

Town Planning & Services

Planning Report

Date 17/02/25

Wanwin Road, Dartmoor Vic
3304

CA's 17,18,21, & 22 Sect 9B
Township of Dartmoor, Parish
of Dartmoor.

Use and development of a
dwelling and consolidation of
titles.

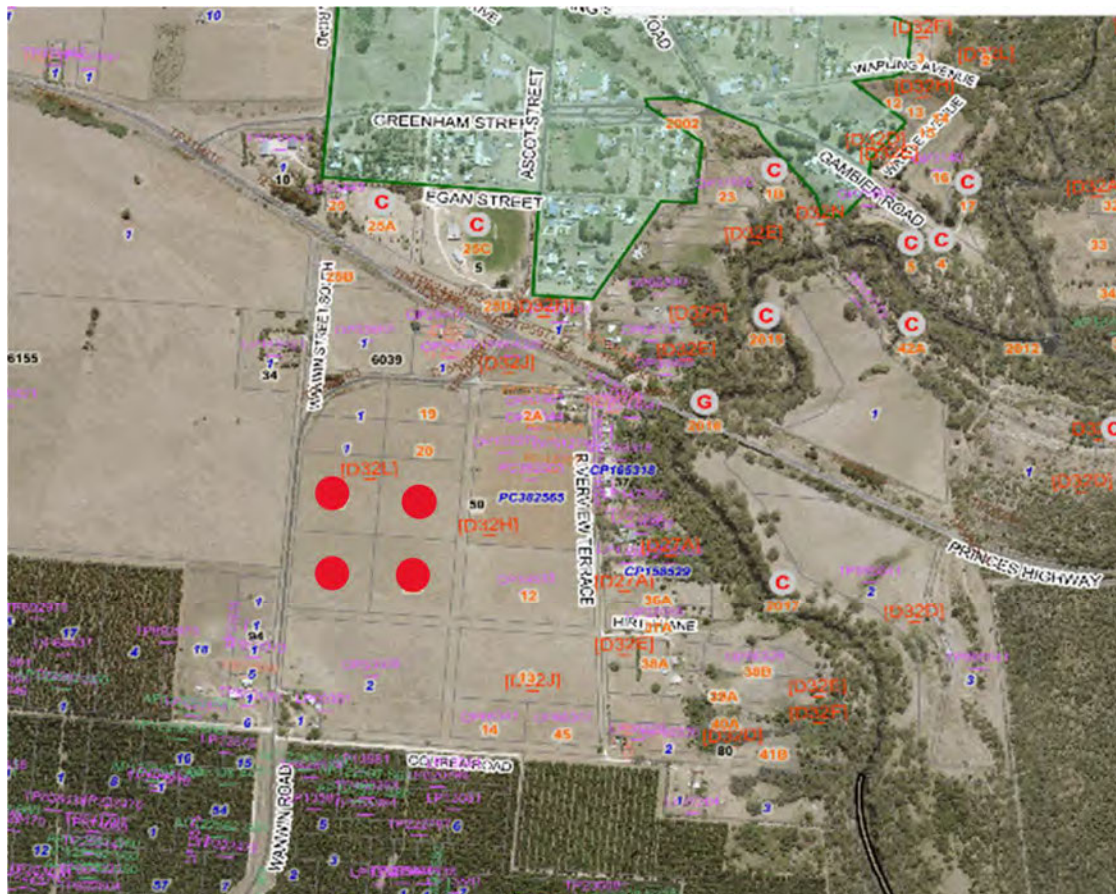
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1. PROPOSAL

The proposal consists of the consolidation of 4 existing titles into 1 allotment and the construction of a single dwelling at Wanwin Road, Dartmoor.

The intent of the proposal is to consolidate 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 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.

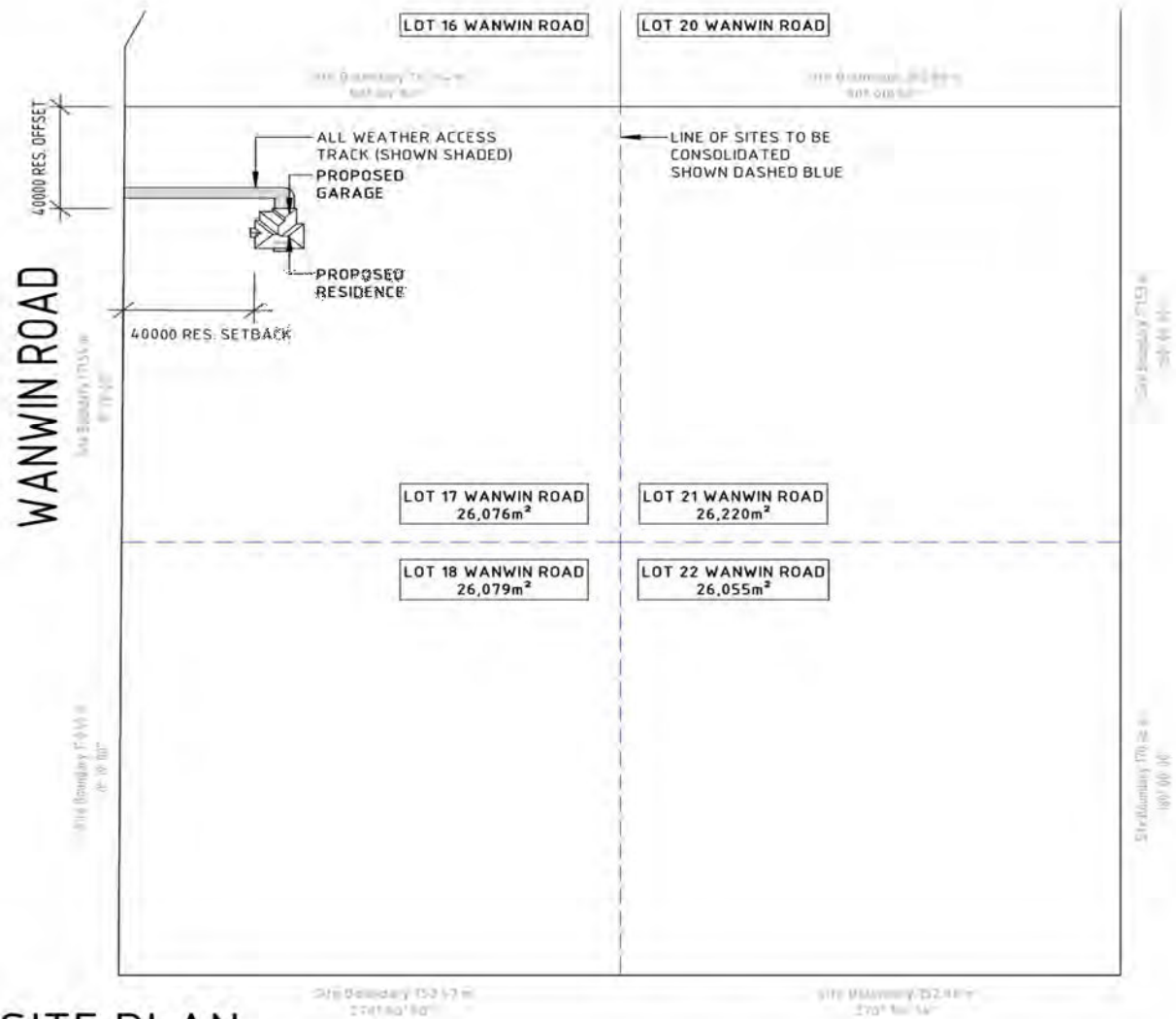
The importance of living on site is critical to the success of the venture for effective security, and hands on land care practices to create a niche agricultural cottage industry which is seen as an innovative way to diversify agricultural production in the area and attract people to the land and to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

The proposed plan of consolidation is shown below.



SITE PLAN

1: 2000

Consolidation of titles

CA's 17,18,21, & 22 Sect 9B Township of Dartmoor Parish of Dartmoor.

Lot 17 – 2.607ha

Lot 18 – 2.607ha

Lot 21 – 2.62ha

Lot 22 – 2.60ha

When consolidated the new lot will have a combined site area of 10.44ha.



LOCALITY PLAN

1 : 5000

Dwelling.

The proposed dwelling is proposed to be sited in the northwest corner of the consolidated lot and will be accessed via Wanwin Road.

The dwelling will be of brick veneer construction in Whitsunday Brampton brickwork under a slightly pitched Colorbond roof covering in "Shale Grey" with the following accommodation, entrance porch/veranda, 3 bedrooms (1 ensuite), open plan kitchen/living/dining area, study, laundry, bathroom, rumpus room, alfresco area, and double garage.

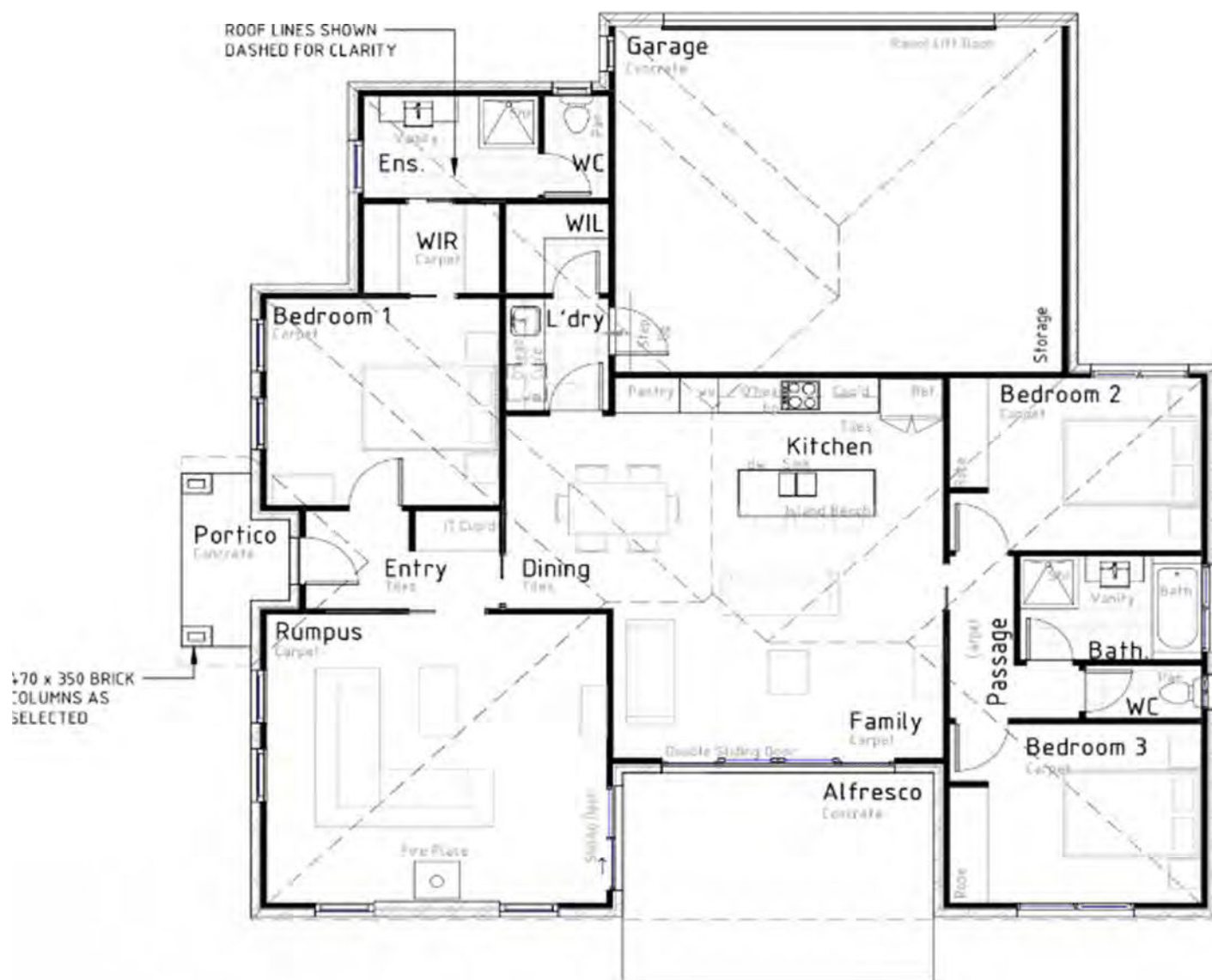
The dwelling will have aluminium windows and external doors and will stand at a maximum height of approximately 5.75m from natural ground level.

The dwelling will have a footprint of 212.70 sqm only occupy approximately 0.2% of the overall consolidated site which maximises the potential for agricultural production and minimises visual intrusion of the dwelling in the landscape.

The proposed dwelling is well setback (40m) from the front (west) boundary (Wanwin Road) and 40m from the North boundary 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.

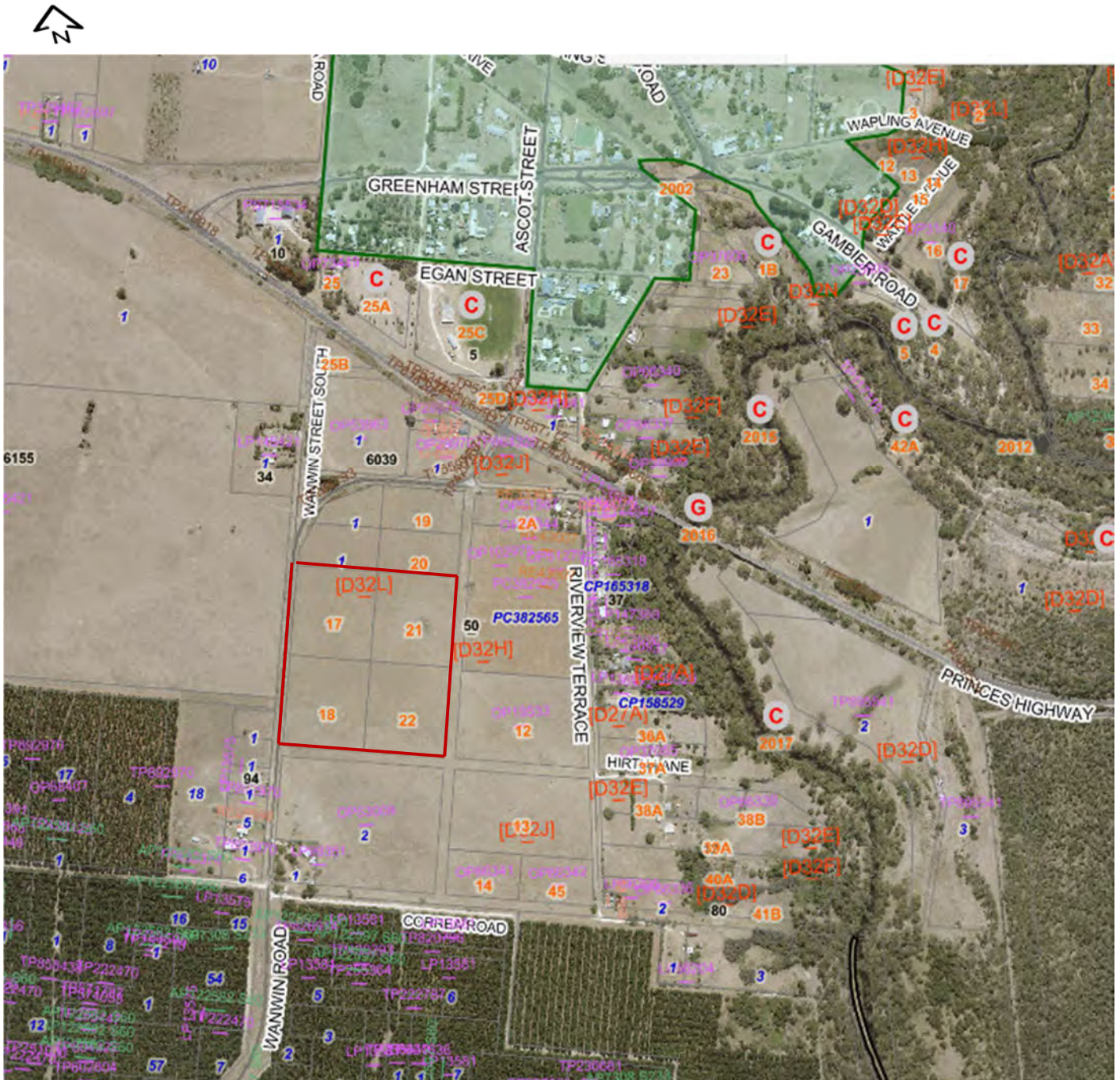




FLOOR PLAN

2. SITE ANALYSIS

The site is situated on the southern side of Princes Highway on the outskirts of Dartmoor with frontage to Wanwin Road and an unmade road reserve bordering the southern and eastern boundaries. Dartmoor is situated 48 km to the west with Portland 67km to the southeast. The land is undeveloped pasture used for livestock grazing, enclosed by farm style post and wire fencing. There are no significant trees present. The combined site extends to 10.44ha. No services are connected although electricity is available for connection nearby. There are dwellings within 250m of the subject land.



Wanwin Road looking north towards Dartmoor



Wanwin Road looking south



3. PLANNING CONTROLS

Zone

Farming Zone (FZ). Sample lot - all lots are the same zoning and overlays.



Overlays

Bushfire Management Overlay (BMO).



Environmental Significance Overlay Schedule 3 (ESO3).



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 so 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.
- No permit is required under the ESO3 at **Clause 42.01-2** as the schedule to the overlay exempts buildings and works and consolidation that does not affect removal of significant vegetation.
- No permit is required under the BMO1 at **Clause 44.06-2** as the site is outside the curtilage of the overlay.
- The proposal is exempt from the need to prepare a Cultural Heritage Management Plan as boundary 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 a constructed government road.

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 will be connected 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. This is an unacceptable situation in an agricultural planning sense and contrary to the very purpose of the Farming Zone, which is assumed to have originated many years ago under the soldier settlement policy.

There are Section 1 uses (no permit required) which could potentially be undertaken on the land such as Rural Store and Racing Dog Husbandry for example which could be unsightly and disruptive to the quiet enjoyment and the open scenic nature of the area. There are Section 2 uses such as sheds and farm buildings and open storage which may be approved which would also disrupt the open scenic nature of the area.

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.

By consolidating the 5 titles into one larger allotment this provides a more substantive parcel of land which is capable of being used for 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 are no water courses in 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.

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.

Clause 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.*

11.0

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 44.06, in addition to those specified in Clause 44.06 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

Whether all of the bushfire protection measures in this schedule have been met.

ASSESSMENT

The dwelling will be sited outside the curtilage of the BMO. The dwelling will be constructed using fire retardant materials as required under the building regulations. Heavy goods access for emergency vehicles is available via Wanwin Road which is a constructed government road together with all-weather access constructed leading from Riverview Terrace.

Rainwater tanks will be provided for firefighting and drinking purposes. The proposal will result in no net increase in bushfire risk and is therefore considered to meet the purpose and decision guidelines of the overlay.

MPS ASSESSMENT

Clause 02.03-1

Settlement

Small towns

Dartmoor is situated on the banks and floodplain of the Glenelg River.

The Shire seeks to facilitate the development of Dartmoor by:

- *Encouraging large lot sizes to cater for rural residential development.*
- *Encouraging community services and activities, such as child care centres, maternal and child health centres and local medical facilities that link with existing services in Portland.*
- *Supporting the reuse of the Dartmoor sawmill site.*

ASSESSMENT

The proposed consolidation and use and development are consistent with the clause as the consolidation of land caters for rural residential development that sustains agriculture.

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.

The Shire 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

As discussed, the siting of the proposed dwelling is outside the BMO area which is the high-risk area, and has services, infrastructure and facilities to mitigate fire risk.

Clause 02.03-4

Natural resource management

Agriculture

Sustainable land use, land management and the protection of the natural resource asset base are essential to facilitate the continued economic performance of the primary industry sector.

The development of housing that does not relate to or supports agricultural production can conflict with agricultural practices. Proposals to excise dwellings or create lots for dwellings in areas where agriculture is the primary purpose need to minimise these types of conflicts.

The Shire seeks to protect the viability of agricultural land by:

- *Supporting the sustainable land use, land management and protection of natural resource assets to build on the continued economic performance of the primary industry sector.*
- *Protecting large scale rural properties to maximise their capability for agricultural land use.*
- *Discouraging the development of dwellings, and the excision of existing dwellings, that do not relate to or support agricultural production.*
- *Ensuring dwellings that are excised, or constructed on an excised lot, are properly sited and designed.*
- *Minimising the impact of subdivision, use and development of land that will conflict with farming land.*

ASSESSMENT

The consolidation of titles is an improved outcome from a policy perspective. The dwelling will be used in conjunction with and is ancillary to agricultural production which is otherwise unsupported by the current title boundary configuration.

PPF ASSESSMENT

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 is ancillary to the 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.

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

Dartmoor 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.

5. CONCLUSION

On balance the proposed land consolidation is considered an improvement to the existing situation of fragmented land titles and potential poor planning outcomes. The dwelling enables the occupant to undertake on land farming practices that are otherwise impossible with the small titles that currently exist which do not support viable agricultural practices.

There is an economic benefit to the town, as the region has a housing shortage which is impacting on attracting key workers to the area which the proposal can help to alleviate.