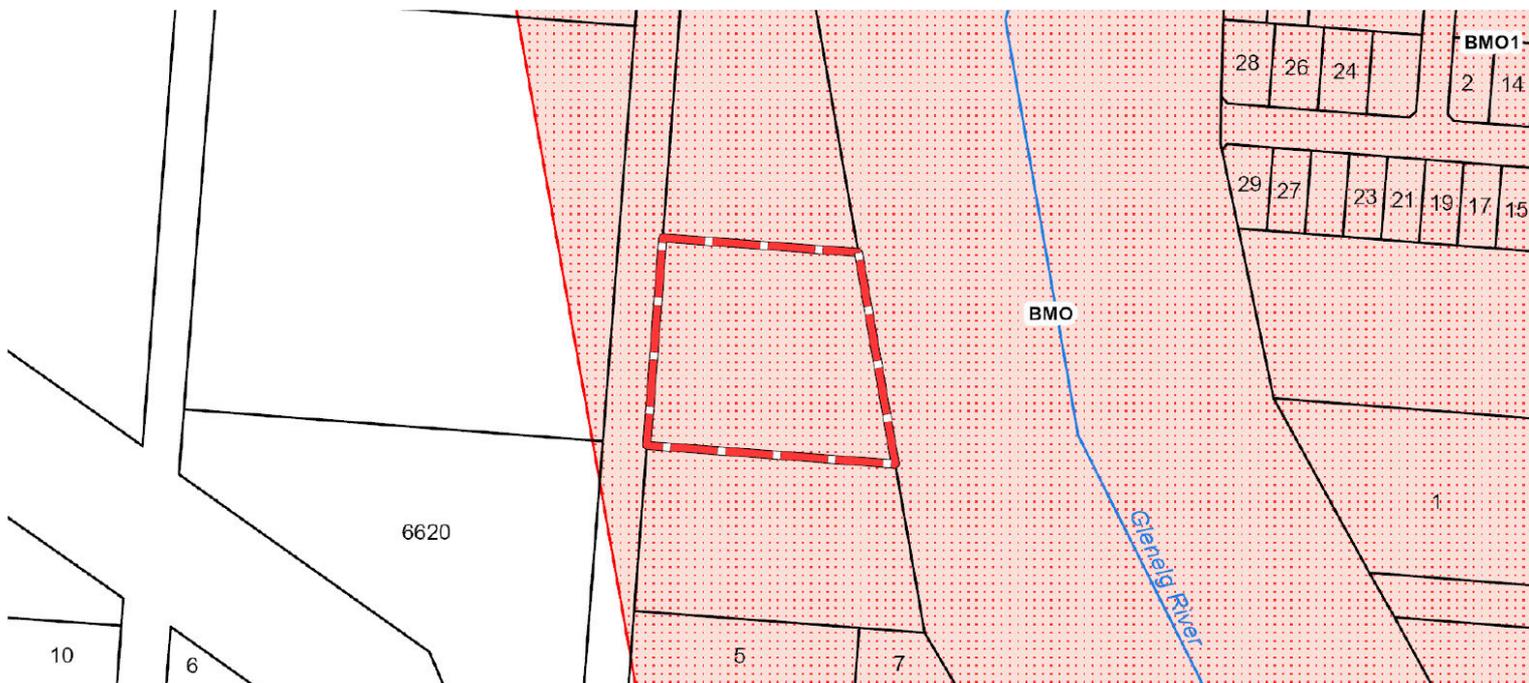
Environmental Significance Overlay Schedule 3 (ESO3).



Significant Landscape Overlay Schedule 1 (SLO1)



## Bushfire Management Overlay



### Other

The site is situated within a Designated Bushfire Prone Area.

The site is within an area of Aboriginal Heritage Cultural Sensitivity.

### Permit requirements

- A permit is required under the Farming Zone at **Clause 35.07-2** for the use of the land for a dwelling as the lot size does not meet the minimum lot size of 40Ha and is therefore a Section 2 use.
- A permit is required under the Farming Zone at **Clause 35.07-4** for buildings and works associated with a Section 2 use.
- A permit is required under the SLO1 at **Clause 42.03-2** for buildings and works.
- A permit is required under the BMO at **Clause 44.06-2** for buildings and works associated with a dwelling.
- No permit is required under the ESO3 at **Clause 42.01-2** as the schedule to the overlay exempts buildings and works and consolidation if it does not involve the removal of significant vegetation which is the case in this application.

The proposal is exempt from the need to prepare a Cultural Heritage Management Plan as the title consolidation and construction of single dwelling are exempt under the Aboriginal Heritage Regulations 2018.

## **4. PLANNING ASSESSMENT**

### **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 35.07-2**

#### **Use of land for a dwelling.**

*A lot used for a dwelling must meet the following requirements:*

*Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.*

*Each dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available all wastewater from each dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017 for an on-site wastewater management system.*

*The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.*

*The dwelling must be connected to a reticulated electricity supply or have an alternative energy source. These requirements also apply to a dependent person's unit and a rural worker accommodation.*

### **ASSESSMENT**

Access to the proposed dwelling will be via an all-weather driveway to be constructed leading from an unconstructed government road which will also be constructed in an all-weather gravel surface.

Services to the dwelling will include reticulated potable water from rainwater tanks. Wastewater will be serviced by a private septic tank system constructed to council standards and EPA regulations.

Rainwater will also be collected for firefighting purposes.

Electricity is available for connection to the property.

It is considered that the proposal meets the requirements for use of land for a dwelling.

#### **Clause 35.07-4**

##### **Buildings and works (and subdivision).**

*A permit is required to construct or carry out any of the following:*

*A building or works associated with a use in Section 2 of Clause 35.07-1.*

*This does not apply to: – An alteration or extension to an existing dwelling provided the floor area of the alteration or extension is not more than the area specified in a schedule to this zone or, if no area is specified, 100 square metres. Any area specified must be more than 100 square metres.*

*An out-building associated with an existing dwelling provided the floor area of the out-building is not more than the area specified in a schedule to this zone or, if no area is specified, 100 square metres. Any area specified must be more than 100 square metres.*

*An alteration or extension to an existing building used for agriculture provided the floor area of the alteration or extension is not more than the area specified in a schedule to this zone or, if no area is specified, 200 square metres. Any area specified must be more than 200 square metres.*

*The building must not be used to keep, board, breed or train animals.*

*A rainwater tank.*

*Earthworks specified in a schedule to this zone, if on land specified in a schedule.*

*A building which is within any of the following setbacks:*

*The setback from a Transport Zone 2 or land in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority and the purpose of the acquisition is for a road specified in a schedule to this zone or, if no setback is specified, 50 metres.*

*The setback from any other road or boundary specified in a schedule to this zone.*

*The setback from a dwelling not in the same ownership specified in a schedule to this zone.*

*100 metres from a waterway, wetlands or designated flood plain.*

*Permanent or fixed feeding infrastructure for seasonal or supplementary feeding for grazing animal production constructed within 100 metres of:*

*A waterway, wetland or designated flood plain.*

*A dwelling not in the same ownership.*

*A residential or urban growth zone. A building or works associated with accommodation located within one kilometre from the nearest title boundary of land subject to:*

*A permit for a wind energy facility; or*

*An application for a permit for a wind energy facility; or*

*An incorporated document approving a wind energy facility; or*

*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 Environment Effects Act 1978.*

*A building or works associated with accommodation located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.*

#### **Clause 35.07-6**

##### **Decision guidelines**

*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:*

*General issues The Municipal Planning Strategy and the Planning Policy Framework.*

*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 with 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 uses.*

*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.*

*Whether Rural worker accommodation is necessary having regard to:*

*The nature and scale of the agricultural use.*

*The accessibility to residential areas and existing accommodation, and the remoteness of the location. The duration of the use of the land for Rural worker accommodation.*

### **Accommodation 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.*

*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:*

*A permit for a wind energy facility; or*

*An application for a permit for a wind energy facility; or*

*An incorporated document approving a wind energy facility; or*

*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 Environment Effects Act 1978.*

*The potential for accommodation to be adversely affected by vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.*

### **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.*

*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:*

*A permit for a wind energy facility; or*

*An application for a permit for a wind energy facility; or*

*An incorporated document approving a wind energy facility; or*

*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 Environment Effects Act 1978.*

*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 Mineral Resources (Sustainable Development) Act 1990.*

## **ASSESSMENT**

The current configuration of titles are realistically not viable to sustain an agricultural use, the parcels are too small. The pattern of land holdings is fragmented and is not consistent with the purpose of the Farming Zone to conserve and enhance agricultural production. As the titles are legal entities, they can be sold off piecemeal.

Consolidating existing small titles into one parcel is an improvement to the current situation and gives some opportunity to conduct agricultural uses on the land on one title and is consistent with Rural Dwelling Policy 14.01-L-03.

By consolidating the 2 titles into one larger allotment this provides a more substantive parcel of land which is capable of being used for small scale agriculture.

A dwelling is required on the land to supplement the agricultural use. Intensive animal husbandry is not able to be undertaken when the farmer does not live on the land as the required level of care and in some cases around the clock care and security of rearing livestock is severely hampered when living remotely from the land.

There is no fragmentation or loss of productive agricultural land as a result of the proposed land consolidation and associated dwelling.

The site has capacity to accommodate and safely treat wastewater, with the dwelling also advantageous to collect and retain a water supply and water for firefighting purposes.

There are no anticipated land use conflicts, as the subject site is mostly surrounded by farmland, with the site having the benefit of constructed road frontages making sustainable use of existing infrastructure.

There are no adverse environmental impacts or loss of significant vegetation as the land has previously been used for grazing.

There are no wind energy facilities in the vicinity and given the undulating terrain, the proposed dwelling will be sited sufficiently set back to not dominate the landscape in keeping with the semi-rural nature of the area.

Traditional building materials will be used such as brick, Colorbond roofing, are also in keeping with contemporary housing design.

There is no flooding identified within the vicinity of the subject site.

The proposal is therefore considered consistent with the planning policy framework as it provides housing choice, sustainable land use, no fragmentation or loss of existing agricultural land, and economic benefit to the area.

The landowner is creating an opportunity for the land to be used for small scale farming practices which area which is anticipated to appeal to young farmers with limited capital to get a foothold into the property market to develop their farming experience and skills. The land would also be similar for a range of other agricultural purposes such as poultry and egg production, vegetable or fruit growing such as strawberries etc which is anticipated to be viable with the size of the proposed landholding situated in a readily accessible location to markets.

The importance of living on site is critical to the success of the venture for effective security, and hands on land care practices to create a niche agricultural cottage industry which is seen as an innovative way to diversify agricultural production in the area and attract people to the land and to the industry.

The economic benefits of attracting people to the area supports local communities which is widely supported by local planning policies and the wider Victorian planning policies.

### **Clause 42.03**

#### **SIGNIFICANT LANDSCAPE OVERLAY**

##### **Purpose**

*To implement the Municipal Planning Strategy and the Planning Policy Framework.*

*To identify significant landscapes.*

*To conserve and enhance the character of significant landscapes.*

### **Clause 42.03-5**

##### **Decision guidelines**

*Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:*

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The statement of the nature and key elements of the landscape and the landscape character objective contained in a schedule to this overlay.*
- *The conservation and enhancement of the landscape values of the area.*
- *The need to remove, destroy or lop vegetation to create a defensible space to reduce the risk of bushfire to life and property.*
- *The impact of the proposed buildings and works on the landscape due to height, bulk, colour, general appearance or the need to remove vegetation.*
- *The extent to which the buildings and works are designed to enhance or promote the landscape character objectives of the area.*
- *The impact of buildings and works on significant views.*
- *Any other matters specified in a schedule to this overlay.*

#### **SCHEDULE 1 TO CLAUSE 42.03 SIGNIFICANT LANDSCAPE OVERLAY**

##### **GLENELG RIVER ESTUARY AND SURROUNDS**

##### **Decision guidelines**

*The following decision guidelines apply to an application for a permit under Clause 42.03, in addition to those specified in Clause 42.03 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:*

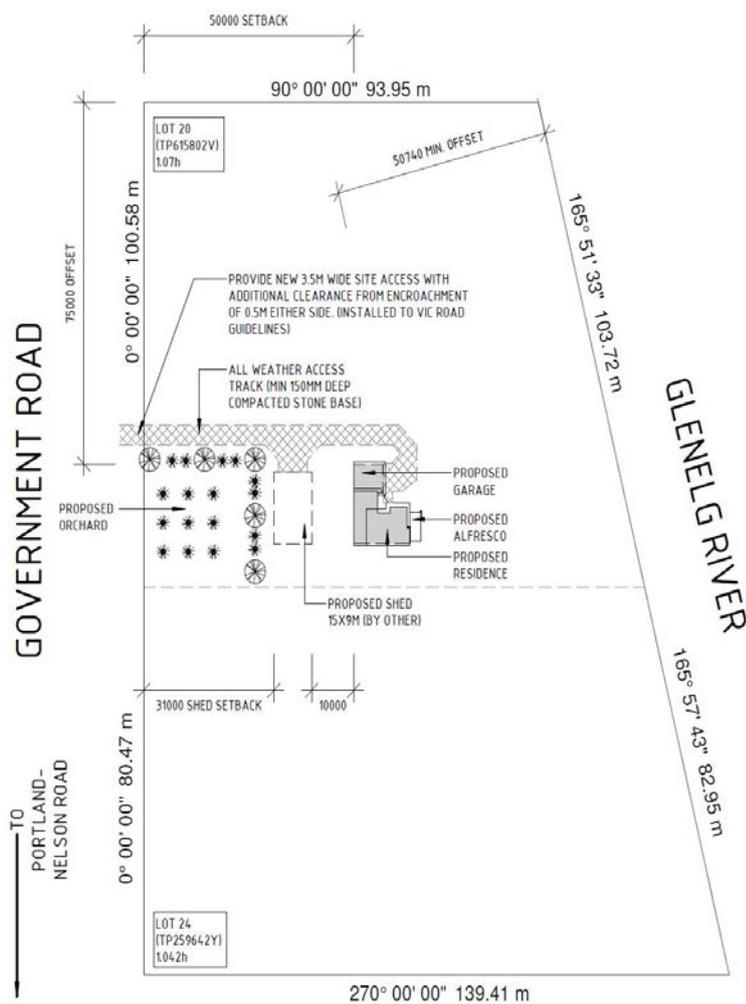
- *Whether the development encroaches into or is visible within 500 metres of scenic coastal viewpoints, lookouts, and the Great South West Walk (outside the urban area of Nelson).*
- *Whether the development is designed and sited:*
  - *low on slopes;*
  - *amongst vegetation; and*
  - *has a form conforming to the topography of the land retaining natural and/or rural character.*
- *Whether development sited outside of the urban area of Nelson:*
  - *retains views and vegetation.*
  - *intrudes into undeveloped areas visible from the Portland-Nelson Road, Beach Road, and the Glenelg River.*
- *Whether development located within the urban area of Nelson is set back a sufficient distance:*
  - *from the Glenelg River so that it is not visible behind indigenous vegetation from the river edge.*
  - *to allow for the protection or rehabilitation of a substantial area of riparian vegetation.*
- *Whether buildings near the Glenelg River Estuary are low scale.*
- *Whether development within the coastal strip is:*
  - *sited on the inland slope of dunes and does not protrude above the dune ridgeline;*
  - *sufficiently set amongst existing vegetation and maximises the retention of indigenous coastal vegetation;*
  - *using appropriate indigenous vegetation to integrate the development into the landscape; designed to follow the natural contours or step down the site;*
  - *sited to avoid visually dominant elevations;*
  - *minimising overlooking of the foreshore; and*
  - *avoiding access into highly visible or undisturbed areas.*
- *Whether development has regard to Coastal Spaces Landscape Assessment Study (Planisphere, 2006), in particular the relevant Character Area Paper.*

# ASSESSMENT

The proposed dwelling is not excessively tall or bulky having a maximum height of 6.57m above ground level. The outbuilding is also modest in size and height at 3.81m above ground level. There is no significant excavation required.

The dwelling is setback approximately 50m from the eastern boundary with the outbuilding setback approximately 30m from the western side boundary. The dwelling and shed are not obtrusive or placed in a prominent location and will not dominate the landscape given their modest bulk and height. The proposed buildings are well spaced from the only abutting dwelling and are partly shielded by existing paddock trees. The dwelling and shed are not sited on a ridgeline or elevated land.

A



## SITE PLAN

1: 1000



NEARMAPS IMAGE - NTS

## **Clause 44.06**

### **BUSHFIRE MANAGEMENT OVERLAY**

#### **Purpose**

*To implement the Municipal Planning Strategy and the Planning Policy Framework.*

*To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*

*To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*

*To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*

#### **44.06-8**

#### **Decision guidelines**

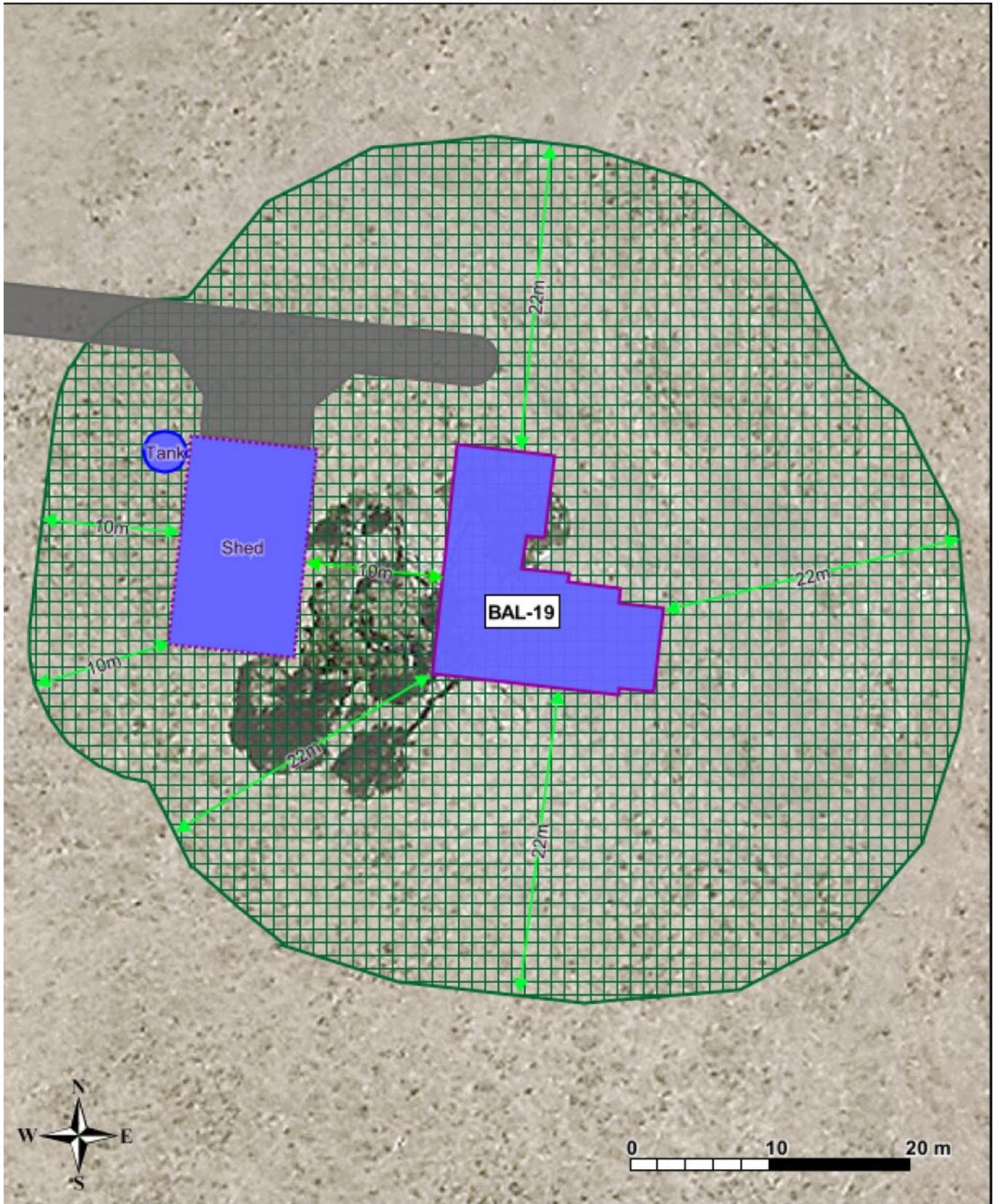
*Before deciding on an application, in addition to the decision guidelines in Clause 53.02 and Clause 65, the responsible authority must consider, as appropriate:*

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *Any other matters specified in a schedule to this overlay.*

### **ASSESSMENT**

A bushfire assessment and bushfire management plan has been submitted with the application. Refer to submitted documents.

Defendable distances and other measures including BAL -19 rating are proposed to achieve bushfire risk compliance.



**Buildings**     Shed    **Water**    **Defendable space**  
 House     Tank     Defendable Space

## **MPS ASSESSMENT**

### **Clause 02.03-1**

#### **Settlement**

#### **Managing growth**

*The Glenelg Shire Council Strategic Framework Plan (at Clause 02.04) illustrates the hierarchy of towns in the Shire.*

*Towns within the Glenelg Shire have the capacity to accommodate additional residential development. Some small towns have existing infrastructure to support a larger population but are experiencing limited population growth.*

*Council seeks to achieve growth by:*

- Consolidating development within regional and district towns where there is reticulated infrastructure such as water, sewerage and stormwater drainage.*
- Securing the economic future of Portland, Heywood, Casterton, Dartmoor and Nelson by broadening their employment base.*
- Facilitating urban growth in and around existing towns and settlements.*
- Supporting rural residential development only where it is linked to an existing urban area, where it does not impact on land capability, productive agricultural land use or water quality and where it can be serviced by infrastructure.*
- Encouraging land within existing towns to be developed before new land is considered for rezoning to provide housing.*
- Supporting rural living housing generally in areas surrounding existing towns.*
- Managing urban growth to minimise conflict with surrounding rural areas.*
- Managing the interface of rural living areas and agricultural areas to minimise conflict with commercial agricultural operations.*

## **ASSESSMENT**

The proposed dwelling and shed represent limited managed growth on land identified in the planning scheme at clause 14.01-1L-03 as being potentially suitable for a dwelling in conjunction with the consolidation of titles.

The land is sufficiently distanced and buffered from agricultural land to minimise land use conflicts and amenity impacts and can be used for limited agricultural production.

### **Small towns**

*Nelson is located on the mouth of the Glenelg River. The population significantly increases with seasonal visitors in summer and holiday periods.*

*Council seeks to facilitate the development of Nelson by:*

- Supporting holiday accommodation as part of the Great South West Walk.*

- *Supporting the establishment of community facilities for both aged and preschool needs.*

## **ASSESSMENT**

The proposed consolidation and use and development are consistent with the clause as the consolidation of land caters for rural residential development which would suit a farm stay accommodation style arrangement.

### **Clause 02.03-2**

#### **Environmental and landscape values**

##### **Biodiversity**

*Glenelg has a wealth of natural resources of regional, national and international significance including plant and animal species on land, waterways, wetlands and the sea.*

*The Shire's biodiversity is located across public land and is generally in good condition. Many reserves in the Shire, often wetlands, are known to have highly significant biodiversity levels.*

*Council seeks to manage biodiversity within the municipality by:*

- *Protecting and conserving woodlands, waterways, wetlands, intertidal areas, lagoons and coastal areas.*
- *Protecting native vegetation and retaining habitats for native fauna.*

##### **Coastal areas**

*The Shire's coastal areas are major natural, economic and environmental resources that need to be managed to balance development opportunities while protecting the landscape and environment.*

*Council seeks to protect coastal areas by:*

- *Protecting the natural and cultural values of the coast.*
- *Managing the use and development of the coast in a sustainable manner.*
- *Protecting fish nursery habitats for future fishing activities.*
- *Supporting tourism and recreation in coastal areas.*
- *Encouraging coastal related development that responds to the landscape setting, character and desired future character directions.*
- *Maintaining locally significant views that contribute to the character of the coast and coastal hinterland region.*

##### **Significant environments and landscapes**

*The Shire's natural landscapes and their hinterlands are highly valued for their visual, environmental and cultural qualities.*

*The World Heritage listed Budj Bim Cultural Landscape contains one of the world's most extensive and oldest aquaculture systems, developed by the Gunditjmara people. The Budj Bim lava flows provide the basis for this complex aquaculture system, based on deliberate redirection, modification and management of waterways and wetlands.*

*Strategic directions:*

- *Protect the Shire's significant landscapes, waterways, wetlands, woodlands and natural environments, including the World Heritage listed Budj Bim Cultural Landscape.*
- *Protect and enhance the environmental qualities and character of the Budj Bim National Park.*
- *Encourage development that is subordinate to the natural, visual and environmental landscape character and significance.*

## **ASSESSMENT**

The proposed dwelling and shed will not be prominent elements in the landscape and will be sited well back from the river and abutting properties.

The dwelling and shed are of modest height and bulk and will be revegetated to soften the built form.

### **Clause 02.03-3**

#### **Environmental risks and amenity**

##### **Bushfire**

*The most significant township interface to bushfire hazards are in the towns of Nelson, Cape Bridgewater, Narrawong, Bolwarra and Digby, all of which have been listed with an 'extreme' rating on the Victorian Fire Risk Register. Other areas close to bushfire hazards include Tyrendarra, Dartmoor and the interface areas of Portland and its surrounds.*

*Council seeks to manage bushfire risk by:*

- *Discouraging development in areas prone to bushfire risk.*
- *Supporting planning and development considerations that minimise the impact of fire.*

## **ASSESSMENT**

The siting of the proposed dwelling is inside the BMO area and designated as being bushfire prone. The proposed dwelling will be access via an all-weather access road leading from a government road with rainwater tanks for drinking water and firefighting to mitigate fire risk. A separate bushfire risk assessment and management plan have been prepared and submitted with the application which detail the bushfire control measures.

## **PPF ASSESSMENT**

### **Clause 13.02-1S**

#### **Bushfire planning**

#### **Policy application**

*This policy must be applied to all planning and decision making under the Planning and Environment Act 1987 relating to land that is:*

- *Within a designated bushfire prone area;*
- *Subject to a Bushfire Management Overlay; or*
- *Proposed to be used or developed in a way that may create a bushfire hazard.*

### **Objective**

*To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.*

### **Strategies**

#### **Protection of human life**

*Give priority to the protection of human life by:*

- *Prioritising the protection of human life over all other policy considerations.*
- *Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.*
- *Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages of the planning process.*

## **ASSESSMENT**

The land is designated as being bushfire prone. The proposed dwelling will be access via an all-weather access road leading from a government road with rainwater tanks, BAL 19 rating and defendable distances together with rainwater tanks for drinking water and firefighting to mitigate fire risk.

### **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 Economic Development, Jobs, Transport and Resources 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.*

## **ASSESSMENT**

The proposal is consistent with the objectives outlined under the Clause in the following ways:

- It does not seek to remove productive farmland. On the contrary, given the fragmented title arrangements of the land, agricultural production and pest plant and animals will be reduced as a result of better farm management practices.
- The proposed dwelling will support limited agricultural use as is customary for landowners to live on the farm to enable surveillance and on hand management.
- There are no foreseeable land use conflicts.
- On site impacts such as waterways, ridgelines are not affected. Visual intrusion is minimal given the modest dwelling size and proposed setbacks.

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**Farming Zone Schedule 2 and Rural Conservation Zone Schedule 2**

### **Policy application**

This policy applies to an application for the use and/or development of a dwelling in the Farming Zone Schedule 2 and Rural Conservation Zone Schedule 2.

### **Objective**

To ensure that the use and development of dwellings in rural areas is secondary to existing agricultural, forestry, or industrial activities.

### **Strategies**

*Discourage more than one dwelling on a lot.*

*Discourage the construction of a new dwelling unless the lot has:*

- *Legal frontage to a road.*
- *The potential to be consolidated with another lot.*

*Ensure that a new dwelling is clustered with other dwellings.*

*Avoid siting dwellings and associated structures on ridge-lines or hilltops.*

*Use landscaping to screen dwellings from neighbouring dwellings, roads, and adjoining agriculture or industrial uses.*

*Support dwellings in the Rural Dwelling Policy Areas shown on the maps to this policy when lots in the same ownership are consolidated.*

## Policy guidelines

Consider as relevant:

Ensure that a dwelling is set back:

- 100 metres to agriculture (other than grazing animal production), or land with potential for agriculture (other than grazing animal production) not in the same ownership; and
- 500 metres from extractive industry.

## Policy document

Consider as relevant:

- Rural Land Strategy (RMCG, 2019)



## **ASSESSMENT**

The land is situated within the area identified in the planning scheme. The proposal meets the policy in the following ways:

- There will be one dwelling on two lots consolidated.
- The land has legal frontage to an unconstructed government road reserve which will be upgraded to an all-weather surface in consultation with Council.
- The dwelling and outbuilding is not sited on a ridgeline.
- Setbacks and landscape buffers can be established to protect amenity and land use conflicts.

### **Clause 15.01-6S**

#### **Design for rural areas**

##### **Objective**

*To ensure development respects valued areas of rural character.*

##### **Strategies**

Ensure that the siting, scale and appearance of development protects and enhances rural character.

Protect the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes by ensuring new development is sympathetically located.

Site and design development to minimise visual impacts on surrounding natural scenery and landscape features including ridgelines, hill tops, waterways, lakes and wetlands.

## **ASSESSMENT**

Nelson is a small village with graduated densities which radiate out from the village centre to the rural fringes. The subject site and the proposed dwelling are designed and sited to protect the visual amenity of the area representing a graduated transition. The lot size is sufficient to limit impacts on scenic vistas and surrounding countryside. The design and siting of the proposed dwelling are consistent and compatible with the rural nature and character of the area.

## Clause 65.01

### APPROVAL OF AN APPLICATION OR PLAN

*Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:*

- *The matters set out in section 60 of the Act.*
- *Any significant effects the environment, including the contamination of land, may have on the use or development.*
- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the environment, human health and amenity of the area.*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*
- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*
- *The impact the use or development will have on the current and future development and operation of the transport system.*

*This clause does not apply to a VicSmart application.*

### ASSESSMENT

The proposal has been assessed against the State Planning Policy Framework and Municipal Planning Strategy and found to meet an adequate threshold of compliance.

There are no adverse environmental or amenity impacts that cannot be adequately managed through permit conditions.

There is no significant vegetation for removal, or flooding impacts identified. Bushfire risk has been identified and a bushfire management plan prepared which mitigates bushfire risk.

## **5. CONCLUSION**

The proposed consolidation of undersized farming zone allotments addresses the compatibility of the existing collection of individual small titles with the purpose of the Farming Zone and local and state based planning policies to protect agriculture.

Their consolidation assembles a more viable parcel of land for small scale agriculture and in turn introduces opportunities for niche farming and start up farming in conjunction with a dwelling.

This concept adds vibrancy and diversity to agriculture which is otherwise lost with the individual small titles which are unsupportable for agriculture in of themselves.

The proposal has a sound policy basis on land that is identified in the Glenelg Shire Planning scheme for this type of application which involves rural residential development with consolidation of titles.