

# farm plan

## KEY

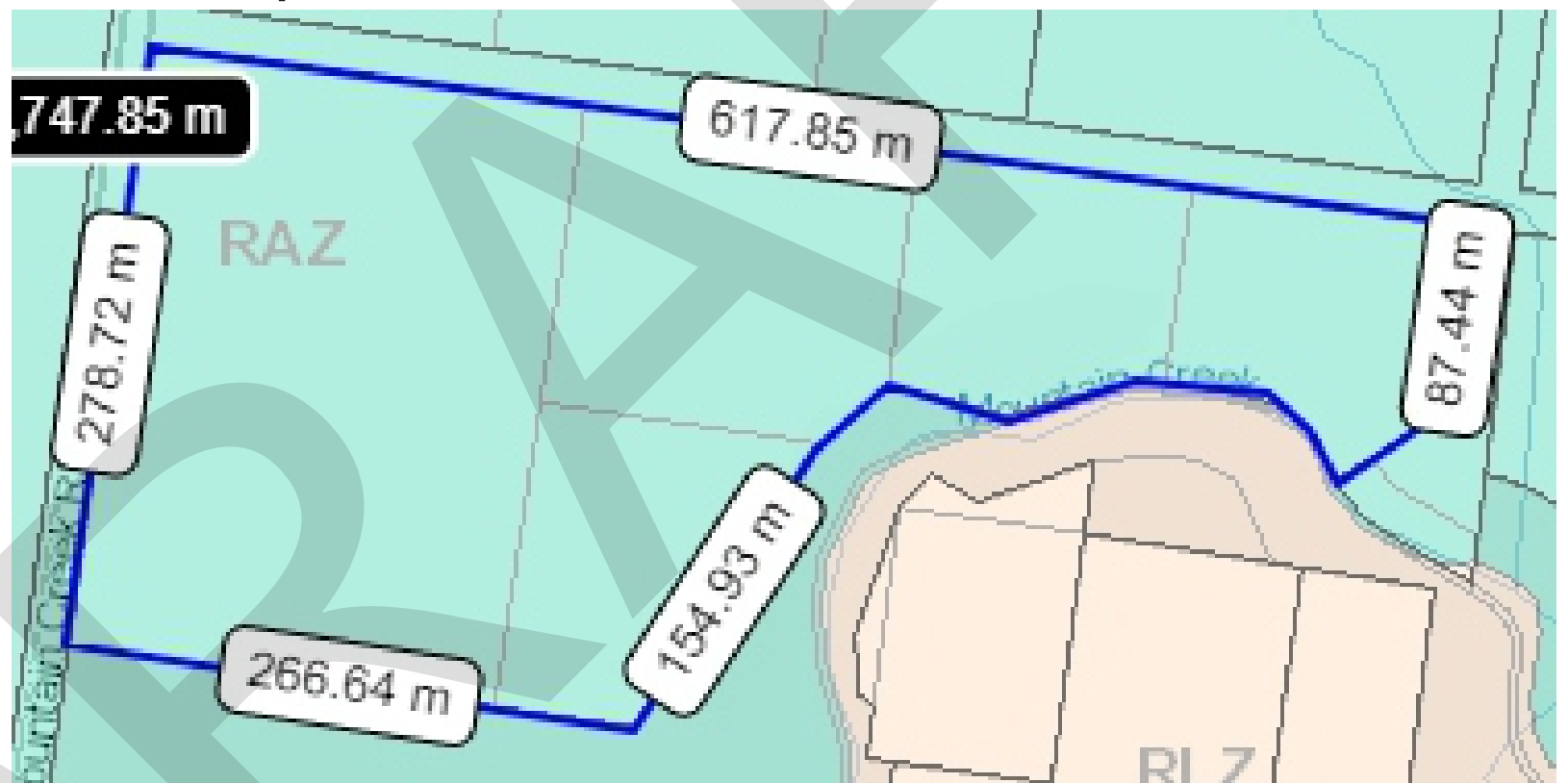
- Water source (Water Tank, Fire Pond)
- Driveway/Gravel
- Dwelling
- Animal Shelter
- Shed 1
- Shed 2
- Cheesemaking Kitchen
- Cheesehouse
- Farm shop
- P Horse/ Cow Paddock
- HY Horse Yard/ Arena
- S Saffron
- T Turmeric
- X Farm Shop Signage  
(approx 1200 x 700cm  
1.7m from ground to top  
of sign)

## Setbacks

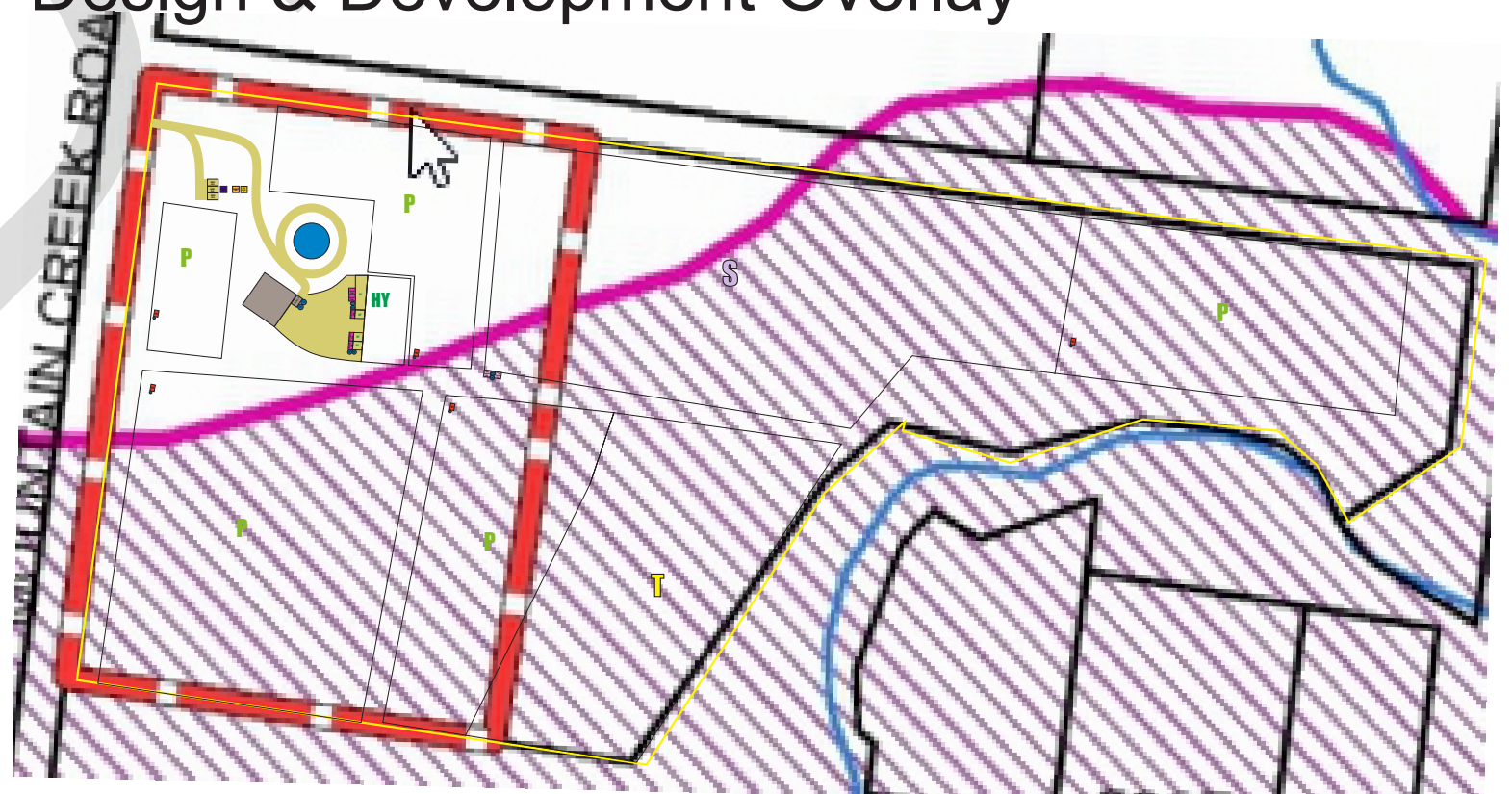
- Roadway to Farm Shop - 70m
- Roadway to House - 53m
- Neighbouring Boundary to Farm House - 10.5m

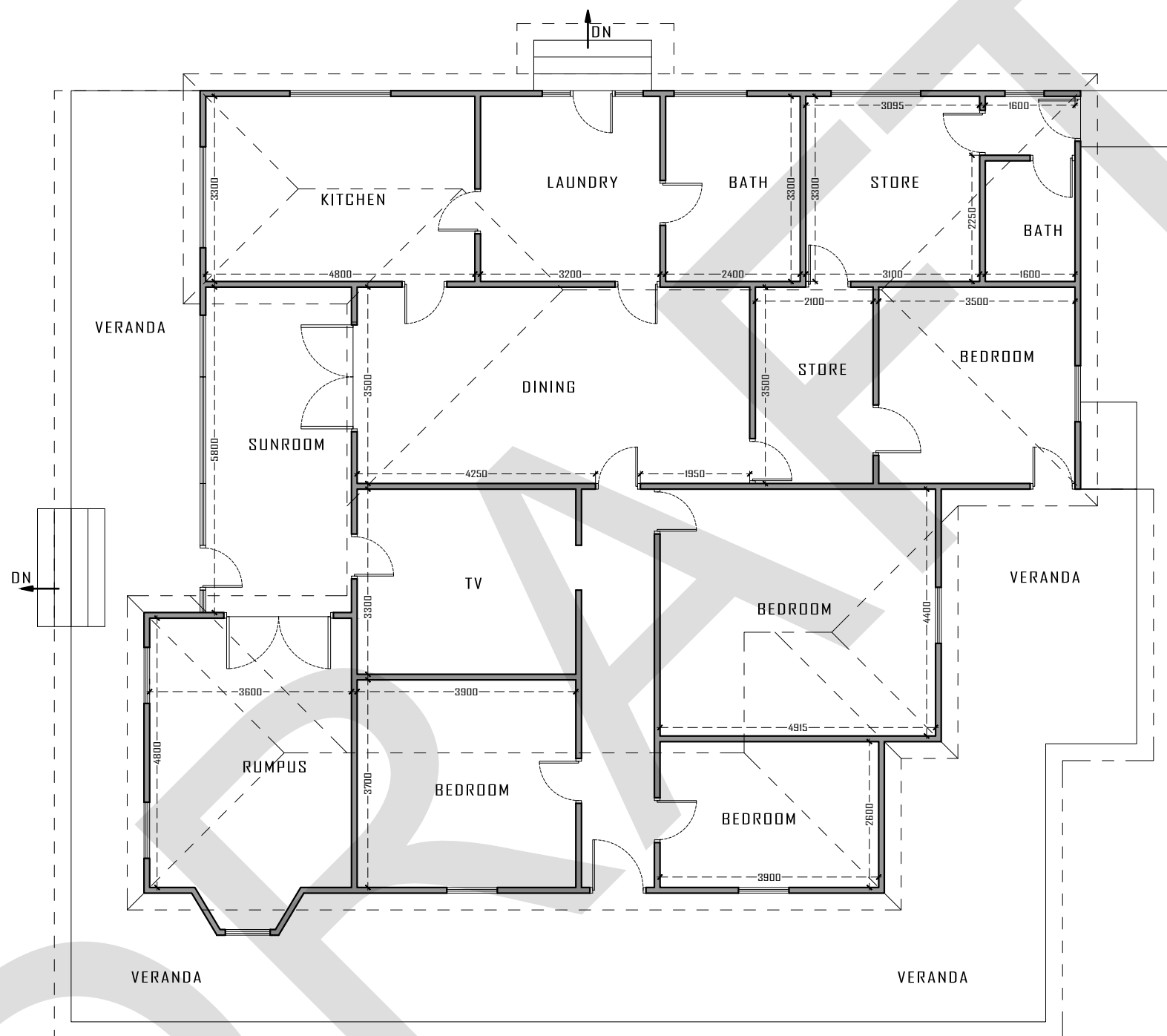


# Title map



# Design & Development Overlay





OTL Consulting  
Group Pty Ltd



**RED LINE PLANS VICTORIA**

VENUE FLOOR PLANS, PATRON CAPACITY REPORTS, LANDSCAPE PLANS  
UNIT 1, 116B INGLIS STREET, BALLAN, VICTORIA - 3342  
TEL: (03) 5368 1881 WEBSITE: www.redlineplans.com.au

**CONCEPT ONLY**  
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**NOTES:**

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2. All dimensions are in mm.
3. Any discrepancy in drawings and existing conditions should be brought to the notice of the architect prior to proceeding with the item

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**BAXTER, MERRY N**

Site Address:  
Stony Crossing Road, Redbank, Victoria - 3477

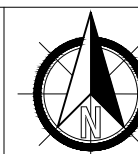
R1	Sketch Design	09/09/2021
R2	Sketch Design	14/09/2021

Rev	Description	Date
Revision History		

Project Phase:  
Planning Application

Client ID:  
153859273

Project ID:  
12990034



Drawing Title:

**FLOOR PLAN**

Drawn by:  
VC

Drawing scale @ A3:  
1:100

Checked by:  
VC

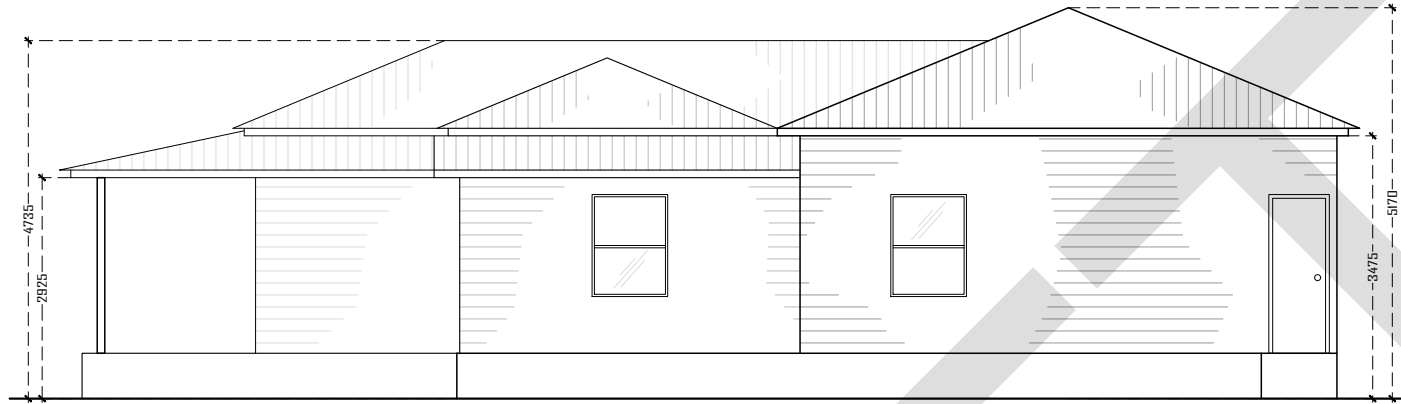
Date Plotted:  
19/07/2021

Layout ID:  
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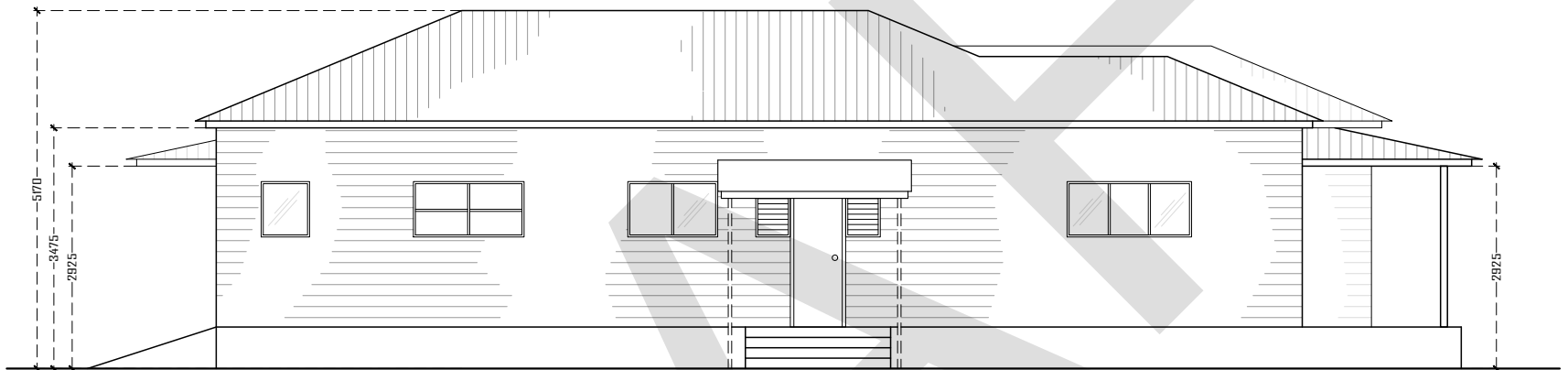
Revision:  
R2



ELEVATION A



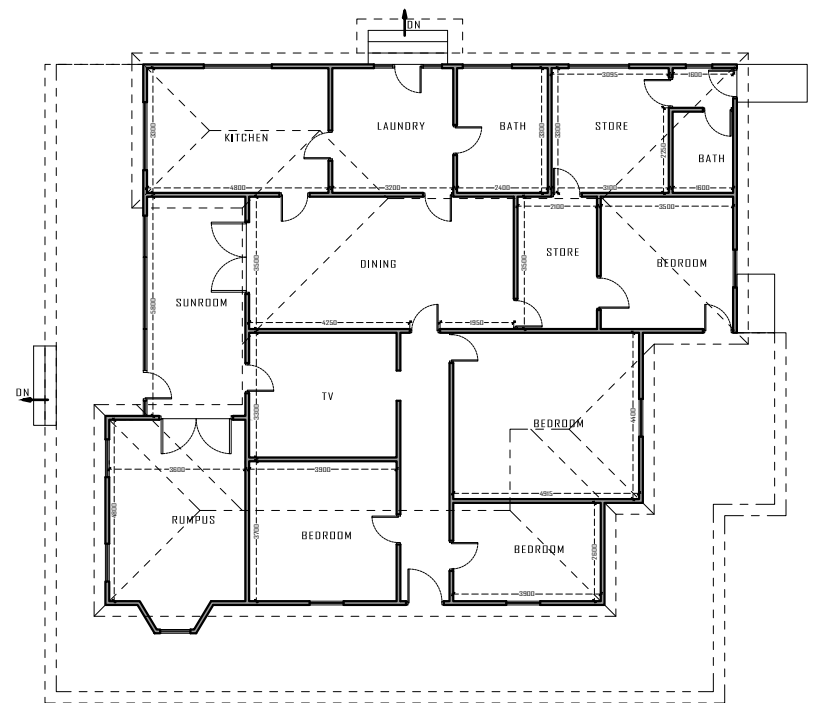
ELEVATION B



ELEVATION C



ELEVATION D



SCALE 1:200



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**BAXTER, MERRYN**  
 Site Address:  
 Stony Crossing Road, Redbank, Victoria - 3477

Client ID:  
 153859273  
 Project ID:  
 12990034

Drawing Title:  
**ELEVATIONS**

**OTL Consulting**  
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**ON TAP**  
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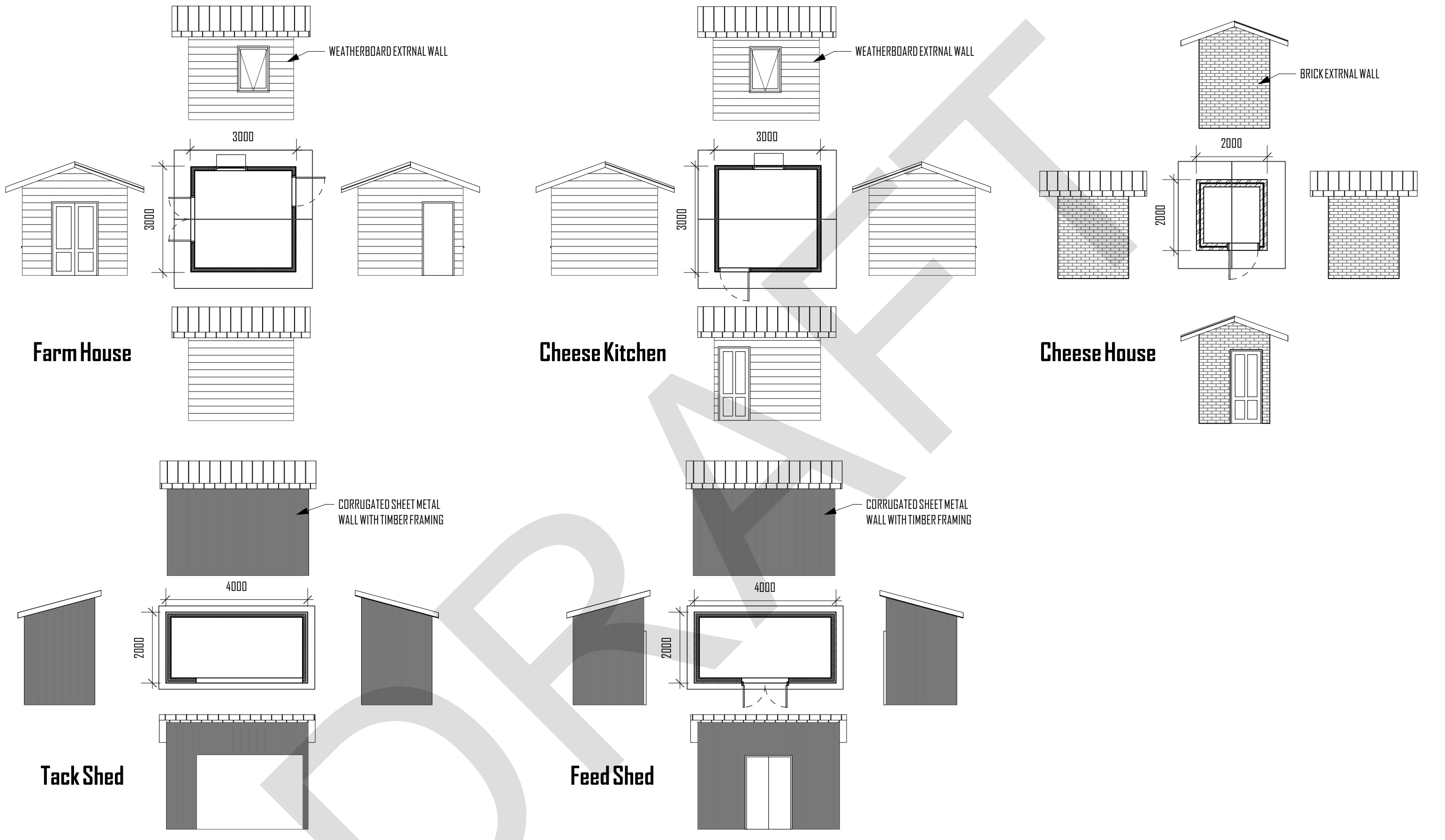
R1	Sketch Design	09/09/2021	Project Phase: Planning Application
R2	Sketch Design	14/09/2021	
Rev	Description	Date	
Revision History			



Drawn by:  
 VC  
 Drawing scale @ A3:  
 1:100  
 Checked by:  
 VC  
 Date Plotted:  
 14/09/2021  
 Layout ID:  
 -  
 Revision:  
 R1

**EDQ**  
 TOWN PLANNING

**redline plans**  
 victoria



**Farm House**

**Cheese Kitchen**

**Cheese House**

**Tack Shed**

**Feed Shed**



**RED LINE PLANS VICTORIA**

VENUE FLOOR PLANS PATRON CAPACITY REPORTS LANDSCAPE PLANS

HEAD OFFICE: 26 PEEL STREET NORTH, BALLARAT 3350

BALLAN OFFICE: UNIT 1, 116B INGLIS STREET, BALLAN 3342

T: (03) 5368 1881

T: (03) 4344 4450

E: enquires@otlconsultinggroup.com.au

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4. Underlay Images (if any) are for reference only
5. Plans & Measurements are subject to Site survey

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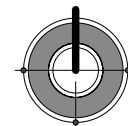
No.	Date	Description	By	VC
1	25/01/2024	1st Draft to Client		
<b>Issue History</b>				
1	25/01/2024	1st Draft to client		
<b>Revision History</b>				

**Baxter, Merryn**

Client ID 153859273

Mountain Creek Road, Moonambel, Victoria - 3478

Project ID 15944894



**Shed Drawings**

Planning Application

SCALE on A3

Revision No.

Issue No.

Drawn By

Dwg Date

Plot Date

1:100

1

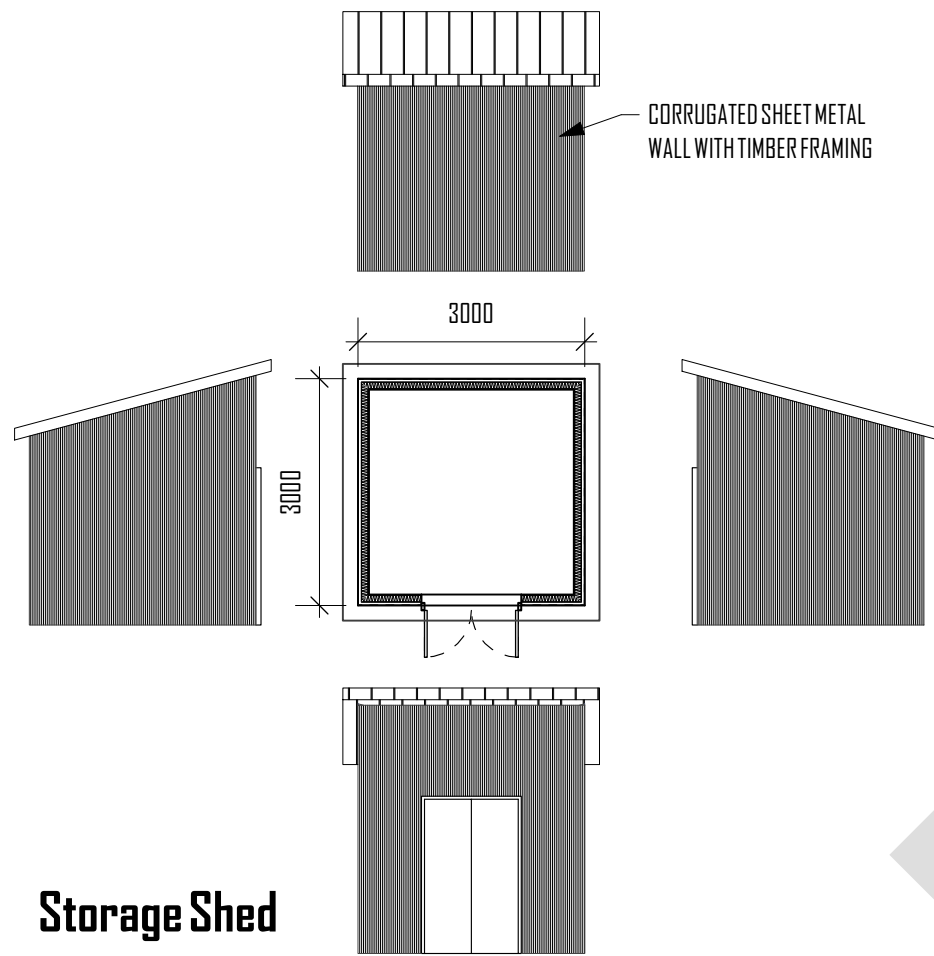
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VC

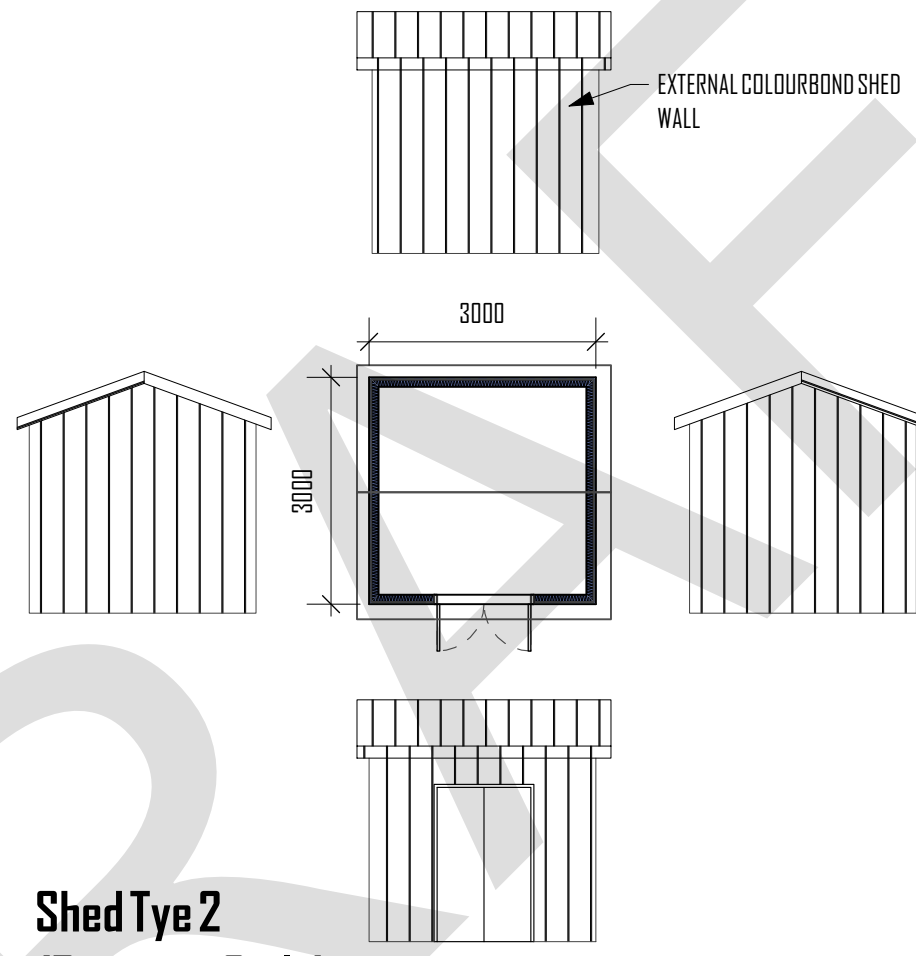
23/01/2024

25/01/2024

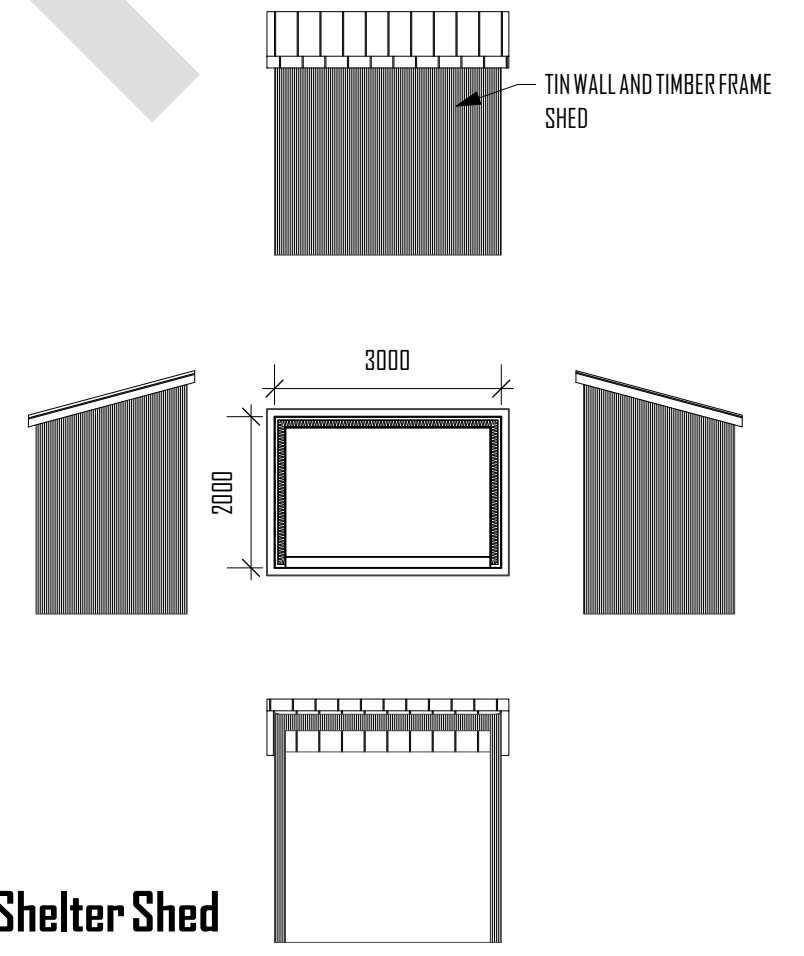




**Storage Shed**



**Shed Tye 2  
(Bunnings Style)**



**Shelter Shed**



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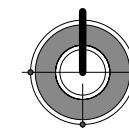
No.	Date	Description	By	VC
1	25/01/2024	1st Draft to Client		
<b>Issue History</b>				
1	25/01/2024	1st Draft to client		
<b>Revision History</b>				

**Baxter, Merryn**

Client ID 153859273

Mountain Creek Road, Moonambel, Victoria - 3478

Project ID 15944894



**Shed Drawings**

Planning Application

SCALE on A3 1:100

Revision No. 1

Issue No. 1

Drawn By VC

Dwg Date 23/01/2024


Plot Date 25/01/2024


**Office Use Only**


VicSmart: **No**  
Specify class of VicSmart application:  
Application No: **REFPA20240012**  
Date Lodged: **12/02/2024**

# Application for Planning Permit

If you need help to complete this form, read [How to complete the Application for Planning Permit form](#).


 Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*. If you have any concerns, please contact Council's planning department.

 **Questions marked with an asterisk (\*) are mandatory and must be completed.**

 **If the space provided on the form is insufficient, attach a separate sheet.**

## Application type

Is this a VicSmart Application?\*

No  
If yes, please specify which VicSmart class or classes:  
 If the application falls into one of the classes listed under Clause 92 or the schedule to Clause 94, it is a VicSmart application

## Pre-application meeting

Has there been a pre-application meeting with a Council planning officer?

True   
 day / month / year

## The Land


Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address\*

Unit No:	St. No:	St. Name: <b>Mountain Creek Road</b>
Suburb/Locality: <b>Moonambel</b>		Postcode: <b>3477</b>

Formal Land Description\*

Complete either A or B

 This information can be found on the certificate of title.


**A**   Lodged Plan  Title Plan  Plan of Subdivision

**OR**

**B**


If this application relates to more than one address, please attach details.

## The Proposal

 You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application.


**① For what use, development or other matter do you require a permit?\***

Develop a single dwelling and small farm shop along with associated small outbuildings. For the purpose of farming and selling turmeric, saffron and Cheese.

 Provide additional information on the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

**① Estimated cost of development for which the permit is required\***

Cost **\$200,000.00**

 You may be required to verify this estimate  
Insert '0' if no development is proposed


Insert '0' if no development is proposed (eg. change of use, subdivision, removal of covenant, liquor licence)

## Existing Conditions **①**

**Describe how the land is used and developed now\***

Eg. vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

Vacant grazing land

 Provide a plan of the existing conditions. Photos are also helpful.


## Title Information **①**

**Encumbrances on title\***

If you need help about the title, read: [How to complete the Application for Planning Permit form](#)

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

- Yes. (if 'yes' contact Council for advice on how to proceed before continuing with this application.)
- No
- Not applicable (no such encumbrance applies).

 Provide a full, current copy of the title for each individual parcel of land forming the subject site. (The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments' eg restrictive covenants.)

## Applicant and Owner Details **①**

Provide details of the applicant and the owner of the land.

**Applicant \***

The person who wants the permit

Name:

Title: **Ms**

First Name: **Merryn**

Surname: **Baxter**

## Information Requirements

Is the required information provided?


Contact Council's planning department to discuss the specific requirements for this application and obtain a planning permit checklist.

Yes

No

## Declaration

This form must be signed by the applicant\*

 Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit

I declare that I am the applicant; and that all the information in this application is true and correct and the owner (if not myself) has been notified of the permit application.

Signature:

Date:12 February 2024



day / month / year



---

## Checklist

Have you:

<input type="checkbox"/>	Filled in the form completely?	 Most applications require a fee to be paid. Contact Council to determine the appropriate fee.
<input type="checkbox"/>	Paid or included the application fee?	
	Provided all necessary supporting information and document?	
<input type="checkbox"/>	A full and current copy of the information for each individual parcel of land forming the subject site.	
<input type="checkbox"/>	A plan of existing conditions.	
<input type="checkbox"/>	Plans showing the layout and details of the proposal.	
<input type="checkbox"/>	Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.	
<input type="checkbox"/>	If required, a description of the likely effect of the proposal (eg traffic, noise, environmental impacts).	

---

## Lodgement

Lodge the completed and signed form and all documents with:

Pyrenees Shire Council  
5 Lawrence Street BEAUFORT Vic 3373  
  
Telephone: (03) 5349 1100  
  
**Contact information:**  
Telephone: (03) 5349 1100  
Email: [pyrenees@pyrenees.vic.gov.au](mailto:pyrenees@pyrenees.vic.gov.au)



# Town Planning Report

USE AND DEVELOPMENT OF A DWELLING; ALLOTMENTS 117E, 118, 119, 120  
AND 122 PARISH OF WARRENMANG

EDQ Town Planning | January 2024

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# 1 Version Control

<b>Version Number</b>	<b>Date</b>	<b>Details of version and changes</b>	<b>Author</b>
1	15 <sup>th</sup> January 2024	Initial draft report issued to client	JR
2	29 <sup>th</sup> January 2024	Second draft issued to client	JR
3	8 <sup>th</sup> February 2024	Finalised report for lodgment with Council	JR

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## 2 Project Outline:

### Site:

<i>Address:</i>	Mountain Creek Road, Moonambel, 3478
<i>Property Description:</i>	Crown Allotments 117E, 118, 119, 120 and 122 Parish of Warrenmang
<i>Title Restrictions:</i>	None applicable
<i>Property Size:</i>	Approximately 11.85Ha (total)
<i>LGA:</i>	Pyrenees
<i>Current Use:</i>	Vacant rural parcel

### Planning Scheme:

<i>Relevant Planning Scheme:</i>	Pyrenees Planning Scheme
<i>Property Zone:</i>	Rural Activity Zone (RAZ)
<i>Property Overlays:</i>	Design and Development Overlay – Schedule 1 (DDO1) Restructure Overlay (RO) – Schedule 7 (RO7)
<i>Particular Provisions:</i>	Non-Applicable

### Application Overview:

<i>Client:</i>	Merryn Jo Baxter
<i>Proposal:</i>	Use and development of a dwelling
<i>File Reference:</i>	15944894
<i>Responsible Consultant:</i>	James Robson
<i>Phone:</i>	(03) 4344 4450
<i>Email:</i>	enquiries@edqtownplanning.com.au

### 3 Supporting Documents

The following supporting documents form part of this report:

1. **Appendix A:** Copy of Existing Title & Register Search
2. **Appendix B:** Aerial Photograph showing the extent of abutting development and site context
3. **Appendix C:** Map Locality
4. **Appendix D:** Proposed Site & House Plans
5. **Appendix E:** Zone Map
6. **Appendix F:** Overlay Maps
7. **Appendix G:** Land Capability Assessment (LCA)
8. **Appendix H:** Farm Management Plan (FMP)
9. **Appendix I:** Site photographs
10. **Appendix J:** Dwelling photographs

## 4 Introduction.

This report has been prepared by EDQ Town Planning on behalf of Merryn Baxter in support of a planning permit application for the proposed development at the subject property at Mount Creek Road, Moonambel. The site is made up of 5 currently separate crown allotments, and is formally known as Crown Allotments 117E, 118, 119, 120 and 122 Parish of Warrenmang. The property subject to this report is approximately 11.85ha of vacant rural land across the 5 currently separate parcels, on the eastern side of Mountain Creek Road approximately 850m north west of the Moonambel township. A Planning Permit is sought for the use and development of the subject land for a dwelling associated with a health food farming enterprise producing turmeric and saffron, small cheesemaking enterprise, boutique primary produce store and equine focused activities. EDQ Town Planning has been engaged by the applicant to prepare an appropriately detailed assessment of the proposal in accordance with the requirements of the Pyrenees Planning Scheme.

Specific planning considerations are given to;

1. Use of the site for a dwelling (Section 2 Use);
2. Building and Works associated with the use of a dwelling within a Rural Activity Zone;
3. Use of the site for Primary Produce Sales (Section 1 Use);
4. Building and Works associated with the use of the site for primary produce sales;
5. Use of the site for Animal Production (small scale cheese dairy) (Section 2 use)
6. Building and Works associated with the use of the site for Animal Production (Section 2 use)
7. Use of the site for Agriculture (Crop Raising, Horse Husbandry) (Section 1 use);
8. Building and works associated with the use of the site for Agriculture;
9. Consolidation of titles/parcels.

The purpose of this report is to provide:

- An assessment of the proposal against the requirements of the Planning and Environment Act 1987
- An assessment of the proposed dwelling against the relevant zoning policies within the Pyrenees Planning Scheme.
- An assessment of the proposal against the relevant policies within the Pyrenees Planning Scheme.
- An assessment of the proposed dwelling against the relevant provisions of the state and local planning policies within the Pyrenees Shire Planning Scheme.

Having considered a range of issues associated with the proposal, site locality and local planning policy context, it is our submission that the proposal is appropriate on the subject site taking into account an extensive review of the site and its surrounding context as detailed within this submission. It is our conclusion that Council should support the proposal and grant a planning permit as outlined for the proposed development as the proposal is generally consistent with the relevant policies of the scheme as far as can be applied.



## 5 Background & Site Context

In planning terms, the proposal is for the use and development of the land for a dwelling. The proponent, Merryn Baxter, plans to develop the site for use as a new agricultural enterprise, Milmerfosse Farm. This will include growing produce for the health food market (turmeric and saffron), grazing for 2-4 horses with riding facilities, the implementation of a micro cheese dairy and the fostering of children. The Farm Management Plan attached outlines the activities proposed in greater detail, and this town planning report should be read in conjunction with that plan.

The irregular shaped lot has an area of approximately 11.85ha. The Mountain Creek Road frontage on the sites western boundary has a length of approximately 279m. The northern abuttal of the site provides for frontage of approximately 618m along an unused road reserve. The southern and eastern boundary of the site abuts the Mount Creek waterway reserve. The subject land is currently vacant, being made up of 5 separately titled crown allotments. The topography of the land is considered relatively flat, gently sloping south eastward towards the creek reserve, with the surrounding land undulating consistent with the surrounding agricultural region. The site is north of the Stawell Avoca Road (TR22 road) and is located on the eastern side of Mountain Creek Road which is a sealed road. The site is surrounded by other agricultural enterprises to the east, west and north.

A copy of each of the title associated with the subject property is attached as Appendix A. An aerial photograph showing the location and context of the subject lot is attached as Appendix B.



Figure 1 - Location of Site



Figure 2 – Street View from Mountain Creek Road



Figure 3 - Aerial photograph of site

## 6 Proposal

The proposal is for the use and development of the land for a dwelling associated with an agricultural enterprise that would be undertaken on the land. The use of the land for this purpose requires significant investment in infrastructure, along with pasture management and development to cater for the proposed use.

### TURMERIC & SAFFRON

Milmerfosse Farm are boutique growers of foods for the health food market. The farm will focus on the production of saffron and turmeric within the first 5 years of operation. Saffron will be allotted 1 acre of land with an anticipated annual yield of 600-800g of dried product. Turmeric will be allotted half an acre of land with an expected annual yield of 4000-5000kg.

### HORSES AND COWS

Approximately 5ha of the property will be used for horse and cow grazing. This will be divided into 5 main paddocks which will be used in a rotating pattern to avoid overgrazing.

Under the Agriculture Victoria's Code of Practice for the Welfare for Horses (Revision 1), the following minimum standards and guidelines apply with regards to the supervision of horses:

- **S3.1:** The person responsible for the supervision of a horse must be able to recognise signs of ill health.
- **S3.2** The person responsible for the supervision of a horse must have access to a registered veterinary practitioner to diagnose and treat any serious illness or injury or access to a person able to humanely destroy the horse to prevent further suffering.
- **S3.3:** Horses confined in stables, stalls and yards must be inspected daily to ensure that their needs are met';
- **S3.4:** Aged horses, mares in late pregnancy and horses suffering from injury or disease must be inspected daily;
- **G3.1:** Frequency and level of supervision should relate to the likelihood of risk to the welfare of each horse, however, ideally, all horses should be inspected at least daily. Horses may need to be inspected more frequently than once a day depending on their physiological requirements.
- **G3.2** Horses kept under intensive management in stables and yards should be inspected, fed and watered at least twice a day.' (Agriculture Victoria, 2018)

The code of practice also recommends social contact with other horses and/or people as a basic need, further reinforcing the need for the proponents to reside on the property.

Further, the Code of Practice for the welfare of cattle provides the following:

- In any situation, supervision should be by competent stockpersons.
- Frequency and level of inspection should be related to the potential risks to the welfare of the cattle, and may vary from daily to much longer periods.
- Cattle kept under intensive management in sheds, lots or yards should be inspected at least daily, fed daily and have ready access to water. Individual attention should be given to shy feeders.



- Grazing cattle require supervision, according to the class of cattle, density of stocking, availability of suitable feed, reliability of the water supply, age, pregnancy and lactational status, climatic conditions and management practices.

### FARM GATE SALES

The proposal includes the implementation of a small farm gate shop near the Mountain Creek Road frontage of the site. The intent of this small farm gate shop is to provide a point of sale for the turmeric, saffron and cheese products being produced by the day to day operations for passing tourist trade.

A 3x3m weatherboard structure, designed and painted to match the house as much as possible, and be sensitive to the aesthetics of the area is proposed to be constructed. Pictured below are an image of a similar shed, although in a different colour, interior layout and layout in relation to the other cheese-making related buildings.

### SMALL SCALE DAIRY

Initially speaking, the proponent intends to begin with two Jersey heifers, who are young enough to train for milking and handling. The farm doesn't intend to exceed 5 cows in the future, due to the limitations of the property itself, so the proposed operations are of a micro nature only, and thus do not meet the definition of an 'intensive' animal production operation.

The heifers will be ready for milking around the age of two. They should average production of approximately 6 liters of milk daily when milked once daily, with calf at foot. Cheese yield is approximately 18%. There is great benefit in not removing calves from their mothers too early, the stress on the producing cow is lowered and calves reared on their mother's milk grow into more robust animals and will fetch better sale prices, or better contribute to the farm. Calves will not be negatively impacted by milking as the Jersey cow produces considerably in excess of the calves requirements.

The cows will be milked using a mobile dairy. This involves a mobile cattle crush with portable yards attached and a mobile milking machine. These will be combined in a movable covered structure which can be moved easily using a tractor. On this basis, no building and works are required associated with milking infrastructure on the site. This set-up is viable due to the very small number of cows but it's extremely beneficial for a number of reasons. Regularly relocating the dairy reduces the buildup of manure in any one area and therefore reduces the health risk to animals, humans and the environment alike. Cattle forced to stand and wait for milking in their own excrement are far likelier to develop infections such as Mastitis, they require greater sterilisation and risk the need for antibiotics. Those working on the farm are at risk of breathing in harmful bacteria and effluent ponds are an environmental risk. Standard dairies require vast amounts of water to wash manure away after each milking and in an area of low annual rainfall it's imperative that the farm utilise every practical water saving device available to it.





*Figure 4 - Mobile Cattle Crush*



*Figure 5 - Mobile Milking Machine*

Once the cows are milked, the raw product is collected in a small, stainless steel vat in the back of the tractor and transported to an industrial kitchen located near the farm shop, where it will be pasteurised at 63 degrees Celsius, for 30 minutes and processed in accordance with food safety laws. The milk will then be made into the required cheeses and stored in a brick cheese-house for the required duration, followed by the appropriate quality control and finally sold.

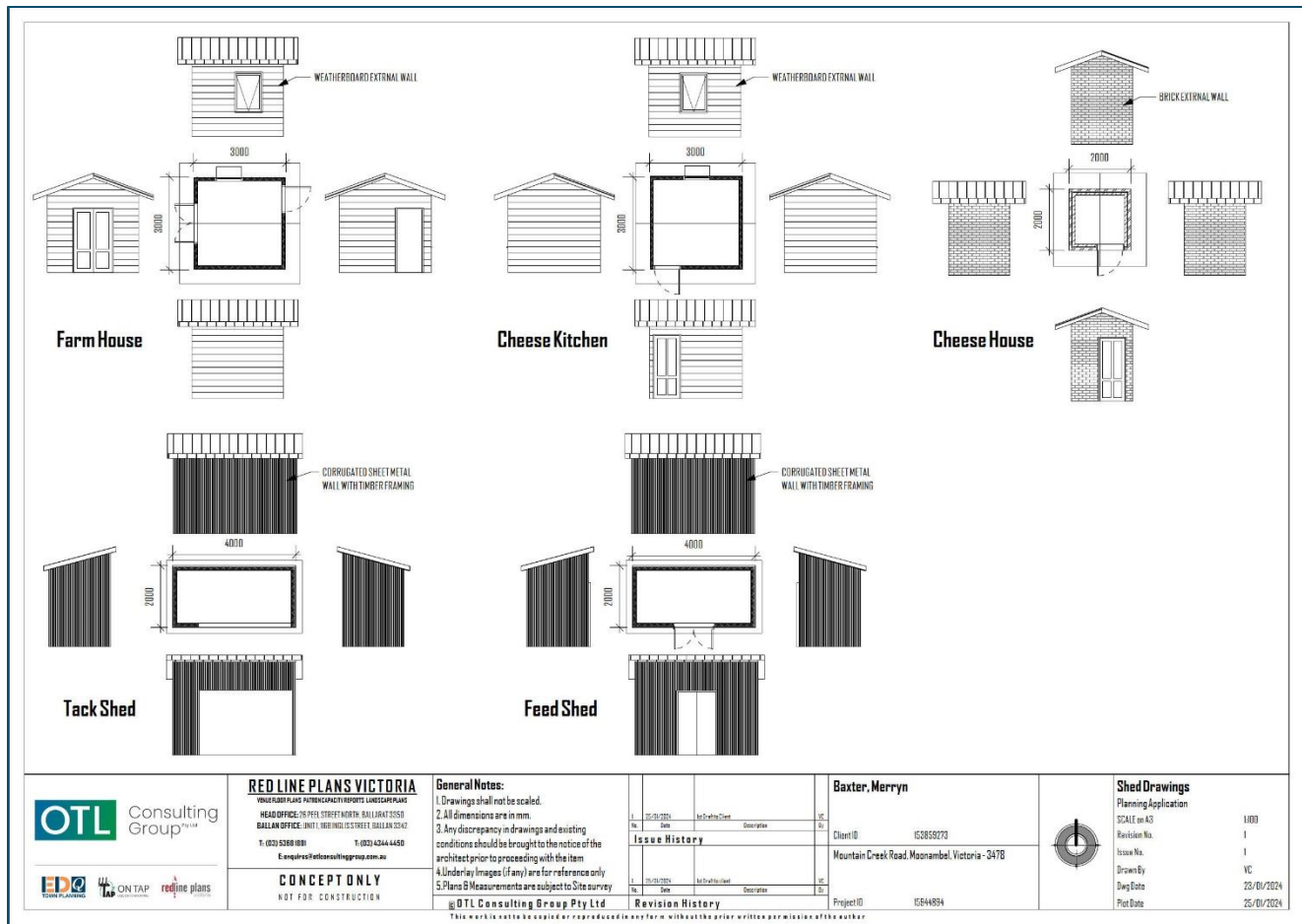


Figure 6 – Farm Shop, Cheese house and Cheese Kitchen Plans

### ADDITIONAL DETAILS

The decision to plan and invest in this chosen enterprise was determined to use the farmland to its highest value as well as the proponents experience in similar industries, and to take advantage of the growing related markets across the country. The environment, climate and soil type are well suited to proposed activity, with the surrounding area featuring a large number of vineyards and other farming enterprises.

Additionally, the applicant proposes a significant investment program in the first five years of operation to improve the standard and functionality of the property.

- Construction of horse shelters
- Development of paddocks
- Development of relevant fencing infrastructure;
- Development of relevant water infrastructure

The attached “Farm Management Plan” prepared by the proponent, Milmerfosse Farm provides additional details associated with the proposed farming practices. As per the attached Farm Management Plan, the property is well suited to the applicant’s intended activity.



Figure 7 – Site Plan

## DWELLING

It is proposed to construct a 4-bedroom dwelling on the site to support the above-mentioned farming practice. The proponent is eager to invest in the property and make it more productive, aesthetically pleasing and profitable. That can only be achieved by running the farming enterprise as outlined above.

A dwelling on the lot which would allow the proponent to reside on the property is required for the proposed farming enterprise. This will allow for the care and monitoring of the turmeric and saffron crops. It will also provide the necessary security required for the valuable saffron crop which is vulnerable to theft. Living at the property will allow for the proponent to care for and monitor the horses kept at the property. Regular monitoring and supervision of horses is part of the Agriculture Victoria’s Code of Practice for the Welfare for Horses. The proposed dairy activities will also require constant on site availability. A farm dwelling on the property for our client to manage the increased agricultural activity will be necessary as advocated for within the Farm Management Plan attached as Appendix H. The dwelling is an existing five bedroom, Victorian weatherboard farmhouse which is proposed to be moved from a site in Chepstowe. The proposal will allow for the dwelling to sit within the landscape as if it’s always been here. The use of EPA approved composting toilet and greywater systems will ensure waste is completely contained and unable to pollute waterways in the case of extreme flooding (refer attached land capability assessment). Water will be contained in tanks, which will be filled via rainfall collected from the house roof or bought in when required. The house will be powered by solar and a small turbine. A generator will be retained as an emergency back-up.

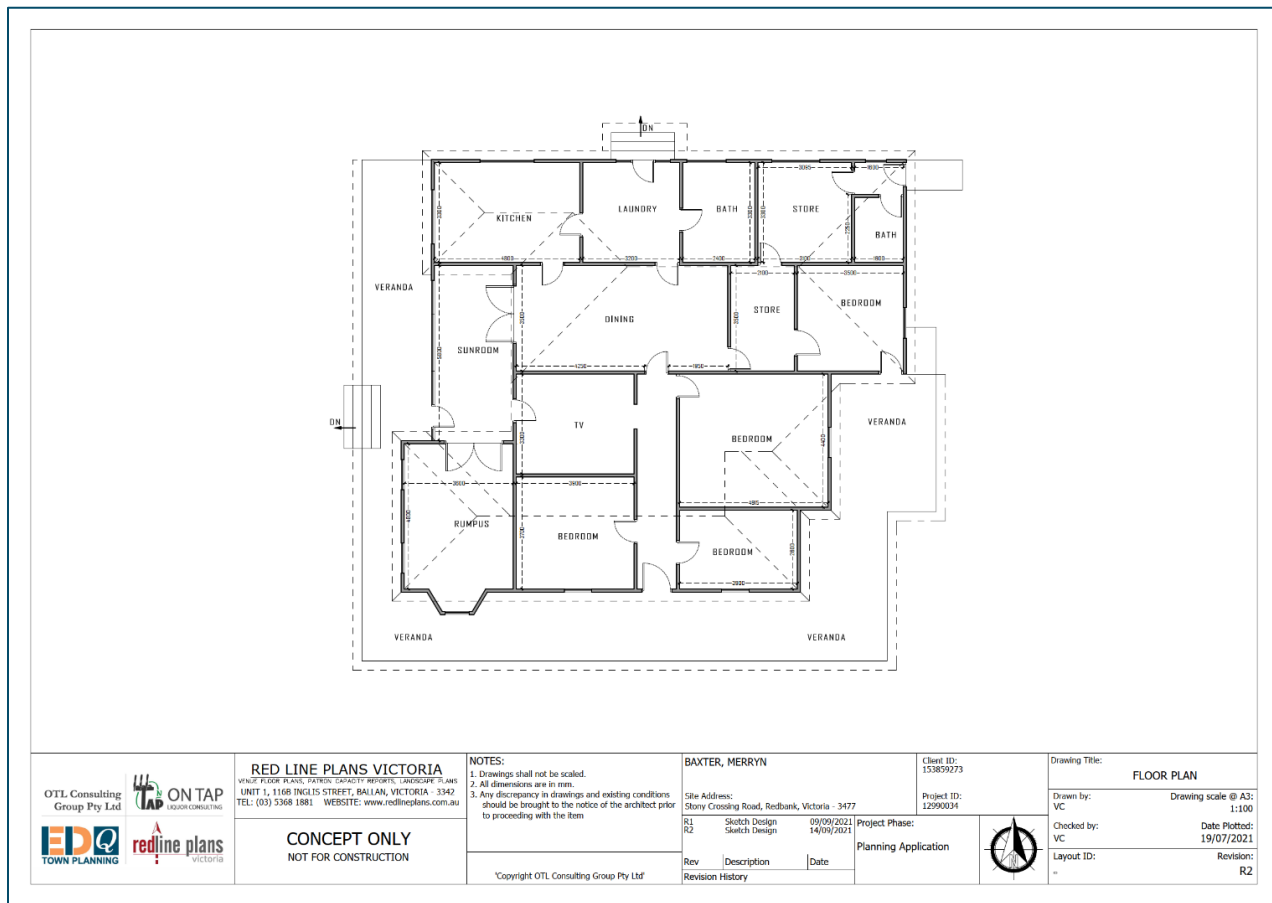


Figure 8 - Dwelling Floor Plans





	<b>RED LINE PLANS VICTORIA</b> HOME KIOSK PLANS PATROL CAPACITY REPORTS LINESIDE PLANS UNIT 1, 116B INGLIS STREET, BALLAN, VICTORIA - 3342 TEL: (03) 5368 3881 WEBSITE: www.redlineplans.com.au	<b>NOTES:</b> 1. Drawings shall not be scaled. 2. All dimensions are in mm. 3. Any discrepancy in drawings and existing conditions should be brought to the notice of the architect prior to proceeding with the item.	<b>BAXTER, MERRY</b> Site Address: Story Crossing Road, Redbank, Victoria - 3477	Client ID: 153859273 Project ID: 12990034	Drawing Title: <b>ELEVATIONS</b>
	<b>CONCEPT ONLY</b> NOT FOR CONSTRUCTION	*Copyright OTL Consulting Group Pty Ltd*	Rev Description Date R1 Sketch Design 09/09/2021 R2 Sketch Design 14/09/2021	Project Phase: Planning Application	Drawing scale @ A3: 1:100 Checked by: VJC Date Plotted: 14/09/2021 Revision: R1

Figure 9 - Dwelling elevations



*Figure 10 - Existing Dwelling in its current setting*

### **SHEDDING**

In addition to the dwelling, a number of small scale sheds, to be utilised for storage of equipment etc, are also proposed to be constructed. Sheds proposed include 2 x small 3x3m sheds and 3 x 2x4m sheds adjacent to the horse yards (east of the proposed dwelling), along with a further 2 x small 3x3m shed within the saffron turmeric fields. The proposed sheds are basic structures as outlined within the farm management plan.

Additionally, animal shelter structures will be constructed in each of the paddocks to provide shelter for the horses and cows.



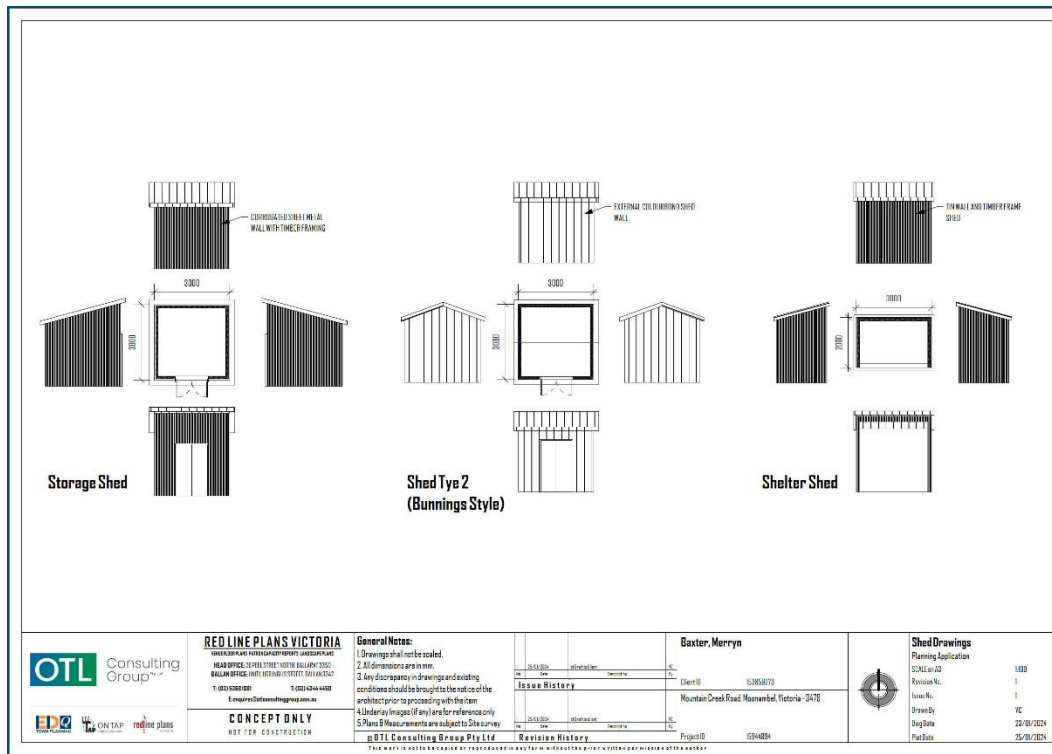


Figure 11 - Shed plans - Various

### BUSINESS SIGNAGE

A small scale business sign associated with the farm shop is proposed to be erected on the fence adjacent to the property driveway. The signage would be approximately 1200cm wide and 700 cm tall, approximately 1m above from the ground to the bottom of the sign and situated on Lot 118, angled slightly towards cars travelling North along Mountain Highway. The sign will be less than 1 square metre in area (0.84 square metres):



Figure 12 - Proposed Business Identification Signage

The proposed signage is provided with muted tones and is considered to be unobtrusive in nature, appropriate for its overall setting.

## 7 Permit Triggers

<i>Planning Provision</i>	Permit Trigger	Permit Required?	Comment
<i>Rural Activity Zone</i>	Use (Dwelling)	Yes	A dwelling is a section 2 use within the Rural Activity Zone  A permit is triggered for this use within the zone.
	Use (Primary Produce Sales)	No	Use of the site for Primary Produce Sales is a section 1 use provided the following conditions are met: <ul style="list-style-type: none"> <li>• Must not be within 100 metres of a dwelling in separate ownership</li> <li>• The area used for the display and sale of primary produce must not exceed 50 square metres</li> </ul> Both conditions are met within this proposal, therefor a permit is not required.
	Use (Animal Production – Small Scale Cheese Dairy)	Yes	The use of the site for the proposed small scale cheese dairy falls under the ‘Animal Production’ land use term. Animal Production is a section 2 use within the Rural Activity Zone.  A permit is triggered for this use within the zone.
	Use (Agriculture – Horse Husbandry)	No	The use of the site for agriculture, including horse husbandry, is a section 1 use.  No permit is triggered for this proposed land use.
	Use (Agriculture – Crop Raising)	No	The use of the site for agriculture, including Crop Raising, is a section 1 use.  No permit is triggered for this proposed land use.
	Building and Works	Yes	A permit is required for building and works associated with a section 2 use.

			Given the proposal includes the use of the site for a dwelling, and the use of the site for Animal Production, both of which are section 2 uses, all buildings and works proposed on the site require planning approval.
<i>Restructure Overlay (RO7)</i>	Buildings and works	Yes	<p>A permit is required to construct or extend a dwelling or other building.</p> <p>The proposal requires consideration of the provisions of the restructure overlay and its schedule.</p>
<i>Design and Development Overlay (DDO1)</i>	Building and works	No	<p>The subject property is only partly covered by the DDO; the proposed dwelling sits outside the DDO boundary, as does the other proposed building and works.</p> <p>A permit is therefore not required under the design and development overlay.</p>
<i>Aboriginal Cultural Heritage Sensitivity</i>	Buildings and works	No	The proposal is exempt from the requirements to obtain a cultural heritage management plan.
<i>Clause 52.06 – Signs</i>	Business Identification Signage	Yes	A permit is required for business identification signage.

## 8 Planning Policy Context.

The application should be considered against relevant policies contained within the Pyrenees Planning Scheme. This scheme is made up of 6 key sections which require consideration:

1. Municipal Planning Strategy;
2. Planning Policy Framework (PPF);
3. Zones;
4. Overlays;
5. Particular Provisions; and
6. General Provisions.

Throughout these key sections, there are a range of strategic policies and directions that are relevant to this proposal. The specific policies throughout the first 4 sections (PPF, LPPF, Zone and Overlays) are detailed below with an assessment of the proposal against each policy provided. The policies within the final two sections, the Particular and General provisions, are outlined in section 9 of this report.

### 8.1 MUNICIPAL PLANNING STRATEGY

#### Clause 02.03 – Strategic Directions

##### ***Clause 02.03-1 – Settlement***

##### **Moonambel**

Moonambel is a small service centre for the surrounding farming community located 17 kilometres north-west of Avoca at the centre of a significant wine producing area. Facilities in the township include a primary school, several churches, a public hall, a hotel and accommodation.

Moonambel is a compact township with a range of densities and development opportunities around the core strip. Rural residential development on the north side of Mountain Creek creates a potential for the township to become fragmented.

Moonambel should be supported by:

- Discouraging rural residential expansion beyond the town boundary to protect agricultural uses.
- Maintaining Moonambel as the focal point of the Mountain Creek Valley and encouraging tourism-related facilities to locate within the town boundary.
- Encouraging the further development of Moonambel as a rural service centre.

##### ***Clause 02.03-2 – Environmental Risks and Amenity***

##### **Floodplains**

There are a significant number of areas within the Shire that are either known or suspected to be subject to flooding. However, appropriate controls have not yet been applied. There are other areas within the Shire (principally rural areas) that are subject to varying degrees of flooding threat, including Avoca River, Wimmera River, Mt Emu Creek, Baillies Creek, Fiery Creek, and other streams.

Pyrenees Shire seeks to limit the negative effects of flooding by:

- Identifying areas that have the greatest flood risk.
- Discouraging development on floodplains and low-lying areas subject to drainage difficulties.
- Maintaining the capacity of the floodplain to convey and store water and minimise the risk of damage to property.
- Discouraging the intensification of land use and development in the floodplains of the Yam Holes, Ding Dong, Cemetery and Cumberland Creeks at Beaufort.

**Clause 02.03-3- Natural resource management**

**Agriculture**

The majority of non-urban land in the Shire is used for agricultural purposes. A continuation of these uses is encouraged, consistent with responsible land management practices.

Pyrenees Shire will support agriculture by:

- Protecting agricultural land from fragmentation.
- Encouraging sustainable and diverse agriculture.
- Consolidating inappropriately subdivided rural land.
- Discouraging rural-residential development where it impacts on agricultural land.

**Rural subdivision**

Parts of Pyrenees Shire were the focus of intensive gold-mining activity in the 19th century, resulting in the creation of extensive Crown Subdivisions that converted widespread areas of rural land into smallholdings, including on some steep and environmentally hazardous land.

The pattern of subdivision within the Shire does not reflect current patterns of settlement and land use. Many of the original Crown Townships are now defunct and there are extensive areas of open farmland comprised of small lots. Fragmented ownership of these lots and the potential demand to construct a dwelling on them is not consistent with responsible management of rural land.

Pyrenees Shire seeks to manage rural subdivision by:

- Identifying areas that are unsuitable for small lot development and encouraging the consolidation of small lots.
- Restructuring rural areas with subdivisional patterns that are not conducive to responsible land management.

**Assessment**

The proposal provides for a genuine agricultural practice for the subject land in an industry that supports and employs a growing portion of the municipality. The proposal is directly related to supporting the enhanced agricultural use of the land as is required by the rural activity zone. The proposal requires the more intensive use of the subject land for a purpose consistent with the objectives outlined in policy above and provides for the proposed consolidation of currently separated land parcels on the fringe of the Moonambel township. This directly results in the reduction of land fragmentation on the Northern side of Mountain Creek as provided for within the strategic directions outlined.



For activity at the intensity proposed, and further detailed within the attached Farm Management Plan to occur, an onsite resident is required for day-to-day operations. Furthermore, the proposed farmgate sales will act to increase the tourism focus of Moonambel and the wider Pyrenees region, tying an industry currently not catered for (cheese making) with an existing industry (winemaking), increasing the broader tourism base for the region.

The proposed development sits outside of the Design and Development Overlay boundaries as laid out within the Pyrenees planning scheme, acting to minimise potential impacts from flood plains on the future dwelling and associated infrastructure. Additionally, North Central Catchment Management Authority flood mapping shows the flood extent for a 1% AEP event extending only marginally into the subject property:

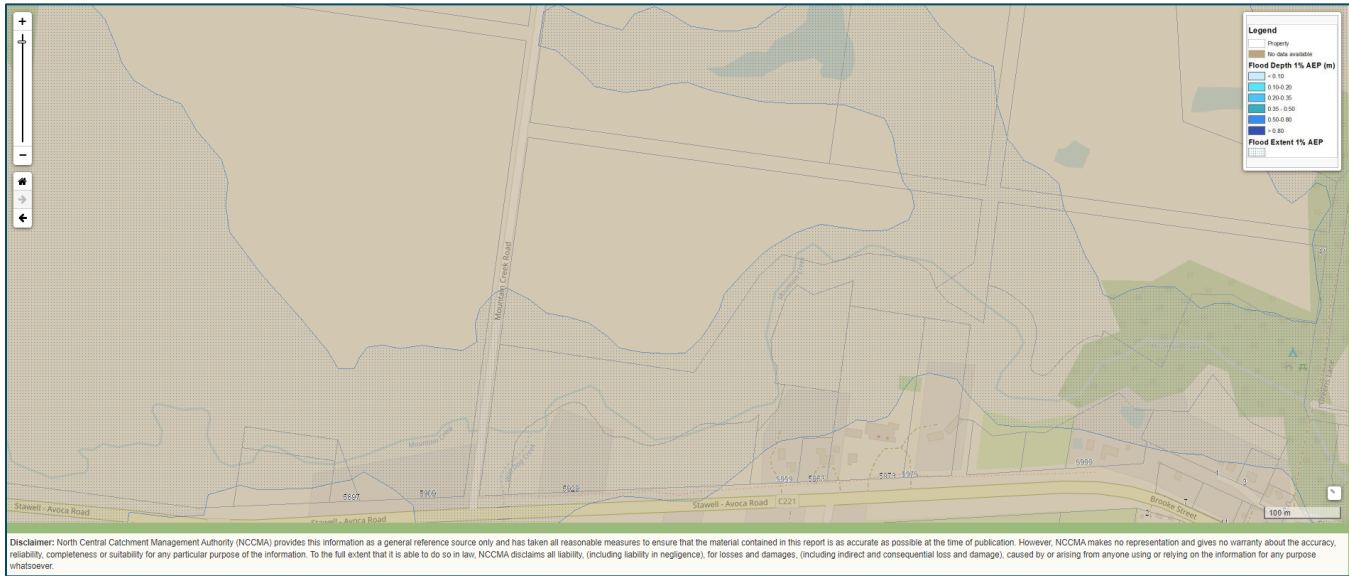


Figure 13 - North Central CMA Flood Mapping

Consistent with the objectives of scheme, the proposed dwelling is required to increase the agricultural productivity of the land; the associated consolidation of land parcels on the site will act to minimise land fragmentation.

On balance, it is submitted that the proposed dwelling is supported by the Purpose and vision of the Pyrenees Planning Scheme.

## 8.2 PLANNING POLICY FRAMEWORK

### Clause 12; Environmental and Landscape Values

Planning should help to protect the health of ecological systems and the biodiversity they support (including ecosystems, habitats, species and genetic diversity) and conserve areas with identified environmental and landscape values.

Planning must implement environmental principles for ecologically sustainable development that have been established by international and national agreements. Foremost amongst the national agreements is the Intergovernmental Agreement on the Environment, which sets out key principles for environmental policy in Australia. Other agreements include the National Strategy for Ecologically Sustainable Development, National Greenhouse Strategy, the National Water Quality Management Strategy,

Australia's Strategy for Nature 2019-2030, the National Forest Policy Statement and National Environment Protection Measures.

Planning should protect, restore and enhance sites and features of nature conservation, biodiversity, geological or landscape value.

**Clause 12.03-1S – River and riparian corridors, waterways, lakes, wetlands and billabongs**

**Objective:** To protect and enhance waterway systems including river and riparian corridors, waterways, lakes, wetlands and billabongs..

Strategies met by this proposal in relation to this objective are as follows:

**Strategies:** Protect the environmental, cultural, landscape values of all waterway systems as significant economic, environmental and cultural assets.

Conserve waterway systems and the landscapes and environmental values surrounding them by protecting ecological values, indigenous vegetation, terrestrial and aquatic habitats and encouraging biodiversity.

Sensitively design and site development to maintain and enhance the waterway system and the surrounding landscape setting, environmental assets, and ecological and hydrological systems.

Address the impacts of use and development on drought and flooding events at a catchment and site scale to protect the health and natural function of waterway systems and their surrounding landscape and environment.

Protect geomorphology, bank stability and flood management capacity to strengthen the environmental value and health of waterway systems by:

- Retaining, enhancing and re-establishing indigenous riparian vegetation along waterway systems, ensuring it responds to the bushfire risk of a location.
- Enhancing and re-establishing both terrestrial and aquatic habitats and their linkages along and surrounding waterway systems.
- Limiting earthworks in proximity to waterway systems to minimise alterations to geomorphology, natural drainage, natural flows and water quality.
- Facilitating the restoration of waterway systems through the removal of weeds, invasive species and pests.

Design and site development to maintain and enhance the natural environment of waterway systems by:

- Minimising the visual intrusion of development on the natural landscape views from major roads, bridge crossings, public open space, recreation trails and within waterway systems themselves.

- Ensuring development is visually subordinate to the local landscape setting, including through the use of vegetation to filter views of development.
- Ensuring development adjacent to waterways adopts high quality materials and respectful design and siting.
- Avoiding impeding the natural flow of waterways and future flood events.

### Clause 13; Environmental Risks and Amenity

Planning should strengthen the resilience and safety of communities by adopting a best practice environmental management and risk management approach.

Planning should identify, prevent and minimise the risk of harm to the environment, human health, and amenity through:

- Land use and development compatibility.
- Effective controls to prevent or mitigate significant impacts.

Planning should identify and manage the potential for the environment and environmental changes to impact on the economic, environmental or social wellbeing of society.

Planning should ensure development and risk mitigation does not detrimentally interfere with important natural processes.

Planning should prepare for and respond to the impacts of climate change.

#### **Clause 13.03-1S – Floodplain Management**

**Objective:** To assist the protection of:

- Life, property and community infrastructure from flood hazard, including coastal inundation, riverine and overland flows.
- The natural flood carrying capacity of rivers, streams and floodways.
- The flood storage function of floodplains and waterways.
- Floodplain areas of environmental significance or of importance to river, wetland or coastal health.

Strategies met by this proposal in relation to this objective are as follows:

**Strategies:** Identify land affected by flooding, including land inundated by the 1 in 100 year flood event (1 per cent Annual Exceedance Probability) or as determined by the floodplain management authority in planning schemes.

Avoid intensifying the impact of flooding through inappropriately located use and development.

Locate use and development that involve the storage or disposal of environmentally hazardous industrial and agricultural chemicals or wastes and other dangerous goods (including intensive animal industries and sewage treatment plants) outside floodplains unless site design and management is such

that potential contact between such substances and floodwaters is prevented, without affecting the flood carrying and flood storage functions of the floodplain.

Ensure land use on floodplains minimises the risk of waterway contamination occurring during floods and floodplains are able to function as temporary storage to moderate peak flows and minimise downstream impacts.

## Clause 14; Natural Resource Management

Planning is to assist in the conservation and wise use of natural resources including energy, water, land, stone and minerals to support both environmental quality and sustainable development.

Planning should ensure agricultural land is managed sustainably, while acknowledging the economic importance of agricultural production.

### **Clause 14.01S – Protection of Agricultural Land**

**Objective:** To protect the states agricultural base by preserving productive farm land.

Strategies met by this proposal in relation to this objective are as follows:

**Strategies:** 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:

- 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.

### **Clause 14.01L – Agriculture in Pyrenees Shire**

**Strategies:** Limit small-lot rural excisions.

Encourage the effective restructuring of inappropriate subdivisions.

Designate 'restructure' parcels of sufficient size and configuration to construct a dwelling on each parcel without prejudicing the environmental capacity and landscape qualities of the area.

**Clause 14.01-2S – Sustainable Agricultural Use**

**Objective:** To encourage sustainable agricultural land use.

Strategies met by this proposal in relation to this objective are as follows:

**Strategies:** Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.

Support the development of innovative and sustainable approaches to agricultural and associated rural land use practices.

Encourage diversification and value-adding of agriculture through effective agricultural production and processing, rural industry and farm-related retailing.

Support agricultural investment through the protection and enhancement of appropriate infrastructure.

**Clause 16; Housing**

Planning should provide for housing diversity and ensure the efficient provision of supporting infrastructure.

Planning should ensure the long-term sustainability of new housing, including access to services, walkability to activity centres, public transport, schools and open space.

Planning for housing should include the provision of land for affordable housing.

**Clause 16.01-3s – Rural Residential Development**

**Objective:** To identify land suitable for rural residential development

Strategies met by this proposal in relation to this objective are as follows:

**Strategies:** Manage development in rural areas to protect agriculture and avoid inappropriate rural residential development.

Encourage the consolidation of new housing in existing settlements where investment in physical and community infrastructure and services has already been made

Ensure planning for rural residential development avoids or significantly reduces adverse economic and environmental impacts by:

- Protecting existing landscape values and environmental qualities such as water quality, native vegetation, biodiversity and habitat.

- Minimising or avoiding property servicing costs carried by local and state governments.

### Clause 17; Economic Development

Planning is to provide for a strong and innovative economy, where all sectors are critical to economic prosperity.

Planning is to contribute to the economic wellbeing of the state and foster economic growth by providing land, facilitating decisions and resolving land use conflicts, so that each region may build on its strengths and achieve its economic potential.

#### **Clause 17.01-1R – Diversified Economy – Central Highlands**

**Strategies:** Support greater economic self-sufficiency for the region.

#### Assessment

The State Planning Policy Framework provides broad and unambiguous support for the protection and support for productive agriculture in appropriate locations. The proposed dwelling would result in minimal loss of productive agricultural land given its relative size and location, but would result in the consolidation of 5 small lots which are currently provided on the site and in a way that is inappropriate for the broader zone and locality. The proposed dwelling is required to sustain this proposed agricultural purpose, and will act as a catalyst for the consolidation of land parcels.

The proposal would result in an outcome that is consistent with the objectives and strategies outlined above; supporting investment in agriculture and supporting infrastructure, thereby protecting and embedding agricultural use in an otherwise underutilised parcel of land, whilst also protecting the broader waterway adjoining the sites southern and eastern boundary. Additionally, the proposal supports and builds on the regions industry base and growth, providing for a proposal which aligns with the regions ever growing wine base.

The proposed dwelling is required to sustain this proposed agricultural purpose, its construction and use is consistent with the objectives of Clause 14 (Natural Resource Management). There will be no impact on the adjoining agricultural land as the subject site will be used as farmland and will be significantly more productive than its current state.

The proposal is consistent with and responds positively to the Planning Policy Framework and allows for the establishment of a genuine agricultural business to provide a high value service and will ensure the continuation and expansion of agricultural use on the subject land.



### 8.3 ZONE

#### Clause 35.08 – Rural Activity Zone

The subject property is zoned Rural Activity Zone. The purpose of this zone is;

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for the use of land for agriculture.
- To provide for other uses and development, in appropriate locations, which are compatible with agriculture and the environmental and landscape characteristics of the area.
- To ensure that use and development does not adversely affect surrounding land uses.
- To provide for the use and development of land for the specific purposes identified in a schedule to this zone.
- To protect and enhance natural resources and the biodiversity of the area.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

The key land use proposed as part of this proposal, being a dwelling associated with agriculture, the proposed land use is a section 2 use requiring planning approval. On this basis, a permit is required to construct a dwelling, with a number of secondary permit triggers as outlined within section 7 of this report. The below VicPlan map view (Figure 10) shows the Farming Zone of the subject lot. The scale version of this plan is attached as Appendix E.

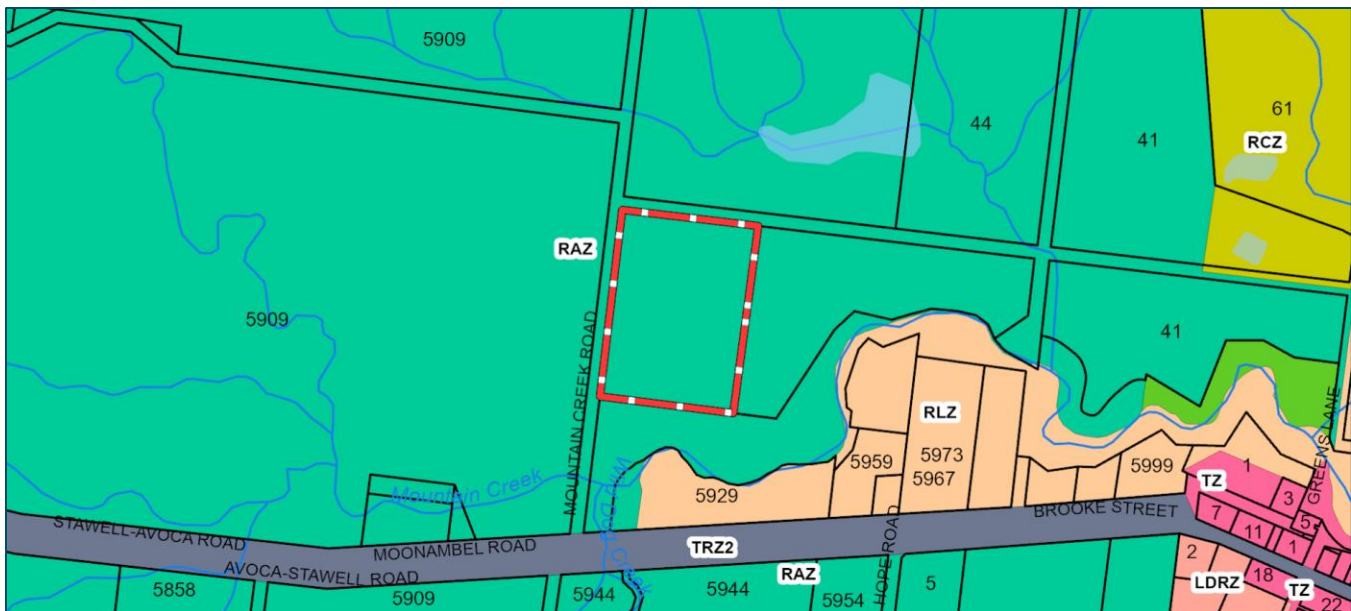


Figure 14 - Rural Activity Zone

#### 35.07-2 – Use of Land for a Dwelling

A lot used for a dwelling or small second dwelling must meet the following requirements:

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



- Each dwelling or small second 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 or small second 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 or small second dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

Under the provisions of the Rural Activity Zone, a permit is required to construct or carry out works associated with a section 2 use.

## **Farming Zone Decision Guidelines**

### ***General***

- 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 and development and whether the proposal is compatible with adjoining and nearby land uses.

### ***Agricultural issues and the impacts from non-agricultural uses***

- Whether the use or development will support and enhance 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.

### ***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 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, fauna and landscape features of the locality.
- 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 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 or development will require traffic management measures.
- 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**

State and Local Planning Policy have been addressed in the previous sections of this report. There is no Regional Catchment Management Strategy that specifically applies to this proposal, or the subject land and the land has ample capacity to accommodate a dwelling, associated effluent disposal (refer to the Land Capability Assessment attached at Appendix G) and the required infrastructure and services. All weather access of suitable size for emergency vehicles would be provided to the dwelling as per the site plan lodged. The existing Mountain Creek Road is an established all weather road.

The proposal is for the use of the land for precisely the purpose of the zone *“To encourage use and development of land based on comprehensive and sustainable land management practices”*, *“to provide for the use of the land for agriculture”* and *“provide for other uses and development, in appropriate locations, which are compatible with agriculture and the environmental landscape characteristics of the area”*. There is also a general expectation within the rural activity zone that agriculture plays a predominant role and the protection of agricultural land is important. The proposed dwelling is associated with a viable business and commercial enterprise, as outlined within the attached Farm Management Plan, and the property’s primary use will be for agricultural purposes (high value crops, cheese making and equine activities). This proposal will allow for an otherwise underutilized parcel of land to be used for a productive agricultural enterprise. The proposed dwelling will have no impact on other nearby agriculture uses. The proposed use and development is compatible with the surrounding area, which consist mainly of farming properties.

The proposal includes the consolidation of 5 currently separate land parcels which, we say, is a proper planning outcome in the circumstances.

## 8.4 OVERLAYS

### Clause 45.05 – Restructure Overlay (RO7)

The property is affected by the (RO7) under the Pyrenees Planning Scheme. The below image (Figure 11) shows this overlay effecting the subject lot.

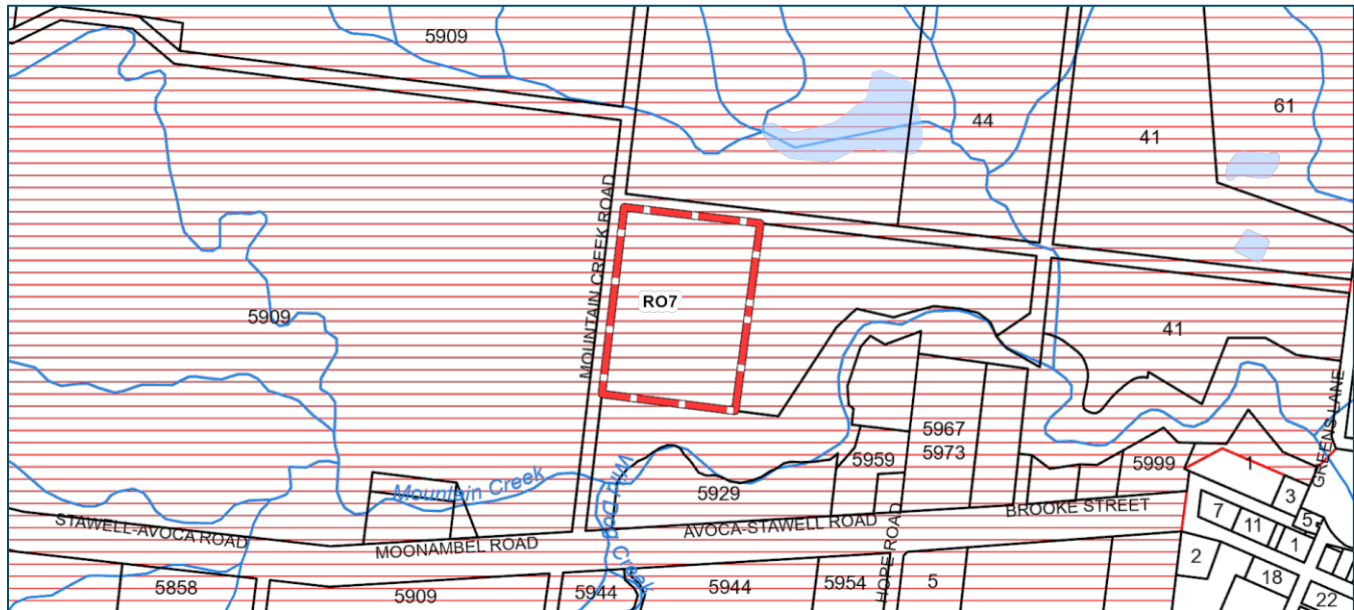


Figure 15 - Restructure Overlay

The purpose of this overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify old and inappropriate subdivisions which are to be restructured.
- To preserve and enhance the amenity of the area and reduce the environmental impacts of dwellings and other development.

The Restructure Overlay provides a permit trigger to construct a building or carry out works. No exemptions to this permit trigger apply in this instance.

### 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 objectives of the restructure plan for the area.
- Appropriate measures to cope with any environmental hazard or constraint affecting the land, including slope, drainage, salinity and erosion.
- The protection and enhancement of the natural environment and the character of the area including the retention of vegetation and fauna habitats and the need to revegetate along waterways, gullies, ridge lines and property boundaries.
- The availability of utility services, including sewerage, water, drainage, electricity, telecommunications, and, where the subdivision is not a residential subdivision, gas.

- The relationship of the intended use and development to the existing or likely use and development of adjoining and nearby land.
- The effect on surrounding uses, especially agricultural uses and nearby public land.
- The design of buildings.

A permit is required for buildings and works and the proposed consolidation of titles under the RO, whilst the Restructure Plan provides specific planning measures for the Mountain Creek (Moonambel) Environs area which are to apply under Clause 45.05 of the Planning Scheme (Restructure Plan No. 7). Objectives of the restructure plan include:

- To give maximum practical effect to the provisions of the Mountain Creek (Moonambel) Environs Restructure Plan.
- To achieve the basic strategic planning objectives for Areas of Inappropriate Subdivision as stated in Clause 21.05-01.4 of the Planning Scheme.
- To encourage the subdivisional restructuring of multiple-lot landholdings.
- To discourage inappropriate small lot rural residential development.
- To prevent inappropriate development in the environs of Mountain Creek (a tributary of the Avoca River).
- To prevent inappropriate development on environmentally hazardous land in the Palaeozoic III Land System.
- To prevent uses and developments which will be incompatible with existing vineyards and/or will compromise the future development of land for vineyard purposes.
- To limit development on land which is subject to flooding.

### Requirements for Development of Land

- A Permit may not be granted for a subdivision under Clause 35.08-3 (in respect of land in the Rural Activity Zone) or under Clause 35.06-3 (in respect of land in the Rural Conservation Zone).
- The responsible authority may only consent to the creation of smaller lots where the subdivision is a re-subdivision of land within the Restructure Area, the average area of lots in the subdivision is not less than half the lot size which would otherwise be required in the area concerned and each lot has an area of at least 1 hectare. *(Despite the above provisions, where land is in the Rural Activity Zone, a Planning Permit may be granted for a subdivision which creates a lot or lots for a wine production or tourism-related use which has been established for at least 12 months in accordance with the Planning Scheme, to the satisfaction of the Responsible Authority. There is no specified minimum subdivision area under this provision).*
- Not more than one dwelling may be constructed on or caused to exist on each Restructure Parcel except in the following circumstances:

on larger Restructure Parcels provided that the number of dwellings complies with the following formulae:

- For Restructure Parcels in the Rural Activity Zone with an area of more than 20 hectares:  

$$N = A/20$$
 where N = number of dwellings (corrected to nearest whole number)
- For Restructure Parcels in the Rural Conservation Zone with an area of more

than 60 hectares:

$N = \frac{A}{60}$  where N = number of dwellings (corrected to nearest whole number) A = area in hectares of the Restructure Parcel

- where lots within the Restructure Parcel have been created by virtue of these restructure provisions
  - where lots within the Restructure Parcel were created by virtue of a planning permit issued after the date of commencement of the *Planning and Environment Act 1987* (16 February 1988)
  - where the dwelling is a residence required for the ongoing management and maintenance of an activity on the land (ie: a 'Caretaker's House')
- If a Restructure Parcel has an area of less than 8 hectares and is comprised as two or more lots created prior to 16 February 1988, no dwelling may be constructed until all lots in the Parcel are consolidated onto a single Title;
  - Not more than one dwelling is to be constructed on any lot.
  - If the number of lots in a Restructure Parcel exceed the number of dwellings which may be constructed (including existing dwellings) then before any new dwelling is constructed one of the following actions must be taken:
    - lots which have no dwelling entitlement must be consolidated with another lot or lots for which a dwelling entitlement exists; or
    - an agreement is entered into under Section 173 of the Act which stipulates that such land may not have a dwelling;
    -
  - The Responsible Authority may Permit a dwelling or dwellings to be constructed on land falling within two or more Restructure Parcels (either wholly or as to part) provided that:
    - the land does not form part of a site required to authorise the construction of any existing or approved dwelling;
    - the total number of dwellings authorised for the Restructure Parcels concerned is not increased;
    - the site for the dwelling is comprised as a separate Title; and
    - the land is restructured either by consolidation or resubdivision so that every lot is capable of having a dwelling constructed on it.
  - No house may be constructed in a Restructure Investigation Area until a restructure management plan has been prepared to the satisfaction of the responsible authority. The housing density and associated subdivisional arrangement provided for on such plan must be based on the pattern of land ownership as at 17 March 1997. The plan must also include other provisions to the satisfaction of the responsible authority to promote the orderly use, development and management of the land. All development must be in accordance with the approved plan.
  - Restructure Area boundaries are based on land ownership data obtained from Council records as at 14 March 1997. Except where land is designated as Public Land or where it is in a Restructure Investigation Area, boundaries of individual Restructure Areas are based on Tenements which existed as at that date.



The Responsible Authority may, upon written application, approve an adjustment to the boundary of any Restructure Area so that it accords with actual Tenement boundaries as evidenced from Certificates of Title. Where any such adjustments are made a copy of the approved amended Restructure Plan Map (or revised excerpt) is to be annexed to this provision.

**Assessment**

The proposed dwelling meets the objectives of the Mountain Creek (Moonambel) Environs Restructure Plan. As previously assessed, the proposal meets the objectives of the State Planning Policy and Municipal Planning Strategy. Clause 21.05-01.4 is no longer included in the Pyrenees Planning Scheme.

No adverse environmental impacts are expected as a result of the proposal and the required utility services are available to the land. A land capability assessment has been prepared in relation to the proposal which shows the site is capable of managing the effluent from the proposed dwelling. The proposed dwelling will have no impact on other nearby agriculture uses. The proposed farming enterprise and associated dwelling will not impact existing vineyards in the surrounding area or compromise the future development of land for vineyard purposes; rather, the proposal will act to support the broader wine making industry within the Pyrenees region.

The requirements for the development of land set out in the Mountain Creek (Moonambel) Environs Restructure Plan state that no more than one dwelling may exist on a Restructure Parcel. The proposal meets this requirement as there are currently no dwellings within the Restructure Parcel in which the subject property is located. The proposed dwelling will be the only dwelling located in the Restructure Parcel, the proponent owns all 5 land parcels within the restructure parcel, and the proposal includes the consolidation of the 5 crown allotments in line with the Restructure Overlay plan.

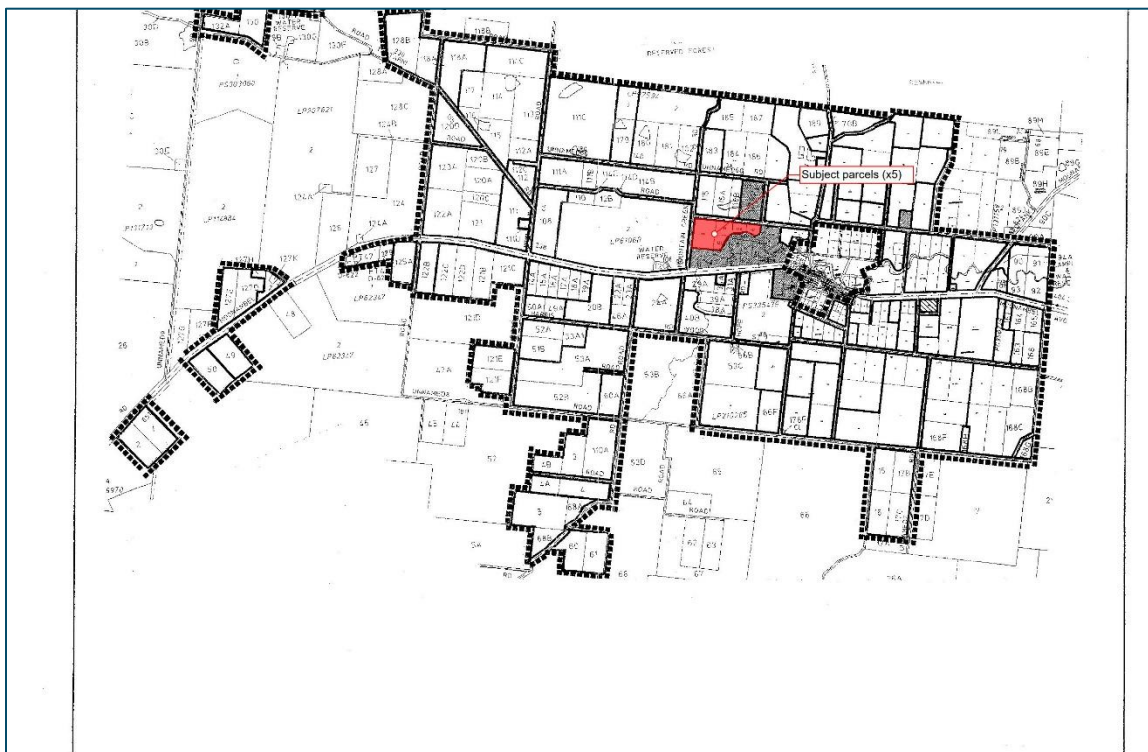


Figure 16 - Restructure Parcel



## 9 Particular/General Provisions

### CLAUSE 52.05 – SIGNS

A small scale business sign associated with the farm shop is proposed to be erected on the fence adjacent to the property driveway. The signage would be approximately 1200cm wide and 700 cm tall, approximately 1m above from the ground to the bottom of the sign and situated on Lot 118, angled slightly towards cars travelling North along Mountain Highway. The sign will be less than 1 square metre in area (0.84 square metres):



Figure 17 - Proposed business identification signage

The proposed signage is provided with muted tones and is considered to be unobtrusive in nature, appropriate for its overall setting.

## 10 Conclusion.

The proposal and supporting application documents detail the proposed agricultural enterprise that would be undertaken on the subject land. The land would be substantially developed and used in accordance with the attached Farm Management Plan (FMP). The FMP demonstrates that the business enterprise is agriculturally productive, and financially feasible. The broader locality is growing and firmly entrenched in the industry and there is substantial industry support, synergies and efficiencies to be gained for both the proponent and those existing in the market.

Having regard to the level of activity proposed, a resident of the land is **required** for this specific undertaking for a variety of reasons, including, but not limited to:

- The general upkeep and maintenance of the land
- The level of pasture management and development proposed.
- The surveillance and security of investment and infrastructure.
- General duty of care.

The proposal creates the opportunity for a productive and financially feasible agricultural pursuit to be undertaken on the land and having regard to the practical circumstances of this application and our client's objectives in the context of the relevant sections of the Planning Scheme, Local Policies and State-wide Planning Provisions, it is considered the application should be supported by Council because it provides for an outcome that is generally and specifically consistent with all planning policy as far as can be reasonably applied.

**James Robson**

**Director; EDQ Town Planning,**

January 2024

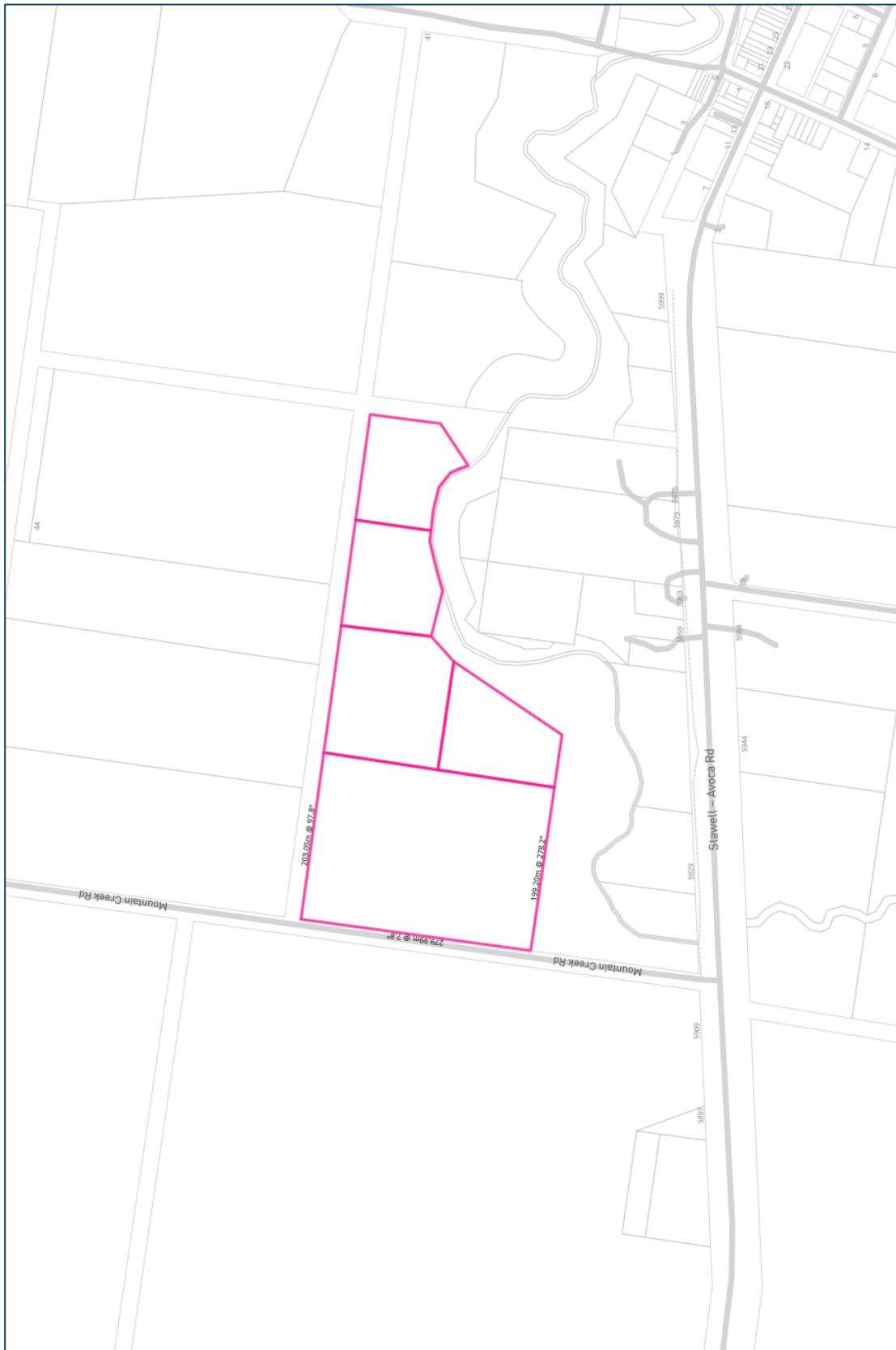
## Appendix A: Copy of Existing Title & Register Search

See attached (lodged separately)

## Appendix B: Aerial Photograph



## Appendix C: Map Locality





# Appendix D: Proposed Site & House Plans





**Drawing Title:** FLOOR PLAN

**Client ID:** 153859273

**Project ID:** 12990034

**Project Phase:** Planning Application

**Site Address:** Stony Crossing Road, Redbank, Victoria - 3477

**09/09/2021** | **14/09/2021**

**Sketch Design** | **Sketch Design**

Rev	Description	Date
R1	Sketch Design	09/09/2021
R2	Sketch Design	14/09/2021

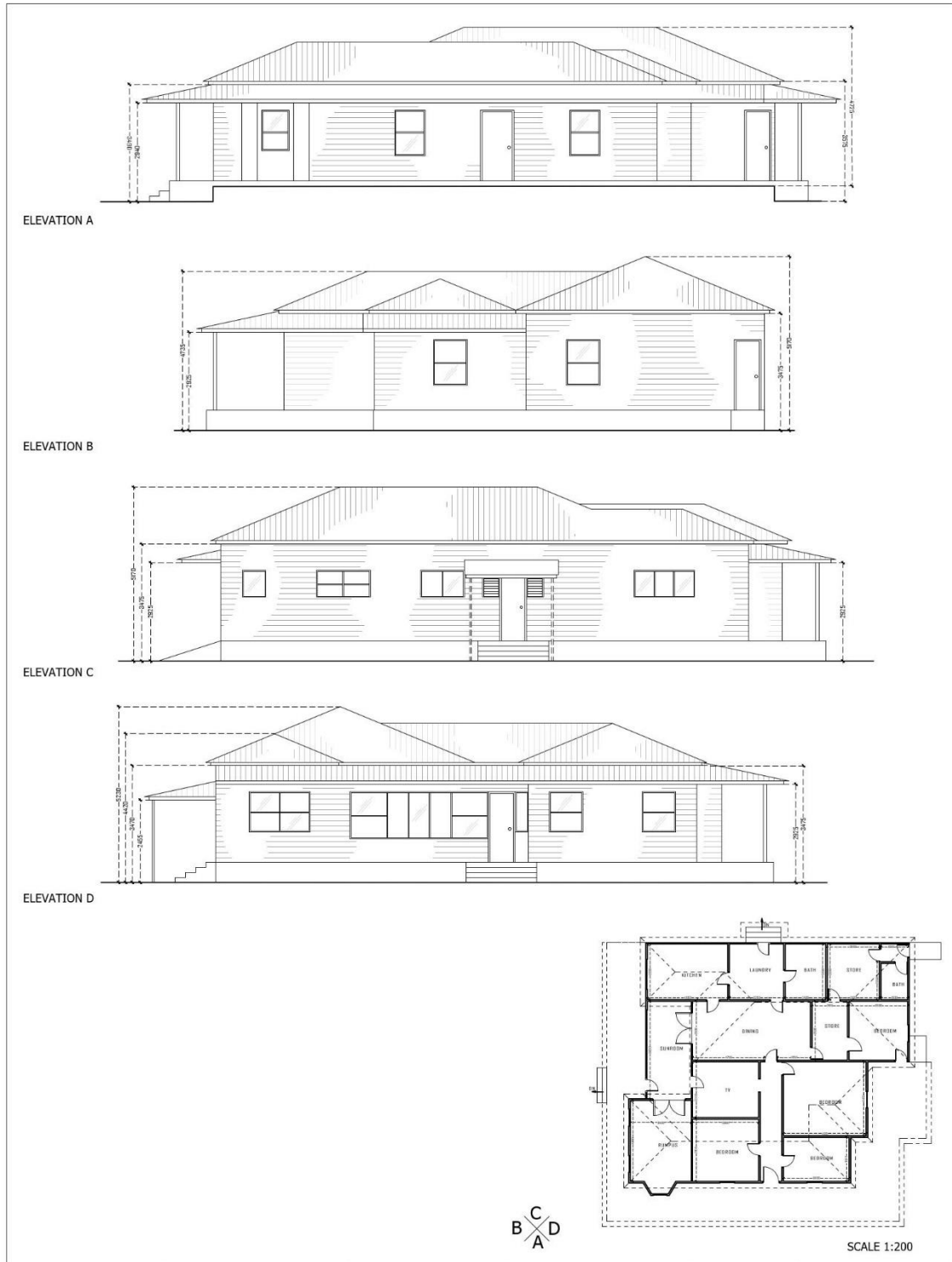
\*Copyright OTL Consulting Group Pty Ltd\*

**NOTES:**

1. Drawings shall not be scaled.
2. All dimensions are in mm.
3. Any discrepancy in drawings and existing conditions should be brought to the notice of the architect prior to proceeding with the item.

**RED LINE PLANS VICTORIA**  
WEAVE FLOOR PLANS, PARTIAL CAPACITY REPORTS, LANDSCAPE PLANS  
 UNIT 1, 1168 INGLIS STREET, BALLAN, VICTORIA - 3342  
 TEL: (03) 5968 1881 WEBSITE: www.redlineplans.com.au

**CONCEPT ONLY**  
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SCALE 1:200

	<b>RED LINE PLANS VICTORIA</b> WINDOW FLOOR PLAN CAPACITY REPORT LANSKAP PLANS UNIT 1, 1168 ENGLIS STREET, BALLAN, VICTORIA - 3342 TEL: (03) 5368 1881 WEBSITE: www.redlineplans.com.au	<b>NOTES:</b> 1. Drawings shall not be scaled. 2. All dimensions are in mm. 3. Any discrepancy in drawings and existing conditions should be brought to the notice of the architect prior to proceeding with the item.	<b>BAXTER, MERRYN</b> Site Address: Stony Crossing Road, Redbank, Victoria - 3477	Client ID: 153899173 Project ID: 22990024	Drawing Title: <b>ELEVATIONS</b> Drawn by: VC Checked by: VC Layout ID: -
	<b>CONCEPT ONLY</b> NOT FOR CONSTRUCTION	*Copyright OTL Consulting Group Pty Ltd*	Project Phase: Planning Application	Drawing scale @ A3: 1:100 Date Plotted: 14/09/2021 Revision: R1	

**Shed Drawings**

Planning Application: I400  
 SCALE: A3  
 Revision No.: I  
 Issue No.: I  
 Drawn By: VC  
 Dwg Date: 23/01/2024  
 Plot Date: 25/07/2024

**General Notes:**

1. Drawings shall not be scaled.
2. All dimensions are in mm.
3. Any discrepancy in drawings and existing conditions should be brought to the notice of the architect prior to proceeding with the item.
4. Underlay images (if any) are for reference only.
5. Plans & Measurements are subject to site survey.

**RED LINE PLANS VICTORIA**  
 VENDOR PLANS FOR DEVELOPMENT REPORTS, LSC22/CP/PLANS  
 HEAD OFFICE: 28 PFEES STREET, MORTLA BALLANTRAE VIC 3207  
 BALLAN OFFICE: UNIT 108 INDUS STREET BALLAN VIC 3207  
 T: (03) 5286 1800  
 E: enquiries@redlineplans.com.au

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**Baxter, Merryn**

Client ID: I53953273  
 Mountain Creek Road, Monmambel, Victoria - 3478  
 Project ID: I594684

No.	Issue No.	Date	Author/Checker	Description
<b>Issue History</b>				
No.	Issue No.	Date	Author/Checker	Description
<b>Revision History</b>				
No.	Issue No.	Date	Author/Checker	Description

**Storage Shed**

**Shed Type 2  
(Bunnings Style)**

**Shelter Shed**

**General Notes:**

1. Drawings shall not be scaled.
2. All dimensions are in mm.
3. Any discrepancy in drawings and existing conditions should be brought to the notice of the architect prior to proceeding with the item.
4. Underlay images (if any) are for reference only.
5. Plans & Measurements are subject to Site survey.

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VICTORIA PLANS AND CONCEPTS REPORTS LANDSCAPE PLANS  
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**BALLARAT OFFICE:** UNIT 11 108 INDUS STREET BALLARAT VIC 3347  
 T: (03) 5386 1800  
Enquiries to: redlineplans@redlineplans.com.au

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**OTL Consulting Group Pty Ltd**

**Issue History**

No.	Issue No.	Date	Description
1	1	23/01/2024	Issue No. 1

**Revision History**

No.	Rev. No.	Date	Description
1	1	25/07/2024	Rev. No. 1

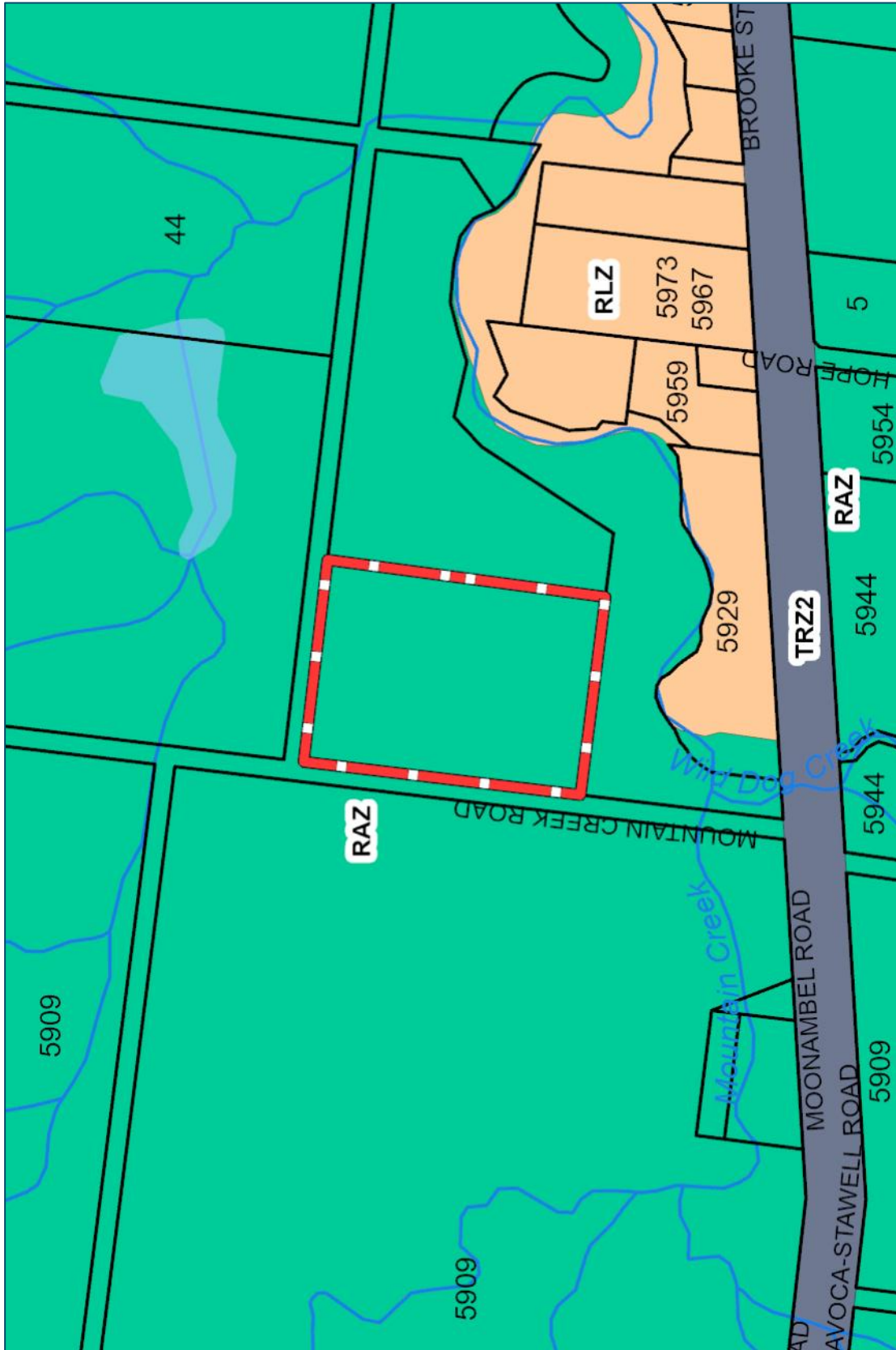
**Shed Drawings**

Planning Application	Scale	Revision No.	Issue No.	Drawn By	Dwg Date	Plot Date
I400	1:100	1	1	VC	23/01/2024	25/07/2024

**Baxter, Merryn**

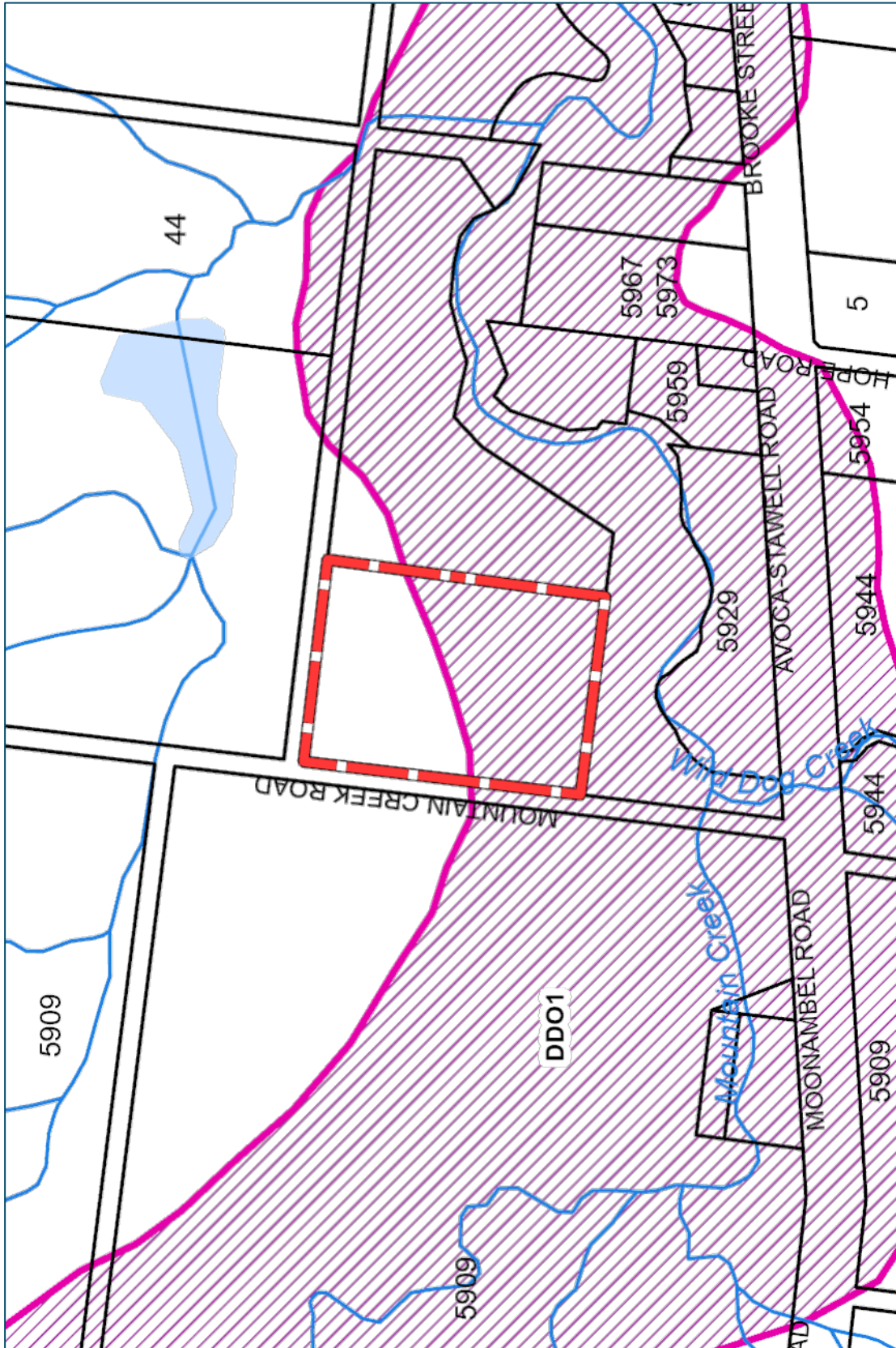
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 Mountain Creek Road, Monambel, Victoria - 3478  
 Project ID: 1594854

# Appendix E: Zone Map

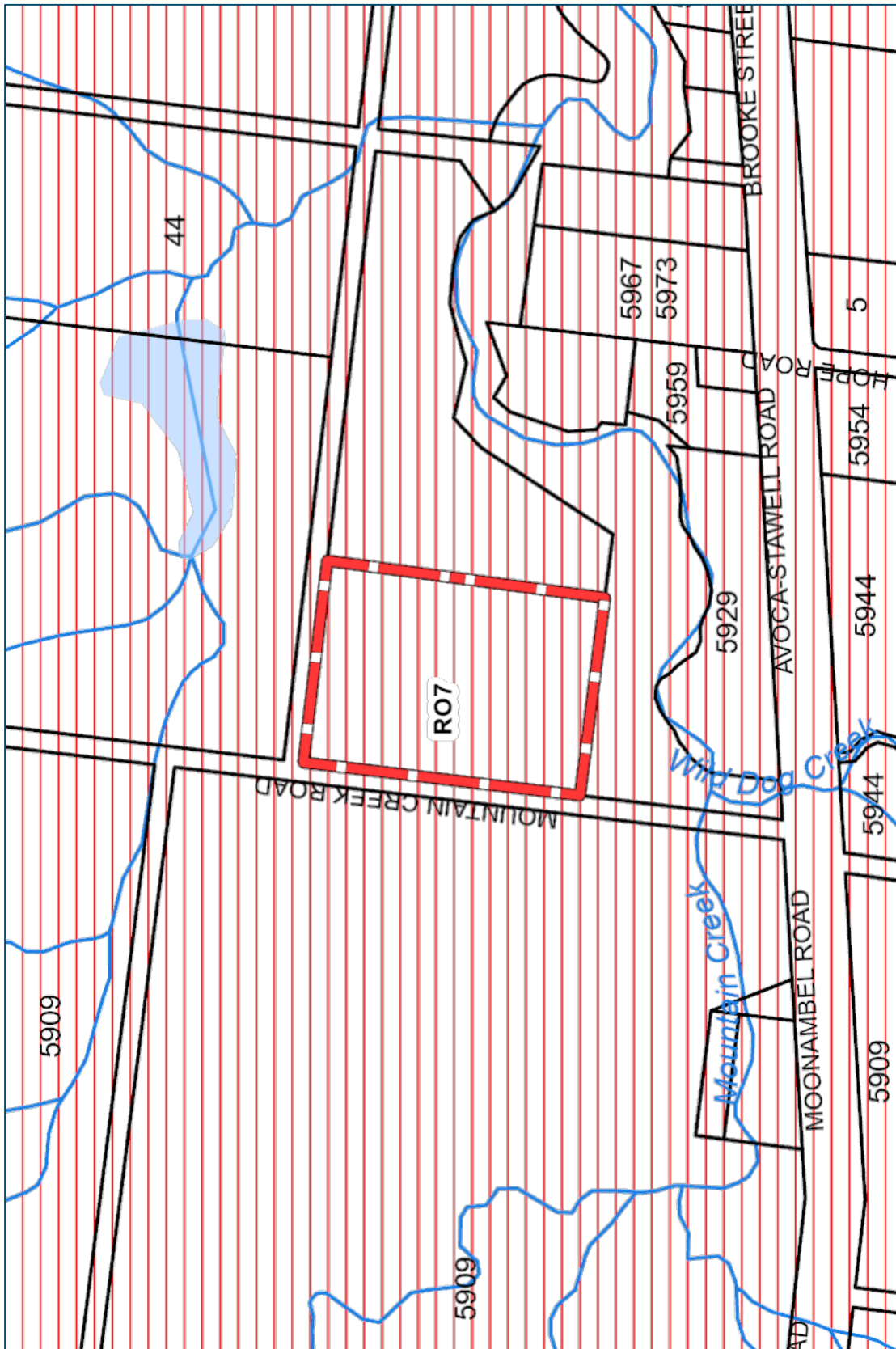




## Appendix F: Overlay Maps







## Appendix G: Land Capability Assessment

See attached land capability assessment

## Appendix H: Farm Management Plan

See attached Farm Management Plan



## Appendix I: Site Photographs









## Appendix J: Dwelling Photographs





## REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

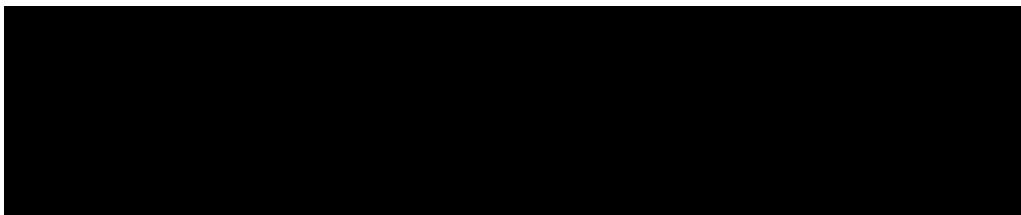
Page 1 of 2

VOLUME 04119 FOLIO 777

Security no : 124111028251W  
Produced 05/12/2023 02:30 PM

### LAND DESCRIPTION

Crown Allotment 122 Parish of Warrenmang.  
PARENT TITLE Volume 00260 Folio 963  
Created by instrument 0854571 27/05/1918



### ENCUMBRANCES, CAVEATS AND NOTICES

For details of any other encumbrances see the plan or imaged folio set out under DIAGRAM LOCATION below.

### DIAGRAM LOCATION

SEE TP871554F FOR FURTHER DETAILS AND BOUNDARIES

### ACTIVITY IN THE LAST 125 DAYS

NUMBER		STATUS	DATE
AX157707G (E)	NOMINATION OF ECT TO LC	Completed	16/08/2023
AX208435J	CONVERT A PCT TO AN ECT	Completed	31/08/2023
AX244508D (E)	NOMINATION OF ECT TO LC	Completed	11/09/2023
AX244512N (E)	CHANGE OF PROPRIETOR NAME	Registered	13/09/2023
AX488577U (E)	TRANSFER CONTROL OF ECT	Completed	27/11/2023
AX157710T (E)	CHANGE OF PROPRIETOR NAME	Withdrawn	31/08/2023

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

OTHER TITLES WITH INTERESTS AFFECTING THIS LAND  
260/963

Street Address: MOUNTAIN CREEK ROAD MOONAMBEL VIC 3478

See MI308973J for WATER FRONTAGE LICENCE details

### ADMINISTRATIVE NOTICES

NIL

eCT Control 14761T NOONAN & SUTHERLAND SOLICITORS  
Effective from 27/11/2023

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Page 2 of 2

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Document Assembled	<b>05/12/2023 14:30</b>

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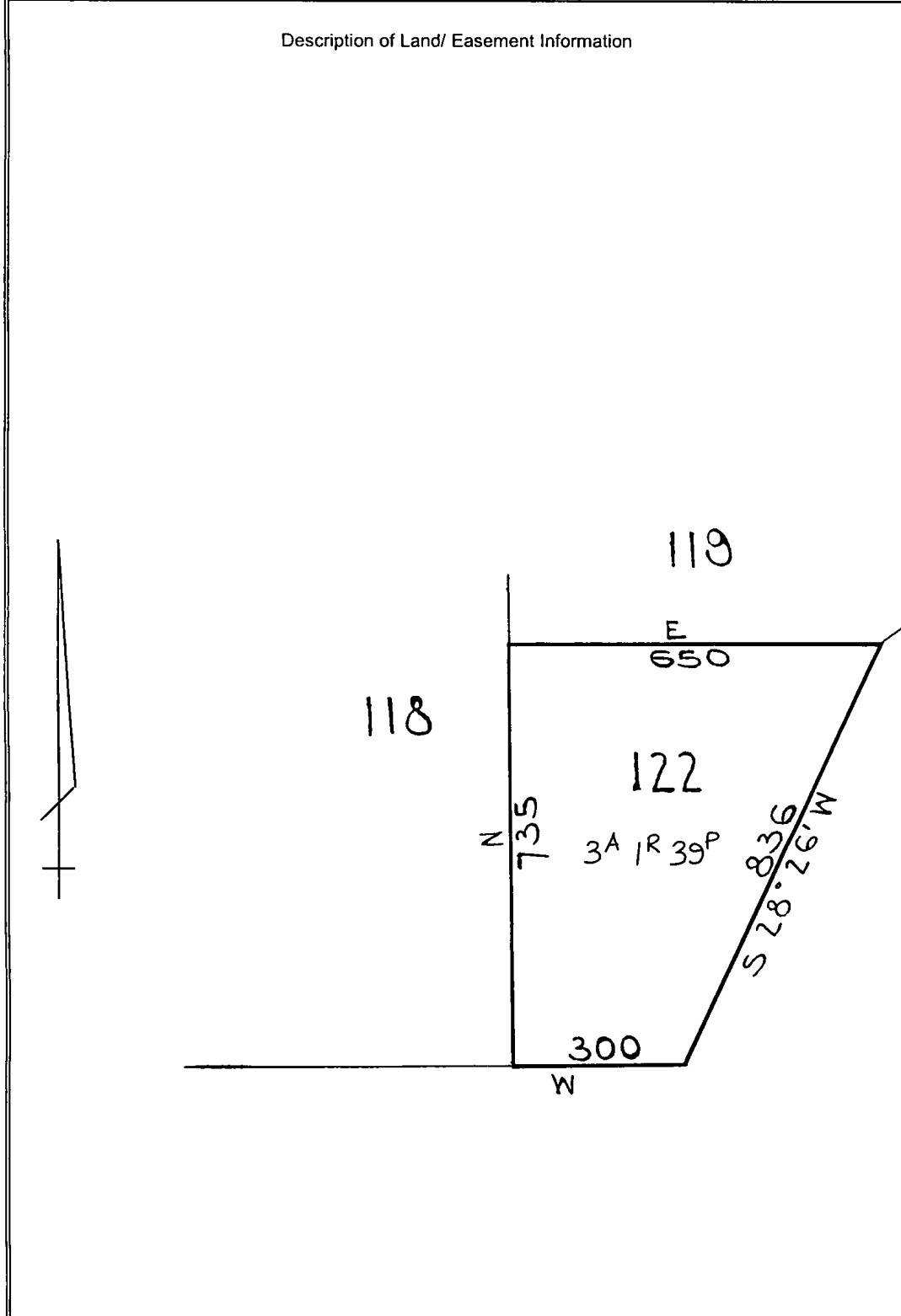
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 Township : -  
 Section : -  
 Crown Allotment : 122  
 Crown Portion : -

Last Plan Reference : -  
 Derived From : VOL. 260 FOL. 963 VOL. 4119 FOL. 777  
 Depth Limitation : NIL

**Notations**

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COMPILED: Date 8/03/07  
 VERIFIED: A. DALLAS  
*Assistant Registrar of Titles*

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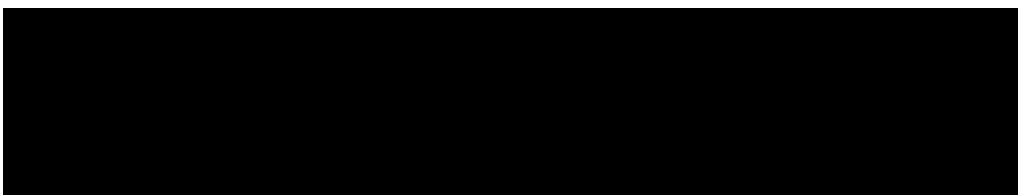
VOLUME 00404 FOLIO 729

Security no : 124111028249Y  
Produced 05/12/2023 02:30 PM

CROWN GRANT

## LAND DESCRIPTION

Crown Allotment 119 Parish of Warrenmang.



## ENCUMBRANCES, CAVEATS AND NOTICES

Any crown grant reservations exceptions conditions limitations and powers noted on the plan or imaged folio set out under DIAGRAM LOCATION below. For details of any other encumbrances see the plan or imaged folio set out under DIAGRAM LOCATION below.

## DIAGRAM LOCATION

SEE TP792490U FOR FURTHER DETAILS AND BOUNDARIES

## ACTIVITY IN THE LAST 125 DAYS

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AX157707G (E)	NOMINATION OF ECT TO LC	Completed	16/08/2023
AX208435J	CONVERT A PCT TO AN ECT	Completed	31/08/2023
AX244508D (E)	NOMINATION OF ECT TO LC	Completed	11/09/2023
AX244512N (E)	CHANGE OF PROPRIETOR NAME	Registered	13/09/2023
AX488577U (E)	TRANSFER CONTROL OF ECT	Completed	27/11/2023
AX157710T (E)	CHANGE OF PROPRIETOR NAME	Withdrawn	31/08/2023

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Street Address: MOUNTAIN CREEK ROAD MOONAMBEL VIC 3478

See MI308973J for WATER FRONTAGE LICENCE details

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<b>TITLE PLAN</b>		<b>EDITION 1</b>	<b>TP 792490U</b>
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**Location of Land**

Parish: WARRENMANG  
 Township:  
 Section:  
 Crown Allotment: 119  
 Crown Portion:

Last Plan Reference:  
 Derived From: VOL 0404 FOL 729  
 Depth Limitation: NIL

**Notations**

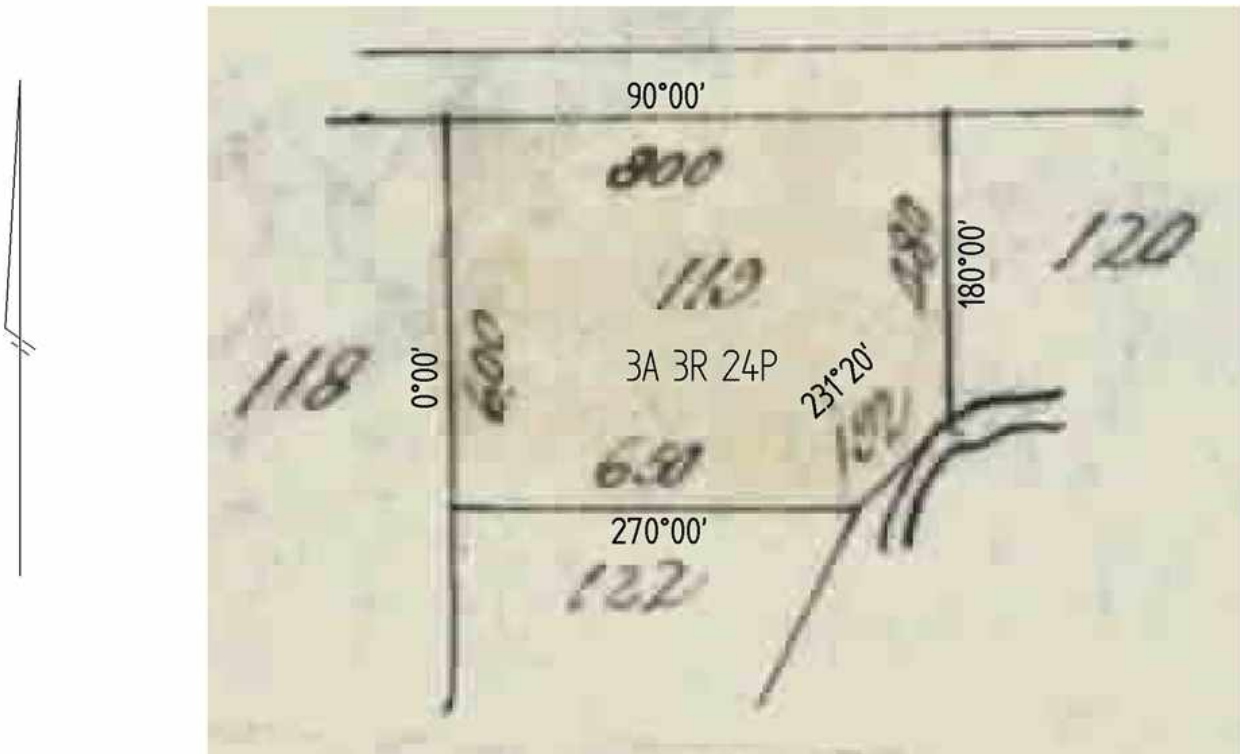
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COMPILED: 02/07/2003  
 VERIFIED: L.S.





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<b>TITLE PLAN</b>	<b>EDITION 1</b>	<b>TP 830173A</b>
-------------------	------------------	-------------------

**Location of Land**

Parish : WARRENMANG  
 Township : -  
 Crown Allotment : 117E, 118 & 120  
 Parish : WARRENMANG  
 Township : MOONAMBEL  
 Crown Allotment : 125  
 Derived From : VOL. 3022 FOL. 315

Depth Limitation : NIL

Notations

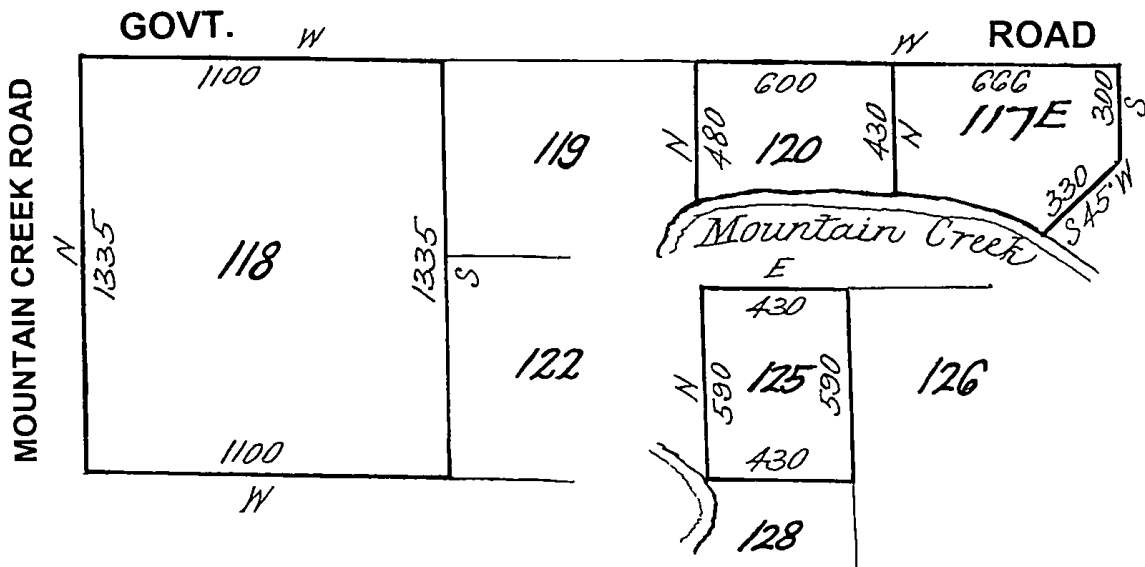
**WATERWAY NOTATION:**  
 C.A.'s 118 & 120 AND ALSO 125 IN TOWNSHIP OF MOONAMBEL IN THIS PLAN MAY ABUT CROWN LAND THAT MAY BE SUBJECT TO A CROWN LICENCE TO USE

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COMPILED: Date 10/12/07  
 VERIFIED: A. DALLAS  
*Assistant Registrar of Titles*



**TOTAL AREA = 22A . 3R . 33P**

LENGTHS ARE IN LINKS

Metres = 0.3048 x Feet  
 Metres = 0.201168 x Links

**REGISTER SEARCH STATEMENT (Title Search) Transfer of  
Land Act 1958**

VOLUME 03022 FOLIO 315

Security no : 124111028244E  
Produced 05/12/2023 02:30 PM

**LAND DESCRIPTION**

Crown Allotment 117E, Crown Allotment 118, Crown Allotment 120 Parish of Warrenmang and Crown Allotment 125 Township of Moonambel Parish of Warrenmang.

PARENT TITLES :

Volume 00533 Folio 589

Volume 00660 Folio 967 to Volume 00660 Folio 969

Volume 00731 Folio 039

Created by instrument 1125648R 28/11/1904

**ENCUMBRANCES, CAVEATS AND NOTICES**

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**DIAGRAM LOCATION**

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NUMBER		STATUS	DATE
AX157707G (E)	NOMINATION OF ECT TO LC	Completed	16/08/2023
AX208435J	CONVERT A PCT TO AN ECT	Completed	31/08/2023
AX244508D (E)	NOMINATION OF ECT TO LC	Completed	11/09/2023
AX244512N (E)	CHANGE OF PROPRIETOR NAME	Registered	13/09/2023
AX488577U (E)	TRANSFER CONTROL OF ECT	Completed	27/11/2023
AX157710T (E)	CHANGE OF PROPRIETOR NAME	Withdrawn	31/08/2023

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

See MI308973J for WATER FRONTAGE LICENCE details

**ADMINISTRATIVE NOTICES**

NIL

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