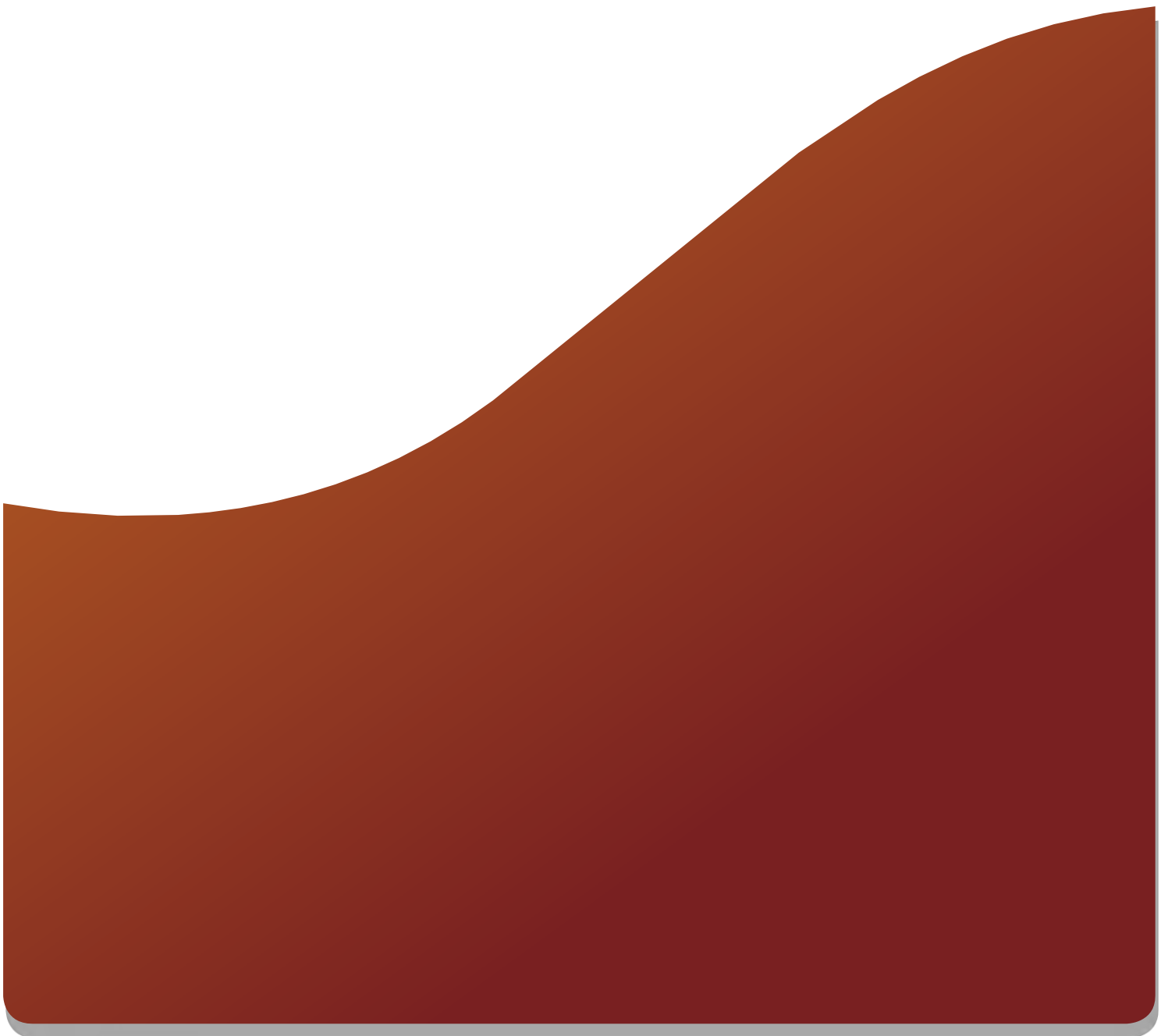


Planning Delegated Committee Meeting Agenda

**Planning Delegated Committee Meeting
Wednesday 9 August 2023 at 7pm
Held online and livestreamed at mrsc.vic.gov.au**



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1 ACKNOWLEDGEMENT OF COUNTRY

Macedon Ranges Shire Council acknowledges the Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Peoples as the Traditional Owners and Custodians of this land and waterways. Council recognises their living cultures and ongoing connection to Country and pays respect to their Elders past, and present.

Council also acknowledges local Aboriginal and/or Torres Strait Islander residents of Macedon Ranges for their ongoing contribution to the diverse culture of our community.

2 RECORDING AND LIVESTREAMING OF THIS COMMITTEE MEETING

This meeting is being recorded and streamed live on the internet, in accordance with Council's 'Live Streaming and Publishing Recordings of Meetings' policy, which can be viewed on Council's website.

3 PRESENT

4 APOLOGIES

5 CONFLICTS OF INTEREST

6 PURPOSE OF PLANNING DELEGATED COMMITTEE

Council established the Planning Delegated Committee to provide a regular forum for hearing from people who have made a submission to Council or who are an applicant or objector in relation to a planning permit application.

The Committee is authorised to determine statutory planning applications and Planning Scheme amendments only in relation to the Planning and Environment Act 1987. Its purpose is to hear from applicants/land owners and objectors/submitters on statutory and strategic planning matters, planning applications and to determine other planning matters.

7 ADOPTION OF MINUTES

Recommendation

That the Committee confirm the minutes of the Planning Delegated Committee of Macedon Ranges Shire Council held on 12 July 2023 as circulated.

8 HEARING OF SUBMITTERS

8.1	HEARING OF SUBMITTERS IN RESPECT OF APPLICATION FOR A PLANNING PERMIT PLN/2004/429/A - USE OF THE LAND FOR THE PURPOSE OF FARM PRODUCE MARKET (AMENDMENT SOUGHT TO EXPAND THE AREA OF OPERATION, THE PERMIT PREAMBLE AND HOURS OF OPERATION) - SERVICE ROAD BETWEEN AITKEN AND HAMILTON STREETS
Officer:	Awais Sadiq, Coordinator Statutory Planning
Attachments:	Submissions (under separate cover) ⇒

Summary

To hear from submitters in relation to Planning Application PLN/2004/429A regarding an amendment to a permit issued for use of the land for the purpose of Farm Produce Market. The amendment is sought to expand the area of operation, the permit preamble and hours of operation.

Recommendation

That the Committee:

- 1. Notes the submissions received in relation to PLN/2004/429/A; and**
- 2. Requests that recommendations be prepared, based on all relevant information, including the submissions received, for consideration and determination at the next Planning Delegated Committee Meeting on 13 September 2023.**

Background

The subject site comprises eastern road reserve along the Aitken Street and northern road reserve along Hamilton Street excluding the Howey Reserve and the former site of the police house. The reserve comprises asphalt sealed roadway and adjoining wide landscape area planted with mature street trees. Surrounding area to the east of Aitken Street comprises Gardiner Reserve and is zoned Public Park and Recreation.

A couple of commercial properties are also located to the east of Aitken Street adjacent to the road reserve. The northern side of the Hamilton Street comprises Gisborne Mechanics Institute and Old Court House which are zoned Public Use. The surrounding area is commercial in nature.

Summary of proposal

Council issued a planning permit for a Farm Produce Market on 25 October 2004 subject to conditions. The market has been operating continuously since then (with the exception of 22 months during COVID 19).

The proposal seeks to amend the existing planning permit as follows:

- Amend the area of the existing market along Hamilton Street to include additional area to the east and the Mechanics Institute (as required during winter);

- Amend the preamble of the permit to “Use of the Land for the purpose of Market (Arts and Farm Produce)”
- Amend the hours of operation condition to:
 - “Hours of operation permitted for the use are:
9:00am – 2:00pm on the first Sunday of each month from January to December (inclusive).
 - Market setup from 6am to 9am and market pack-down from 2pm to 3pm.
- No additional car parking is proposed to support the market.

Planning permit trigger/s

Pursuant to Section 72 of the Planning and Environment Act 1987, a person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit.

Summary of submissions

A total of eight (8) objections and forty four (44) letters of support were received to this application. They are summarised as follows:

Objection/concern regarding application
• Traffic;
• Risk of accident;
• Car parking impact on park areas;
• Not appropriate location for the market;
• Covid 19 impacts;
• Impact on local businesses;
• Damage to reserve;
• Impact on trees;
• Car parking within local streets;
• Litter;
• Impact on environment;
• Pedestrians safety;
• Amenity impacts;
• Incorrect address;
• Ownership of the land unclear;
• Establishment of existing use rights;
• Prohibited use;
• No financial information;
• Not correct advertising.

Comments in Support of Application
<ul style="list-style-type: none">• Promotion of Tourism;
<ul style="list-style-type: none">• Support for local community and business;
<ul style="list-style-type: none">• Bringing income into Shire;
<ul style="list-style-type: none">• Professionally organised market;
<ul style="list-style-type: none">• One of the best markets in Victoria.

Officer declaration of conflicts of interest

All officers involved in preparing this report have declared that they do not have a conflict of interest relating to the subject matter.

8.2 HEARING OF SUBMITTERS IN RESPECT OF APPLICATION FOR A PLANNING PERMIT PLN/2022/417 - PARTIAL DEMOLITION, USE AND DEVELOPMENT OF THE LAND FOR A CHILD CARE CENTRE AND REDUCTION OF NINE (9) CAR PARKING SPACES FOR CA 2, SECTION 17, PARISH OF GISBORNE, 41 HAMILTON STREET GISBORNE**Officer:** Awais Sadiq, Coordinator Statutory Planning**Attachments:** Submissions recieved (under separate cover) [⇒](#)**Summary**

To hear from submitters in relation to Planning Application PLN/2022/417 for Partial Demolition, Use and Development of the Land for Childcare Centre and Reduction of nine (9) Car Parking spaces.

Recommendation**That the Committee:**

- 1. Notes the submissions received in relation to PLN/2022/417; and**
- 2. Requests that recommendations be prepared, based on all relevant information, including the submissions received, for consideration and determination at the next Planning Delegated Committee Meeting on 13 September 2023.**

Background

The subject site is located on the south-western corner of the intersection between Hamilton and Prince Streets, in the main commercial area of the Gisborne Township. The site is developed by an existing single-storey heritage building, currently clad in pink paint and used as a temporary Ambulance Station. There is an existing outbuilding associated with the main building on the site located along the southern boundary of the site.

The site is serviced by two vehicle crossovers, onto both Prince Street and Hamilton Street. Vehicles can move through the entirety of the site and the western and southern boundaries are traversable car parking areas. There are some mature canopy trees located along the southern boundary of the site, and some hedging and small canopy trees populate the western and northern boundaries. A number of established street trees are located within the road reserve abutting the site.

Land to the north and east is an established commercial precinct, forming the main commercial centre of the Gisborne Township. Land to the south and west of the subject site consists of established residential properties within the General Residential Zone. Two primary schools are located approximately 200m south-east of the subject site – consisting of the Gisborne Primary School and the St Brigid's Catholic Primary School. A large car park area is located to the north-east which services the Gisborne Shopping Mall and provides car parking facilities for the majority of the Gisborne commercial area. Residential properties are varied in size, with some examples of infill development occurring, and some properties retained in their original development form. The nearby streetscape is populated with established canopy trees, and residential dwellings have a mixed response in terms of landscaping outcomes.

Summary of proposal

The proposal seeks approval for the partial demolition of the existing heritage building, use and development of the land for the purpose of a Child Care Centre and a reduction of the statutory car parking rate by way of 9 (nine) spaces.

The proposed childcare centre seeks to accommodate 98 children. The proposal largely constitutes an extension to the existing heritage building, with works largely contained to the western and southern sections of the site. Twelve (12) car parking spaces are proposed to be provided on-site, including one disabled car space. Ten of the spaces are provided in a tandem arrangement. Two on-street car parking spaces are also proposed to be provided, resulting in a de facto provision of fourteen (14) car parking spaces.

The proposal seeks to provide outdoor play areas north and south of the existing building, with play areas to be enclosed by 1.8m high transparent fencing and 1.8m high solid acoustic fencing along the southern and northern boundaries respectively. The proposed development has the following characteristics:

- A setback of 8.95m from the northern boundary, 6.795m from the southern boundary, 1m from the western boundary and 10.54m from the eastern boundary;
- An extension to the existing building comprising a total area of 452.8m² – resulting in a site coverage of 40%;
- A maximum height proposed to be lower than the existing maximum roof height – shown on the plans to be 6.26m;
- The building is proposed to be clad in timber fascia, in white colouring;
- The proposed building is designed to be consistent with the existing heritage building with pitched roof form and weatherboard exterior walls;
- Existing external walls of the heritage building are proposed to be re-painted to be consistent with the new cladding;
- Roofing material is to be grey corrugated metal to be consistent with the existing roofing to be retained;
- Minor demolition works comprising internal walls, an external garage and some of the existing roof area is proposed.

Planning permit trigger/s

- Clause 34.01-1 – Use of the Land for Child Care Centre (Commercial 1 Zone)
- Clause 34.01-4 – Buildings and Works (Commercial 1 Zone)
- Clause 43.01-1 – Buildings and Works and Demolition (Heritage Overlay)
- Clause 52.06-3 – Reduction of Car Parking

Summary of submissions

A total of ten (10) objections were received to this application. They are summarised as follows:

Objection/concern regarding application
<ul style="list-style-type: none"> • Noise;
<ul style="list-style-type: none"> • Traffic and congestion;

<ul style="list-style-type: none"> • Safety of pedestrians;
<ul style="list-style-type: none"> • Need for childcare centres being adequately captured by other applications for childcare centres;
<ul style="list-style-type: none"> • Design not sympathetic to the heritage significance;
<ul style="list-style-type: none"> • Submitted acoustic report not sufficient and lacks details;
<ul style="list-style-type: none"> • Submitted traffic impact assessment not adequately capture the de facto operation of the site and surrounding road network;
<ul style="list-style-type: none"> • Submitted waste management plan not adequately capture the waste generation needs of the site;
<ul style="list-style-type: none"> • Supporting documents not adequately sourced;
<ul style="list-style-type: none"> • Lack of inclusion of Environmentally Sustain Design reports and measures;
<ul style="list-style-type: none"> • No conservation management plan in relation to heritage;
<ul style="list-style-type: none"> • Inconsistent plans in relation to the location of the disabled parking space and footpath;
<ul style="list-style-type: none"> • No information about HVAC systems, hot water systems, exhaust fans, solar panels etc.;
<ul style="list-style-type: none"> • No clear fencing details;
<ul style="list-style-type: none"> • No adequate consideration in relation to emergency management and evacuation;
<ul style="list-style-type: none"> • Some unclear setback details;
<ul style="list-style-type: none"> • Visibility of play areas from the street and adjoining properties;
<ul style="list-style-type: none"> • Length of acoustic fencing not extending along the entire length of the southern boundary;
<ul style="list-style-type: none"> • Details of the purpose of the restored barn building are unclear;
<ul style="list-style-type: none"> • Insufficient information on landscape plans in relation to canopy expansion;
<ul style="list-style-type: none"> • Limited planting along the Prince Street edge of the car park;
<ul style="list-style-type: none"> • New fencing to obscure drivers' visibility;
<ul style="list-style-type: none"> • New fencing to compromise the heritage values;
<ul style="list-style-type: none"> • Landscaping to compromise the heritage values;
<ul style="list-style-type: none"> • Shade structures within the outdoor play areas to compromise the heritage values;
<ul style="list-style-type: none"> • Play equipment will compromise the heritage value of the site;
<ul style="list-style-type: none"> • Documents should not be required by conditions and should be provided upfront;
<ul style="list-style-type: none"> • Reduction in car parking requirements not appropriate and a reliance on nearby public car parking not appropriate;
<ul style="list-style-type: none"> • Other businesses did not obtain support for car parking reductions, so the proposal should also not be allowed to reduce requirements;

<ul style="list-style-type: none"> • Facilitation of additional on-street car parking;
<ul style="list-style-type: none"> • No facilitation should be made for additional on-street car parking;
<ul style="list-style-type: none"> • Careful management of the proposed demolition;
<ul style="list-style-type: none"> • Removal of the existing mature vegetation;
<ul style="list-style-type: none"> • Devaluation of property values;
<ul style="list-style-type: none"> • Reduction in the number of children being accommodated;
<ul style="list-style-type: none"> • Increase in flooding.

Officer declaration of conflicts of interest

All officers involved in preparing this report have declared that they do not have a conflict of interest relating to the subject matter.

9 REPORTS

9.1	PLN/2021/616 - 89 ROSS WATT ROAD, GISBORNE - PLANNING PERMIT APPLICATION
Officer:	Jack Wiltshire, Strategic Planner
Council Plan relationship:	1. Connecting communities
Attachments:	Nil

Summary

Development Plan DP/2020/1 – 89 Ross Watt Road, Gisborne has been approved and endorsed at the direction of the Victorian Civil and Administrative Tribunal (VCAT) on 18 July 2023. The planning permit PLN/2021/1 which applies to the first three stages of the development plan has yet to be determined and currently sits with VCAT for a decision.

A resolution is sought to allow officers and Council representatives to be delegated to negotiate and try to settle the planning permit if it is generally in accordance with the approved development plan DP/2021/1. Council officers would maintain its objection to the proposal if it was found any revised planning permit application was not generally in accordance with the approved development plan.

Recommendation

That the Committee grants officers and Council representatives delegation to negotiate for the grant of planning permit PLN/2021/616 at the Victorian Civil and Administrative Tribunal if PLN/2021/616 is found to be generally in accordance with the endorsed development plan DP/2021/1.

Background

Development plan DP/2021/1 was lodged with Council on 19 November 2021. A planning permit application PLN/2021/616 for subdividing and developing the first stages of the development plan was lodged with Council on 23 December 2021. A review was lodged by the applicant with VCAT for both the development plan and planning permit application, as Council failed to make a decision in the allocated timeframes.

It was resolved at the 12 October 2022 Planning Delegated Committee Meeting:

That the Committee:

- 1. Notes that the application for approval of the Development Plan is subject to VCAT proceedings to be determined in 2023.**
- 2. Resolves to advise VCAT that Council opposes the approval of the Gisborne Area 1 Development Plan (8 July 2022) prepared by Collie Pty Ltd covering the Development Plan Overlay area affecting the land at 89 Ross Watt Road Gisborne, prepared for the purposes of Clause 43.04, Schedule 4 of the Macedon Ranges Planning Scheme.**
- 3. Resolves to advise VCAT that it opposes the Development Plan on the following grounds:**
 - a. The Development Plan is an unacceptable response to:**

- I. The following provisions within the Planning Policy Framework and the Local Planning Policy Framework
 - i. Clause 12.01 (Biodiversity)
 - ii. Clause 12.03 (Waterways and wetlands)
 - iii. Clause 14.02-1S (Catchment planning and management)
 - iv. Clause 15.01 (Built Environment)
 - v. Clause 21.05 (Environment and Landscape Values)
 - vi. Clause 21.06 (Environmental Risks)
 - vii. Clause 21.08-3 (Built Environment)
 - viii. Clause 21.12 (Community Development and Infrastructure)
 - ix. Clause 21.13-1 (Gisborne and New Gisborne)
 - x. Clause 15 (Urban design)
 - II. The key principles and objectives of the Development Plan Overlay Schedule 4.
 - III. The natural environment and character of the area; and
 - IV. The interface to the Jacksons Creek;
 - b. The Development Plan is accompanied by insufficient information to make an informed decision in consideration of relevant referral authority objections to the proposal.
 - c. The Development Plan does not provide for the delivery of necessary traffic infrastructure to effectively integrate the development into the arterial road network.
4. Resolves to oppose the grant of planning permit application PLN/2021/616 for the following reasons:
- (i) Council is not satisfied that the subdivision is exempt from the requirement for an approved Cultural Heritage Management Plan;
 - (i) The proposed subdivision is not generally in accordance with an approved development plan;
 - (ii) The subdivision responds poorly to the DPO4 for the same reasons that the proposed development plan is opposed;
 - (iii) The proposal responds poorly to policy for urban design and neighbourhood character at clause 15 and 21.13-1 of the Macedon Ranges Planning Scheme.
 - (iv) The proposal fails to provide an adequate response to clause 52.17 of the Macedon Ranges Planning Scheme.
 - (v) The proposal fails to include an adequate response to clause 53.18 of the Macedon Ranges Planning Scheme.
5. Allows officers and Council's representative delegation to negotiate improved outcomes at any upcoming VCAT compulsory conference, for consideration and decision of Council if appropriate.

A VCAT compulsory conference was held on 3 February 2023 regarding revised plans. Revised plans were circulated in February to Council, referral authorities and general public. In review, it was resolved at the Planning Delegated Committee Meeting of 9 March 2023:

That the Committee

- 1. Notes that the application for approval of Development Plan DP/2021/1 is subject to VCAT proceedings to be determined in 2023.**
- 2. Resolves to advise VCAT that Council opposes the approval of the Gisborne Area 1 Development Plan (3 February 2023) prepared by Collie Pty Ltd covering the Development Plan Overlay area affecting the land at Ross Watt Road Gisborne, prepared to meet the requirements of Clause 43.04, Schedule 4 of the Macedon Ranges Planning Scheme.**
- 3. Resolves to advise VCAT that it opposes the Development Plan on the following grounds:**
 - a. The Development Plan is an unacceptable response to:**
 - I. The following provisions within the Planning Policy Framework and the Local Planning Policy Framework:**
 - i. Clause 12.01 (Biodiversity)**
 - ii. Clause 12.03 (Waterways and wetlands)**
 - iii. Clause 13.02 (Bushfire)**
 - iv. Clause 14.02-1S (Catchment planning and management)**
 - v. Clause 15.01 (Built Environment)**
 - vi. Clause 21.05 (Environment and Landscape Values)**
 - vii. Clause 21.06 (Environmental Risks)**
 - viii. Clause 21.08-3 (Built Environment)**
 - ix. Clause 21.12 (Community Development and Infrastructure)**
 - x. Clause 21.13-1 (Gisborne and New Gisborne)**
 - xi. Clause 15 (Urban design)**
 - II. The key principles and objectives of the Development Plan Overlay Schedule 4;**
 - III. The natural environment and landscape character of the area; and**
 - IV. The interface to the Jacksons Creek, Rosslynne Reservoir and Calder Freeway;**
- 4. Resolves to oppose the grant of planning permit application PLN/2021/616 for the following reasons:**
 - a. The proposed subdivision is not generally in accordance with an approved development plan;**
 - b. The subdivision responds poorly to the DPO4 for the same reasons that the proposed development plan is opposed;**
 - c. The proposal responds poorly to policy for urban design and neighbourhood character at clauses 13.02, 15.01, 18, 21.05, 21.06 and 21.13-1 of the Macedon Ranges Planning Scheme.**

- d. The proposal fails to provide the adequate retention of large scattered trees.
- e. The proposal fails to meet some the objectives and standard of Clause 56.

5. Allows officers and Council's representative delegation to represent Council at the upcoming VCAT hearing and advocate Council's position.

The VCAT hearing was held in March 2023 over a period of eight days to determine the Development Plan application. With the consent of all parties, it was agreed the planning permit PLN/2021/1 was not included as part of the hearing to try and settle matters around the development plan in the first instance. This was due to the planning permit largely relying on the outcomes of the development plan and a question regarding the status of the Cultural Heritage Management Plan.

Ultimately, VCAT ruled in its order dated 1 May 2023 that if the applicant made changes to the development plan it would seek to make orders approving the development plan. These changes were undertaken by the applicant by 16 June 2023 and subsequently Council agreed that the changes undertaken were done in accordance with the VCAT order.

VCAT then ordered Council on 14 July 2023 to approve the amended version of the development plan having found the plan was prepared to the satisfaction of the Responsible Authority. The development plan was endorsed on 18 July 2023.

VCAT must now consider what is to be done regarding the application for planning permit PLN/2021/616 now that a development plan has been endorsed.

Discussion

Council must consider whether planning permit application PLN/2021/616 is generally in accordance with the approved development plan that applies to the subject land.

Revised plans have not yet been submitted to VCAT but it is expected this will occur in due course.

Council's current resolution from 9 March 2023 Planning Delegated Committee for PLN/2021/616 is:

- 4. Resolves to oppose the grant of planning permit application PLN/2021/616 for the following reasons:**
- a. The proposed subdivision is not generally in accordance with an approved development plan;
 - b. The subdivision responds poorly to the DPO4 for the same reasons that the proposed development plan is opposed;
 - c. The proposal responds poorly to policy for urban design and neighbourhood character at clauses 13.02, 15.01, 18, 21.05, 21.06 and 21.13-1 of the Macedon Ranges Planning Scheme.
 - d. The proposal fails to provide the adequate retention of large scattered trees.
 - e. The proposal fails to meet some the objectives and standard of Clause 56.

There is concern that points 4a, 4b, 4c, 4d and 4e would not be relevant given the Tribunal's findings for DP/2021/1. VCAT has determined that on balance the layout outlined, density,

design and vegetation removal are all appropriate in regards to the requirements of the Macedon Ranges Planning Scheme once the development plan was amended.

The subdivision permit PLN/2021/616 will need to be generally in accordance with DP/2021/1. Officers do not believe it is defensible to maintain the above grounds in light of the approved development plan and the Tribunal's findings.

The assessment of any revised subdivision will still require assessment under the Macedon Ranges Planning Scheme. The revised planning permit application will need to closely reflect the Development Plan Overlay requirement of being 'generally in accordance' with an approved development plan. VCAT would have to refuse the permit if the planning permit application was not generally in accordance with the approved development plan.

If revised plans are provided and are generally in accordance with the development plan, the scope of Council maintaining a view of refusing the permit will be reduced in scope.

It is considered that the ability of officers to be able to try negotiate the matter, subject to appropriate conditions and confirming the plans are generally in accordance with the approved development plan will result in reduced costs to Council by avoiding a full hearing in determining the planning permit outcome.

If it is found that the amended planning permit application is not generally in accordance with the approved development plan, Council officers could maintain its position in refusing the application under 4a of its previous resolution.

Consultation and engagement

No public consultation has occurred on planning permit PLN/2021/616. Previous notice of the Development Plan DP/2021/1 occurred between 8 July 2022 to 26 July 2022 and 3 February 2023 to 24 February 2023. A total of fifty-two (52) submissions were received over those two periods. VCAT considered these submissions in its final determinations of the development plan.

As a development plan has now been approved, notice exemptions exist under clause 43.04-3 which outlines:

"If a development plan has been prepared to the satisfaction of the responsible authority, an application under any provision of this planning scheme is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act."

Therefore no public notice will occur for the planning permit application component. Furthermore the consideration of the permit application now rests with VCAT.

Relevant referral authorities are either party to the VCAT hearing or informed on its progress by receiving updates from VCAT and parties.

Collaboration

Council has maintained contact with relevant referral authorities throughout the VCAT hearing and before during the assessment of application. Some parties maintain their status as parties to the hearing and have their own positions in ongoing proceedings. This does not mean Council officers should not have the ability to negotiate the matter if able.

Innovation and continuous improvement

There is no particular innovation to the above recommendation but it does provide flexibility to Council officers and representatives in resolving planning permit PLN/2021/616 if possible and avoid the costs of a full hearing.

Relevant law

The *Planning and Environment Act 1987* is applicable in regards to Council's decision making. Officers do not have delegation to negotiate the matter currently following on from Council's resolution from 9 March 2023.

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment was not required in relation to the subject matter of this report.

Relevant regional, state and national plans and policies

Statutory planning decision making sits under wider policy contained within *Plan Melbourne 2017 - 2050*, *Loddon Mallee South Regional Growth Plan* and *Macedon Ranges Statement of Planning Policy 2019*.

Relevant Council plans and policies

The above recommendation relates to the Macedon Ranges Planning Scheme. This falls under Strategic Objective 1 – Connecting Communities of the *Council Plan 2021-2023*.

Financial viability

The costs associated with the ongoing VCAT hearing is subject to general operating expenses of the Planning and Environment Directorate.

Sustainability implications

There are no sustainability implications from the above recommended resolution.

Officer declaration of conflicts of interest

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in relation to the subject matter.

9.2	PLN/2022/353 - 90 WEATHERLY ROAD, BOLINDA
Application Details:	Use and Development of the Land for a Second Dwelling and Development of an Outbuilding
Officer:	Robert Wallis, Senior Statutory Planning Officer
Council Plan relationship:	3. Improve the built environment
Attachments:	<ol style="list-style-type: none"> 1. Statement of Planning Policy Assessment ↓ 2. Development Plans ↓ 3. Planning Report (under separate cover) ⇒ 4. Business Plan ↓ 5. Land Capability Assessment (under separate cover) ⇒
Triggers for a planning permit	Farming Zone – Use and development of the land for a second dwelling, and construction of a dwelling and associated outbuilding on land less than 40 Hectares in size.
Zones and Overlays	Farming Zone (FZ)
No. of objectors	No objections received
Trigger for report to the Committee	Councillor Call-in
Key Considerations	The impact of development on productive agricultural land, consideration of the need for a new dwelling with regards to an existing agricultural operation.
Conclusion	Notice of Decision to Refuse to Grant a Permit
Date of receipt of application:	29 August 2022

Summary

Planning Application PLN/2022/353 seeks approval for the construction of a second dwelling on the land. In this instance the primary function of the additional dwelling is to provide accommodation for business associates of the agricultural operation (such as overseas owners of the horses).

The application was advertised and no objections were received in response to the proposal. Four (4) letters of support were received from neighbouring properties.

Key issues to be considered by Council relate to the need for an additional dwelling in the day-to-day operation of the existing agricultural operation and the detrimental impact of the proposed dwelling on current and future agricultural opportunities.

The application has been assessed against the Macedon Ranges Planning Scheme and does not demonstrate an acceptable response to the relevant objectives and provisions of the Scheme.

The proposed use and development of the land for a second dwelling is contrary to the purpose of the Farming Zone, and does not adequately demonstrate an enhancement of the existing agricultural operation.

It is recommended that Council resolve to issue a Notice of Decision to Refuse to Grant a Permit for the reasons outlined in this report.

Recommendation

That the Committee issues a Notice of Decision to Refuse to Grant a Permit for Planning Permit Application PLN/2022/353 – Use and Development of the Land for a Second Dwelling at Lot 1 on PS 837821Q, 90 Weatherly Road BOLINDA on the following grounds:

1. The proposal is contrary to Clause 14.01 (Agriculture) of the Planning Policy Framework, as it does not protect agricultural land due to inappropriate fragmentation which will compromise the long-term capacity of the land to be used for agriculture.
2. The proposal is contrary to Clause 21.07 (Agriculture) of the Local Planning Policy Framework as it fails to demonstrate and provide adequate justification that the dwelling is required for sustainable agricultural pursuits, avoids fragmentation of productive agricultural land and minimises potential land use conflicts.
3. The proposal is contrary to Clause 21.09-2 (Rural Residential) of the Local Planning Policy Framework as it will result in rural residential development which would adversely impact current and future agricultural and economic activities.
4. The proposal is contrary to the purposes and decision guidelines of the Farming Zone as the dwelling will exacerbate the fragmentation of existing farming land and holdings; remove land from agricultural use; and facilitate an opportunity of a non-agricultural use (dwelling), that would be incompatible with and adversely affect the adjoining and nearby land uses for agriculture.
5. The proposal is contrary to Clause 51.07 (Macedon Ranges Statement of Planning Policy) as it will be unable to support and encourage agricultural land use.

The business plan submitted with the application is not sufficient to justify the need for a second dwelling on site. It fails to provide an adequate justification to warrant a permanent second dwelling on the site for management.

Existing conditions and relevant history

Subject land

The subject site is located on the western side of Bolinda Road. The land is approximately 3.2 hectares in size and is currently populated with an existing dwelling in the north-eastern corner of the site.

Vehicle access to the existing dwelling is provided via a driveway on an abutting parcel of land to the north, which forms part of a larger agricultural operation for the breeding and training of endurance racehorses. The subject site was formerly one congruous lot with the adjoining parcel of land and the access configuration reflects the historical lot layout.

With the exception of the existing dwelling the remainder of the site is undeveloped and is used for horse husbandry use. There are four separate areas where animals are kept, with low-scale fencing provided between each section. The subject site is bordered on all sides by established exotic vegetation, some of which is located in the road reserve and on abutting lots of land.

Surrounds

The surrounding area is an established with productive agricultural, with lots of land varying in size – but all lots of land are large in size and are used for productive agricultural purposes with the exception of a dwelling excision which is located to the immediate south of the subject site.

The street is reasonably vegetated with exotic plantings which provide effective screening from the street. The subject site is located approximately 9km to the north-east of the Riddells Creek Township, and 8.2km to the south-east of the Romsey Township.

The subject site is also approximately 18km from the Wallan Township to the east, in the Mitchell Shire Local Government Area.

Registered restrictive covenants and/or Section 173 Agreements affecting the site

A current copy of title has been provided with the application which shows no Covenants, Section 173 Agreements or restrictions have been registered on the title to this property.

Previous planning permit history

A search of Council’s records has found the following permit history:

Permit No.	Description
PLN/2004/651	Development of the land for a Shed and Trotting Track - Approved
PLN/2006/117	Subdivision of the Land into Two (2) Lots - Refused
PLN/2009/63	Subdivision of the Land into Two (2) Lots and the Use and Development of the Land for a second dwelling – Refused, Refusal upheld by VCAT
PLN/2010/389	Use and Development of the Land for a second dwelling - Approved
PLN/2019/420	Subdivision of the Land into Two (2) Lots – Approved This permit excised the subject site from the broader agricultural operation.

The broader farm holding has undergone some substantial change in the history of the land, which is of relevance to the current proposal. Referencing a historical aerial image (taken in 2004) it can be seen that the property located at 90 Weatherly Road was the sole agricultural property for the entirety of what now comprises 90 and 94 Weatherly Road:

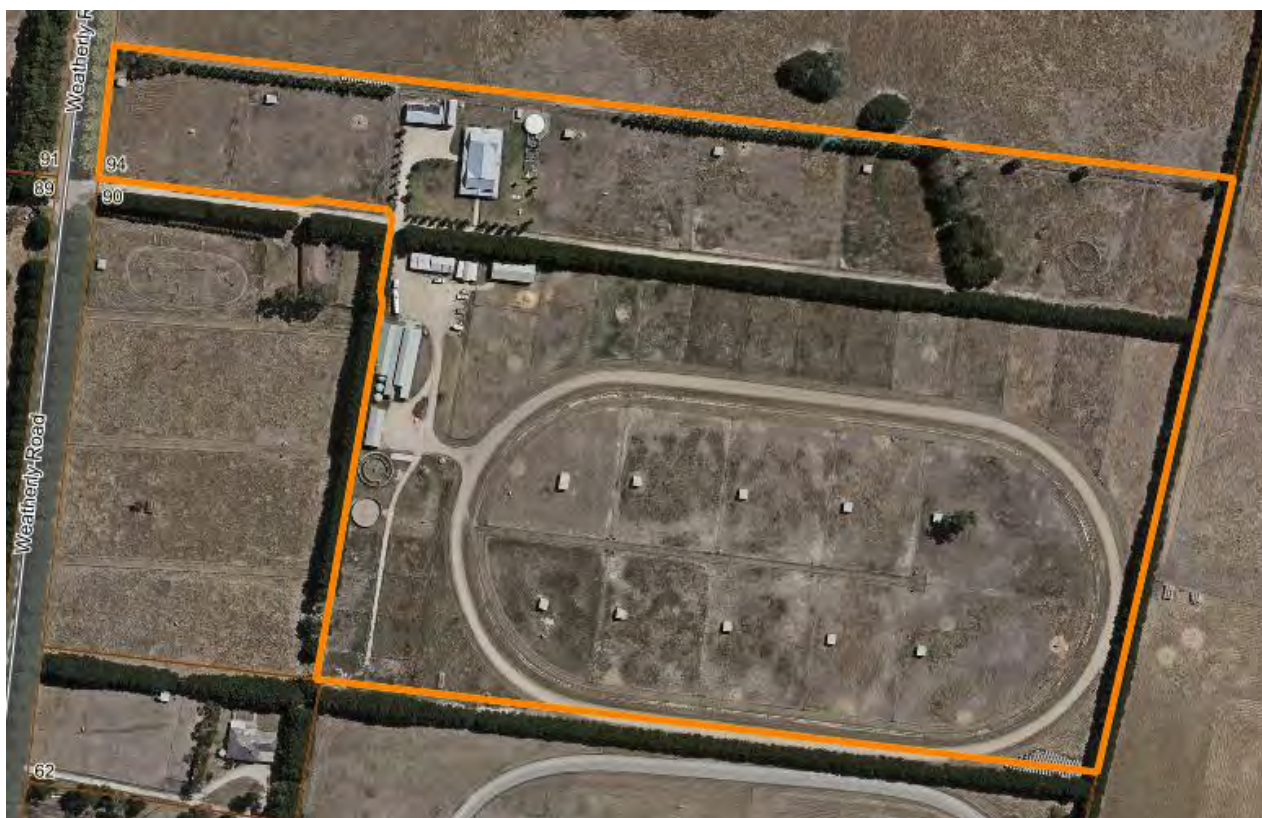


In 2009, an application was made to Council seeking the construction of a second dwelling and the subdivision of the land into two (2) lots. The proposed outcome for the land was for the existing dwelling to be excised out of the major land parcel into a lot of land approximately 3.5 Hectares in size, with the new dwelling to be constructed on the remainder of the land (comprising 94 Weatherly Road).

In relation to this application, the proposal was subject to a VCAT appeal. The tribunal member ultimately found the proposal to be flawed, on the basis of its contribution to the fragmentation of existing agricultural land, and lack of consistency with State and Local Planning Policies in maintaining productive farming land.

In 2010, a subsequent application was made for the construction of a second dwelling on the land, notably with an absence of any proposed subdivision of the land. Ultimately the Responsible Authority at the time determined that the second dwelling was adequately sited and serviced, and was consistent with the provisions of the Scheme as they applied at the time.

The dwelling was subsequently constructed and remains on the neighbouring property to the north (94 Weatherly Road):



Subsequently in 2019, a permit application was made for the subdivision of land into two (2) lots – resulting in the land configuration as it currently exists today.

At the time, Council Officers determined that the proposed subdivision of the land into two (2) lots was an appropriate outcome with regards to the provisions of the Macedon Ranges Planning Scheme. The Permit was granted largely based on the following considerations:

- Each dwelling was functioning independently;
- The existing dwellings were serviced and metered separately;
- The proposed subdivision of the land did not result in any changes to how the land was being operated;

The issued permit did not include any requirements for restrictions on future development or subdivision, which are common inclusions on permits for development and subdivision in the Farming Zone, intended to assist with the protection of valuable agricultural land.

In reviewing the history of the land, it can be seen that there are strong similarities with the context of the current application, seeking the addition of one new dwelling on the land. It is submitted for the consideration of Council that the facilitation of residential development at the subject site may give rise to additional applications for the further subdivision of the land, which as discussed in this report will place additional pressures on the existing agricultural operations, and may create opportunities for land use conflicts to occur.

Proposal

The proposal seeks approval for the construction of a second dwelling, to be constructed centrally within the existing lot – to be serviced by a new driveway and crossover, a new shed and an effluent disposal field to be located to the south of the proposed dwelling. The proposed dwelling adopts setbacks as outlined below:

Aspect	Setback
Northern setback	130 metres
Eastern setback	16.97 metres
Southern setback	73.98 metres
Western setback	105.82 metres

The proposed dwelling will be constructed from face brickwork and colorbond roofing, and will comprise four enclosed bedrooms, a study, a games room and rumpus room. The dwelling has an overall building footprint of approximately 470 square meters.

The proposed dwelling includes a detached shed located ten (10) metres westward, with dimensions of 8.87m x 24.18m (for a total of approximately 214 square meters), with six (6) roller doors installed on the southern elevation.

The proposed dwelling is sought to be serviced by a proposed effluent envelope, with an area of 400 square meters. The effluent envelope is located 2.5 metres south of the proposed dwelling, with dimensions of 8m x 50m.

The proposed dwelling and associated shed are to be serviced by a new driveway that enters into the site from an existing break in the windrow of exotic vegetation located along the western boundary of the site.

The proposed dwelling, outbuilding, driveway area and effluent field are all shown to be constructed entirely within one of the existing paddocks, with empty paddocks retained on either side of the proposed development.

Relevant Macedon Ranges Planning Scheme controls

Section 46AZK of the Planning and Environment Act 1987

Section 46AZK of the Planning and Environment Act 1987 and Clause 51.07 of the Macedon Ranges Planning Scheme require Council as a Responsible Public Entity to not act inconsistently with any provision of the Statement of Planning Policy (SOPP) in exercising decision making powers. Attachment 1 contains the officer assessment against the SOPP.

Planning Policy Framework

Clause no.	Clause name
11.03-3S	Peri-Urban Areas
14.01-1S	Protection of Agricultural Land
14.01-2S	Sustainable Agricultural Land Use
16.01-3S	Rural Residential Development

Local Planning Policy Framework

Clause no.	Clause name
21.02-6	Economic Development
21.03-2	Land Use Vision
21.03-3	Strategic Framework Plans
21.04	Settlement
21.07-1	Agriculture
21.09-2	Rural Residential

Zoning

Clause no.	Clause name
35.07	Farming Zone

Overlay

Clause no.	Clause name
51.07	Macedon Ranges Statement of Planning Policy

Particular provisions

Clause no.	Clause name
51.07	Macedon Ranges Statement of Planning Policy

General provisions

Clause no.	Clause name
65.01	Approval of an Application or Plan
66.02	Use and Development Referrals

Cultural Heritage Management Plan assessment

	Assessment criteria	Assessment response
1	Is the subject property within an area of cultural heritage sensitivity as defined within the cultural heritage sensitivity mapping or as defined in Part 2 Division 3 or 4 of the <i>Aboriginal Heritage Regulations 2018</i> ?	No
2	Does the application proposal include significant ground disturbance as defined in Part 1 Regulation 5 of <i>Aboriginal Heritage Regulations 2018</i> ?	N/A
3	Is the application proposal an exempt activity as defined in Part 2 Division 2 of <i>Aboriginal Heritage Regulations 2018</i> ?	N/A
4	Is the application proposal a high impact activity as defined in Part 2 Division 5 of <i>Aboriginal Heritage Regulations 2018</i> ?	N/A

Based on the above assessment, a cultural heritage management plan is not required in accordance with Part 2 Division 1 of *Aboriginal Heritage Regulations 2018*.

The process to date

Referral

Authority (Section 55)	Response
Powercor (Determining)	No response has been received – a referral request was sent on 6 April 2023.

Authority (Section 52)	Response
Agriculture Victoria	Notable concerns with the proposed development.
MRSC Health	No objection to the proposal subject to the inclusion of permit conditions
MRSC Engineering	No objection to the proposal subject to the inclusion of permit conditions

Advertising

Pursuant to Section 52 of the Planning and Environment Act 1987, the application was advertised by sending notices to the owners and occupiers of surrounding/adjoining land and by requiring a notice to be erected on the land for a period of 14 days.

No objections have been received from nearby land owners in relation to the proposed development.

Four (4) letters of support have been received from nearby landowners on June 6 2023.

Officer assessment

Planning and Local Planning Policy Framework

The Planning Policy Framework (PPF) strongly discourages fragmentation and loss of productive agricultural land. The policies seek to protect Victoria’s agricultural base as an important component of the State’s economy.

Throughout the PPF, preventing dispersed settlement in rural areas, limiting or reducing fragmentation of agricultural land, and discouraging incompatible land uses are consistently listed as being of relevance.

Clause 11.03-3S relates to the management of growth in peri-urban areas and contains specific objectives for the impact of regional growth on surrounding environmental and agricultural areas.

Relevant Strategies of Clause 11.03-3S include:

- *Identify and protect areas that are strategically important for ...agriculture...and other natural resources.*
- *Provide for development in established settlements that have capacity for growth having regard to complex ecosystems, landscapes, agricultural and recreational activities including in ...Gisborne, Kyneton... and other towns identified by Regional Growth Plans as having potential for growth.*
- *Establish growth boundaries for peri-urban towns to avoid urban sprawl and protect agricultural land and environmental assets.*
- *Prevent dispersed settlement and provide for non-urban breaks between urban areas.*

Clause 14.01-1S, relating to the protection of agricultural land aims “to protect the state’s agricultural base by preserving productive farmland.” The clause states that in considering a proposal to develop agricultural land, the following factors must be considered:

- *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.*
- *Land capability.*

Clause 14.01-2S aims to encourage the practice of sustainable agricultural land use, and extends to the ancillary impacts of development in agricultural areas.

Relevant Strategies of Clause 14.01-2S include:

- *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.*
- *Assist genuine farming enterprises to embrace opportunities and adjust flexibly to market changes.*
- *Support agricultural investment through the protection and enhancement of appropriate infrastructure.*
- *Facilitate ongoing productivity and investment in high value agriculture.*
- *Facilitate the establishment and expansion of cattle feedlots, pig farms, poultry farms and other intensive animal industries in a manner consistent with orderly and proper planning and protection of the environment.*
- *Ensure that the use and development of land for animal keeping or training is appropriately located and does not detrimentally impact the environment, the operation of surrounding land uses and the amenity of the surrounding area.*

Clause 16.01-3S aims “to identify land suitable for rural residential development.” The relevant strategies associated with this objective also aim to:

- *Manage development in rural areas to protect agriculture and avoid inappropriate rural residential development.*
- *Ensure planning for rural living avoids or significantly reduces adverse economic, social and environmental impacts by:*
- *Maintaining the long-term sustainable use and management of existing natural resource attributes in activities including agricultural production, water, mineral and energy resources.*
- *Discourage development of small lots in rural zones for residential use or other incompatible uses.*

Clause 21.02-6 states that a key influence for Economic Development within the Macedon Ranges Shire is:

- *Agricultural land is an economically valuable resource that needs to be protected.*

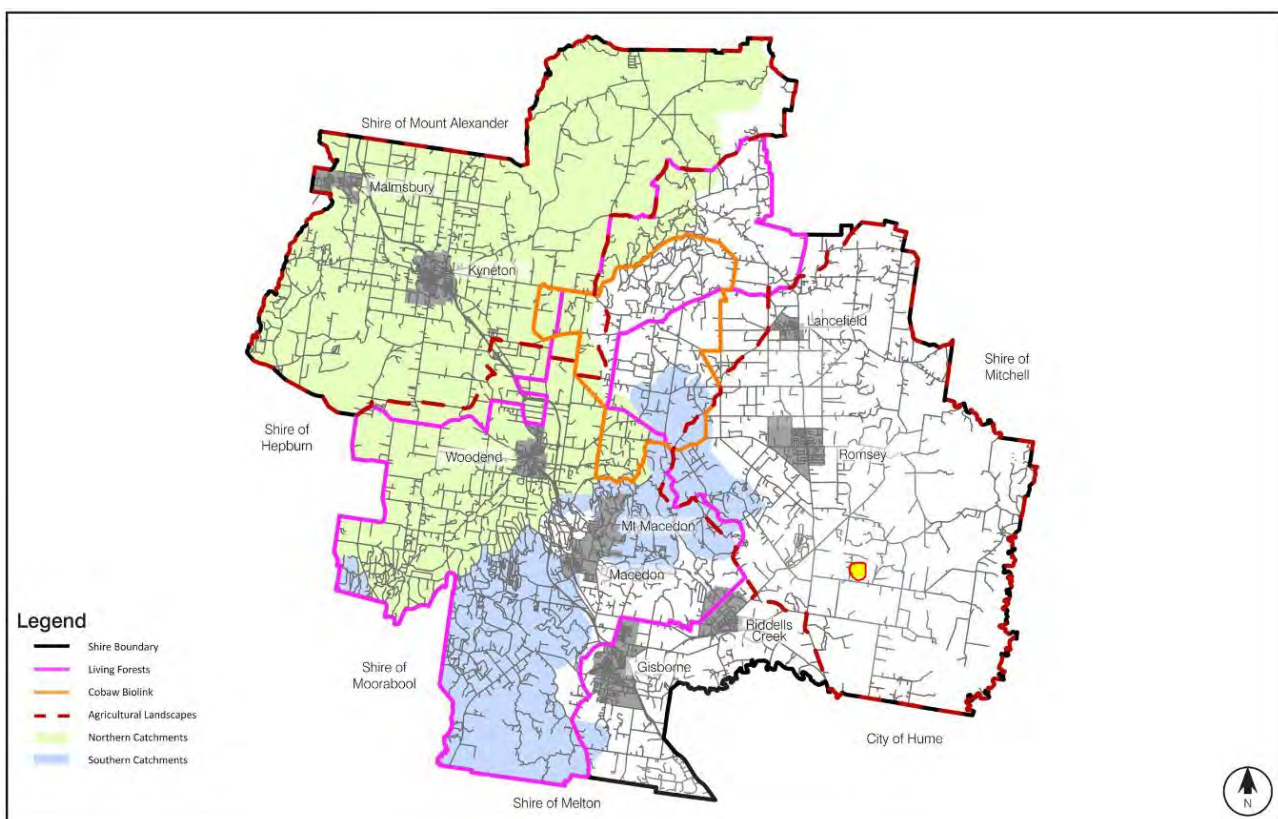
Clause 21.03-2 of the Scheme provides for strategic policies regarding themes of land use and development planning in the Macedon Ranges. The following relevant strategies are identified as being of importance:

- *Agriculture remains an important part of the character and economy of the Shire, especially the high quality soils in the east of the Shire and in the north where there has been less land fragmentation. Effective land management is a key priority.*
- *Economic growth and development is encouraged to deliver jobs and reduce escape expenditure. This occurs in appropriate locations within the settlement boundaries, apart from agriculture based business.*

Clause 21.03-3 contains the Strategic Framework Plan for the Macedon Ranges Shire. A rural framework plan provides specific guidance for the areas outside of the major townships. Of note, the following strategic direction is provided for agricultural areas:

- *Continue to use agricultural landscapes for stock raising (including sheep, cattle and horses) and intensive and extensive cropping. Development should not prejudice these agricultural activities because they contribute to the character and economy of the Shire.*

The image below shows a copy of the Regional Framework Plan, and identifies the subject site within marked in yellow and circled in red:



The Regional Framework Plan identifies the subject site as being located within the ‘Agricultural Landscapes’ area type.

Clause 21.04 contains strategies and objectives for settlement and residential growth within the Shire. The policy largely seeks to direct residential development to established population centres, and is cognisant of the need to protect areas of environmental and agricultural significance.

It is noted that strategy of Clause 21.04 requires the “[limiting of] residential development of rural balance that is not in a Rural Living Zone, unless related to the use of land for agriculture or other appropriate economic development activities.”

Objective 3 of Clause 21.04 continues to echo the need for balancing the needs of urban and rural areas, seeking to *“guide population and development to settlements where existing environmental assets will not be jeopardised”*.

Clause 21.07-1 contains detailed strategies for Agricultural areas within the Macedon Ranges, and is consistent in the application of policy for the protection and enhancement of existing agricultural land. The following strategies contained within Clause 21.07-1 are of relevance for the proposal:

- *To protect agricultural land.*
- *Support the continuation of agricultural activity.*
- *Discourage conversion of productive agricultural land to non-productive uses.*
- *Ensure proposed development demonstrates how it relates to the ongoing productive use of the land for agricultural purposes and does not promote rural lifestyle development.*
- *Discourage the creation of additional lots in the area as fragmentation of existing lots and an increased density of lots would threaten the vision for these areas to maintain agricultural productivity.*
- *Ensure development, including dwellings, relates to agricultural production and is supported by land capability assessments.*
- *Direct residential development away from locations of higher quality productive agricultural land.*
- *To maximise benefit from high value agriculture.*
- *Maintain productive farm sizes.*
- *To facilitate productive agricultural activity and ensure new development is related to the ongoing, productive use of the land for agriculture.*
- *Ensure new use or development relates to the productive use of the land for agriculture.*
- *Ensure any use of the land for residential activity is secondary or ancillary to the primary agricultural use of the land.*
- *Encourage any dwelling and/or outbuildings to be located on poorer quality land where it will not compromise efficient agricultural use of the land.*

Finally, Clause 21.09-2 contains strategies for rural residential development. The core objectives of Clause 21.09-2 is *“to ensure rural residential development is sustainable and gives priority to the environment and landscape”*.

Clause 21.09-2 contains the following relevant objectives:

- *Ensure any rural residential development promotes and reflects the rural character and activities of the area, responds to landscape values and environmental constraints including potential impacts on water quality, adds to the attractiveness of the area and minimises the visual prominence of buildings in the landscape.*
- *Ensure rural residential development does not adversely impact current and future agricultural and economic activities and demonstrates site specific sustainability, including waste water treatment.*

Farming Zone

The core role of the Farming Zone is to provide land for agriculture, retain productive agricultural land and to ensure non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.

Use and development in Farming Zone areas must adequately demonstrate compatibility with the surrounding land, and seek to avoid the fragmentation of productive agricultural land and the creation of any land-use conflicts in productive agricultural areas.

Farming Zone sets out the following relevant decision guidelines in relation to the proposal:

- *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.*
- *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 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.*

Policy Assessment

The applicable policies within the Planning and Local Planning Policy Framework, along with the purpose of the Farming Zone and the Macedon Ranges Statement of Planning Policy, seek to protect and enhance existing agricultural land.

The impact of development in agriculturally significant areas has ramifications for both the Macedon Ranges and the broader extent of productive agricultural land in Victoria, and the impact of use and development on productive farming land is a critical issue for the Macedon Ranges.

Applications in Farming Zone areas must adequately demonstrate an appropriate enhancement of agricultural operations, and must accord with the relevant purposes of the zone, including ensuring that dwellings do not adversely affect the use of land for agriculture.

The following discussion examines the proposal against applicable planning policies as summarised in this report, and groups issues present within the proposal under relevant headings. Ultimately the proposal fails to accord with the purpose of the farming zone, for the reasons discussed below.

Justification for a second dwelling associated with an ongoing agricultural activity

The existing use and development of the site demonstrate the site is serving an ongoing agricultural use in conjunction with the neighbouring parcel of land to the north and east of the subject site. The operation mainly revolves around the breeding and training of horses for specialised endurance racing.

In accordance with the relevant provisions of the Planning Scheme, the proposed development of a second dwelling must be contingent on a demonstrated need for new dwellings in the service of the broader agricultural operation. Without a clear nexus between the needs of the business and the proposed dwelling there is no reasonable ongoing assurance that the proposed dwelling will remain in service of the agricultural use.

The submitted planning report indicates that the primary role of the new dwelling will be “to provide suitable accommodation to allow clients to stay for extended periods of time”. The report continues on to articulate that the dwelling will be used for the housing of “families and children... inclusive of business associates, nannies, educators, personal chefs and/or spiritual leaders.” If this primary function cannot be fulfilled, the secondary function will be to house staff of Kalimnah farm – a function that the planning report notes is adequately being serviced by the existing dwelling on the land.

The primary function of the proposed dwelling serves to provide quality of life for clients of Kalimnah farm, but does not primarily serve the enhancement of the ongoing agricultural operation. Planning Policies are consistent in discouraging the conversion of agricultural land to non-agricultural purposes. Dwellings are discouraged unless they can be demonstrated to facilitate or enhance the ongoing primary use of the land for productive, sustainable agriculture.

The subject site is well-positioned in a regional context with regard to the greater metropolitan Melbourne area, as well as smaller regional centres within the Macedon Ranges and in neighbouring municipalities. It is noted the site is an 11-minute drive from Riddells Creek, a 20-minute drive from Wallan, and a 25-minute drive from Sunbury.

These urban centres primarily serve the role for accommodating housing growth, in part to assist in reducing development pressure in areas of agricultural significance. Noting the need for clients of Kalimnah Farm to frequently visit the subject site for business matters, it is unclear why nearby urban centres are unable to fulfil the need of providing medium-term accommodation for international clientele and their entourages.

It is also unclear as to why a new dwelling is required to be constructed in a location that is separated from existing built form, accessed via separate vehicle infrastructure and is serviced by completely separate utilities. The function of the proposed dwelling could viably be undertaken by way of an extension to an existing dwelling, either the existing dwelling located at 90 Weatherly Road or the neighbouring dwelling at 94 Weatherly Road.

Beyond the construction of the proposed second dwelling and its associated facilities, there does not appear to be any additional expansion of the existing agricultural operation. Without any clear intention to enhance and intensify the agricultural use of the land, there is no nexus with the need for an additional dwelling. It is further submitted that the agricultural operation is able to operate adequately with the existing facilities provided, and the construction of a second dwelling on the site appears superfluous to the needs of the business.

The proposed application does not adequately justify the need for a proposed second dwelling and does not meet the purpose of the Farming Zone. Proximity to towns and services, a lack of intensification of agricultural operations and the strenuous need for the proposed dwelling as outlined in the submitted planning report all contribute to a consideration that the proposal fails to adequately address the needs of the Planning Scheme in adequately demonstrating the need for additional development in service of an ongoing agricultural use.

Fragmentation of productive agricultural land

The scheme is consistent in its pursuit of suitably located development that does not compromise the productive potential of agricultural land, both through the siting of

development and the impact of associated infrastructure, and the potential of fragmented subdivision and the excision of farming land from broader productive land holdings.

The siting of the proposed dwelling does not meet the purpose of the Farming Zone and the relevant planning policies in encouraging the retention of productive agricultural land.

Physically, the construction of the proposed dwelling centrally within the subject site is a poor agricultural outcome. The dwelling footprint itself, as well as the proposed outbuilding, will comprise almost 700 square meters of land. This will be an immediate fragmentation of the existing land, with a substantial area of centralised land in a productive agricultural enterprise no longer able to be used for farming.

In addition to the above, the construction of extensive concrete driveway areas and the installation of an effluent disposal field contribute to an additional 1250 square meters of farm land that is rendered defunct.

When considering the broader context of the subject site and taking into consideration how the land is configured into four separate paddock areas, it is unlikely that any agricultural activity will be undertaken in the paddock occupied by the proposed dwelling. The application seeks to transform this section of the site into a de facto residential allotment and will substantially impact the capacity of this portion of the land to be used productively.

The development of the central paddock is also likely to limit the capacity of the broader site, as an area which previously consisted of 2.8 hectares is constrained to two parcels of approximately 8000 square meters each. The impact of the proposed development on the practical agricultural capacity of the land is significant and the fragmentation of the existing parcel of land is not in keeping with the objectives of the Planning Scheme.

By facilitating the construction of a second dwelling on the subject site, an opportunity for the future subdivision of the subject site will be created. Similarly to how the subject site came to be created, the existence of a second dwelling on the same title allotment will enable subdivision pursuant to Clause 35.07-3 of the Planning Scheme which states that a permit can be granted to subdivide land if “the subdivision is to create a lot for an existing dwelling”.

Future excision of the proposed dwelling would limit future use of the land to small-scale hobby farming, which is unlikely to have any notable economic benefits by way of net revenue or opportunities for employment.

Excision is also likely to create opportunities for rural living allotments in inappropriate locations with land generally in the order of 1-2 hectares comprising an attractive option for people looking to move into regional areas with no intention to carry out productive farming.

Current and future land use conflicts

The nearby area surrounding the subject site is predominantly a productive agricultural area, with properties of a similar size and scale to 94 Weatherly Road conducting ongoing agricultural operations. Dwellings are scattered throughout the landscape, however second dwellings are rarely seen. Notably, the lot of land to the immediate south of the subject site appears to have been excised from a larger agricultural operation, and is only used for hobby farming in conjunction with a residential dwelling.

The Macedon Ranges Planning Scheme is consistent in its acknowledgement of the encroachment of residential dwellings into productive agricultural areas as an ongoing land use challenge. The facilitation of residential dwellings in agricultural areas can give rise to unreasonable amenity expectations from residents placed upon nearby farmsteads, or vice versa.

The needs of a productive agricultural operations are clearly distinct from the expectations of people looking for a quiet country change, with necessary machinery and scare guns liable to negatively impact on nearby residential properties.

Residential dwellings in Farming Zone areas inherently afforded differing expectations of rural amenity, and often dwellings are in service of productive farms with residents who understand and partake in the needs of agricultural operations.

The creation of smaller residential allotments that can exist independently of larger farm holdings creates a risk for land use conflict, as differing needs of smaller properties do not integrate with the context of productive agricultural farms.

The intended function of the proposed dwelling, seeking to house international families and their entourages may also give rise to land use conflict within the existing operation and surrounding farmsteads.

By seeking to accommodate business partners, who themselves are unlikely to be experienced agricultural operators, there exists a risk that people may attend the site and seek to alter the operation of the existing agricultural business.

Notably, relatives of business partners not directly involved in the agricultural operation, children and specialised members of entourages such as spiritual leaders may seek to limit the generation of noise, dust and odour associated with a productive agricultural farm in order to maintain expectations of amenity better suited to urban areas, or areas that are expressly set aside for rural living.

Overall, it is submitted that the proposed use and development is contrary to the purpose of the Farming Zone and will result in land use conflicts between smaller lifestyle-centric properties and larger productive agricultural holdings. The facilitation of the proposed use and development is likely to detrimentally impact on the productive capacity of the Farming Zone.

Advice received from Agriculture Victoria

As has been mentioned in this report, the proposed use and development of the land for a second dwelling does not appear to be carried out in conjunction with any additional enhancement of the existing agricultural operation.

The proposed application is lacking any comprehensive farm plan to outline the future growth of the existing agricultural operation and relies instead on a Business Plan to provide an articulated summary on how the land is currently being utilised.

Agriculture Victoria has reviewed the application and has advised:

“The Business Plan/Farm Stay Plan reads as if it was the same document used for the dwelling application for Lot 2 PS837821 which appeared to be built in 2013/2014. The land areas stated in the documentation and facilities discussed change between the two lots or a combination of both lots. It talks to developing the 1000 m internal sand track and other infrastructure that has been in place for some time.

The case for a second dwelling on Lot 1 PS837821 is heavily reliant upon the land and infrastructure under the same ownership associated with Lot 2 PS837821. If approved, the proposal would see three dwellings across two adjoining properties in common ownership, with no protections from future dwellings or subdivisions/excisions of dwellings.

The Business Plan states that; it is proposed to use and construct second dwelling on property in order to accommodate breeders and trainers when visiting from overseas

as well as interstate. Agriculture Victoria notes that large towns such as Gisborne are in close proximity to the business, with accommodation options.”

Agriculture Victoria further advises that the proposed use and development of an additional dwelling should be linked to an existing agricultural operation, and without the consolidation of the dwelling with the business and the associated infrastructure there are no assurances that the proposed dwelling will be linked to the broader agricultural operation.

Officer declaration of conflicts of interest

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in relation to the subject matter.

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in relation to the subject matter.

Conclusion

The protection of productive agricultural land in the Farming Zone is noted as being of paramount importance within the Macedon Ranges Planning Scheme, with the need to preserve and enhance productive agricultural land echoed in housing strategies, economic development strategies, land-use policy and dedicated agricultural policies.

The facilitation of a second dwelling on the subject site is not consistent with the objectives of the Planning Scheme. The proposal lacks adequate justification which will ultimately contribute to the disruption and fragmentation of agricultural land. At its core, the proposed use and development of the land for a second dwelling is contrary to the purpose of the Farming Zone, and does not adequately demonstrate an enhancement of the existing agricultural operation.

Officers ultimately consider that the proposed application does not adequately justify a need for a second dwelling on this site, and it is recommended that Council resolve to issue a Notice of Decision to Refuse to Grant a Permit.

Consistency of the proposal with the Statement of Planning Policy:

Objective number	Objective in the SOPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
1	To ensure the declared area's natural and cultural landscapes are conserved and enhanced.				N/A	The subject site and surrounds is not considered to have any declared natural or cultural landscapes.
		Manage land use, development and infrastructure to ensure that significant landscapes, views and vantage points are conserved and enhanced.			N/A	
		Encourage retention of native vegetation and revegetation that contributes to significant landscapes, particularly on escarpments and ridgelines and along riparian areas.			N/A	
		Manage development around significant landscapes of visual, scientific or education value, including along ridgelines and at vantage points.			N/A	
		Manage development and infrastructure provision to ensure sequences of views from key road and rail corridors are maintained for current and future users.			N/A	
2	To ensure the significant biodiversity, ecological and environmental values of the declared area are conserved and enhanced				N/A	The proposal does not result in detrimental impacts to high quality vegetation.
		Conserve and enhance high-value native vegetation and biodiversity and their ecological integrity by undertaking responsible environmental management, planning, procedures and practices.			N/A	
		Utilise appropriate historical ecological knowledge and practices from Traditional custodians of the land in the management of biodiversity and ecological and environmental values.			N/A	
		Encourage ecological restoration works in areas of identified state, regional and locally significant biodiversity value				

Objective number	Objective in the SOPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
		Establish and improve bio links to connect high-value ecological areas, including areas along waterways and areas within and between towns.			N/A	
		Minimise the effects of weeds and pest animals on biodiversity values by establishing and implementing best practice land management plans.			N/A	
3.	To prioritise the conservation and use of the declared area's water catchments to ensure a sustainable local, regional and state water supply, and healthy environment.				N/A	The site is not located within any special water supply catchment area.
		Protect water quality and natural systems by discouraging development that contributes to the degradation of water quality and quantity.			N/A	
		Manage land use and development, including dams, in Declared Water Supply Catchments to retain and improve water quality and improve yield to support regional water needs and to increase system-wide capacity to Respond to demand.			N/A	
		Reinforce the role of waterways as biodiversity Linkages and as corridors for native plants and animals.			N/A	
		Ensure water supply and land use planning policies are integrated, to realise efficiencies in regional catchment management and best practice, water-sensitive urban design.			N/A	
		Address the expected impacts of climate change, including changes in the duration and frequency of rainfall events and changes in the intensity and frequency of bushfire events.			N/A	
		Review and improve regulation and monitoring of groundwater licences and surface water diversions.			N/A	
4.	To recognise, protect, conserve and enhance the declared area's Aboriginal cultural and spiritual heritage values and				N/A	The site is not located within Cultural Heritage Sensitivity area.

Objective number	Objective in the SOPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
	work in partnership with Traditional Owners in caring for Country.					
		With Traditional Owners, identify, protect, conserve and enhance sites, landscapes and views of Aboriginal cultural significance, consistent with the Aboriginal Heritage Act 2006 and Cultural Heritage Management Plans.			N/A	
		With Traditional Owners, acknowledge, protect, promote and interpret tangible and intangible Aboriginal cultural values, heritage and knowledge when planning and managing land use and development, water and other environmental resources.			N/A	
5.	To recognise, conserve and enhance the declared area's significant post-contact cultural heritage values.				N/A	The subject site is not subject to any heritage overlay or potentially significant features.
		Conserve and enhance the character of state and/or nationally significant post-contact cultural heritage values (including aesthetic, historic, scientific, social and spiritual values) in the declared area's heritage places, precincts and landscapes, including sequences of views along main road and rail routes.			N/A	
		Acknowledge, promote and interpret significant post-contact cultural heritage values in the planning, design, development and management of land uses, including infrastructure.			N/A	
6.	To support and encourage agricultural land uses that strengthen the declared area's economy and contribute to the rural landscape.			X		The proposal fails to adequately address the needs of the Statement of Planning Policy in strengthening the value of agricultural land within the Macedon Ranges Shire.
		Encourage the use of rural-zoned land for agricultural purposes and encourage the use of high-quality soils for soil-based agriculture.		X		The proposed second dwelling has not been adequately justified in relation to the existing agricultural operation, and the second dwelling will likely contribute to fragmentation of productive agricultural land and the creation of land-use conflicts in the nearby area.

Objective number	Objective in the SOPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
		Encourage and support innovations in agricultural practices (such as sustainable farming, water reuse, technologies to enable farming to adapt and respond to emerging and niche markets).			N/A	The proposal does not include any new agricultural infrastructure.
		Support agricultural practices that improve soil health and respond to and encourage adaptation to climate change.			N/A	The proposal does not include any new agricultural practices.
		Encourage measures to ensure agricultural practices protect and enhance soil quality, water quality, biodiversity and native plants and animals.			N/A	The proposal does not include any new agricultural practices.
		Manage the effects of rural land use and development on important environmental and cultural values.		X		The proposed second dwelling has not been adequately justified in relation to the existing agricultural operation, and the second dwelling will likely contribute to fragmentation of productive agricultural land and the creation of land-use conflicts in the nearby area.
		Restrict the supply of rural-living-zoned land to conserve and protect agricultural practices.		X		The proposal does not include any re-zoning of existing Farming Zone land, however it is noted that the proposed dwelling is intended to primarily serve a medium-term accommodation purpose for international visitors, and this is considered to better align with the role and function of rural-living land, as opposed to productive agricultural land.
		Protect strategic extractive resource areas and existing quarry operations from encroachment from inappropriate development.			N/A	The proposal does not have any relationship to existing extractive operations.
		Proposals to establish an extractive industry must adhere to best practice measures to avoid and minimise impacts on significant environments and landscapes.			N/A	The proposal does not have any relationship to existing extractive operations.
7.	To provide for a diverse and sustainable visitor economy compatible with the natural and cultural values of the area.			X		By seeking to accommodate international visitors in an out-of-centre location, existing businesses and services in urban areas are denied potential investment and utilisation.
		Support and facilitate sustainable and responsible tourism and recreation-related land uses and developments (such as agritourism) in		X		The proposed use of the land is not considered to constitute appropriate agri-tourism and is considered to create land-use

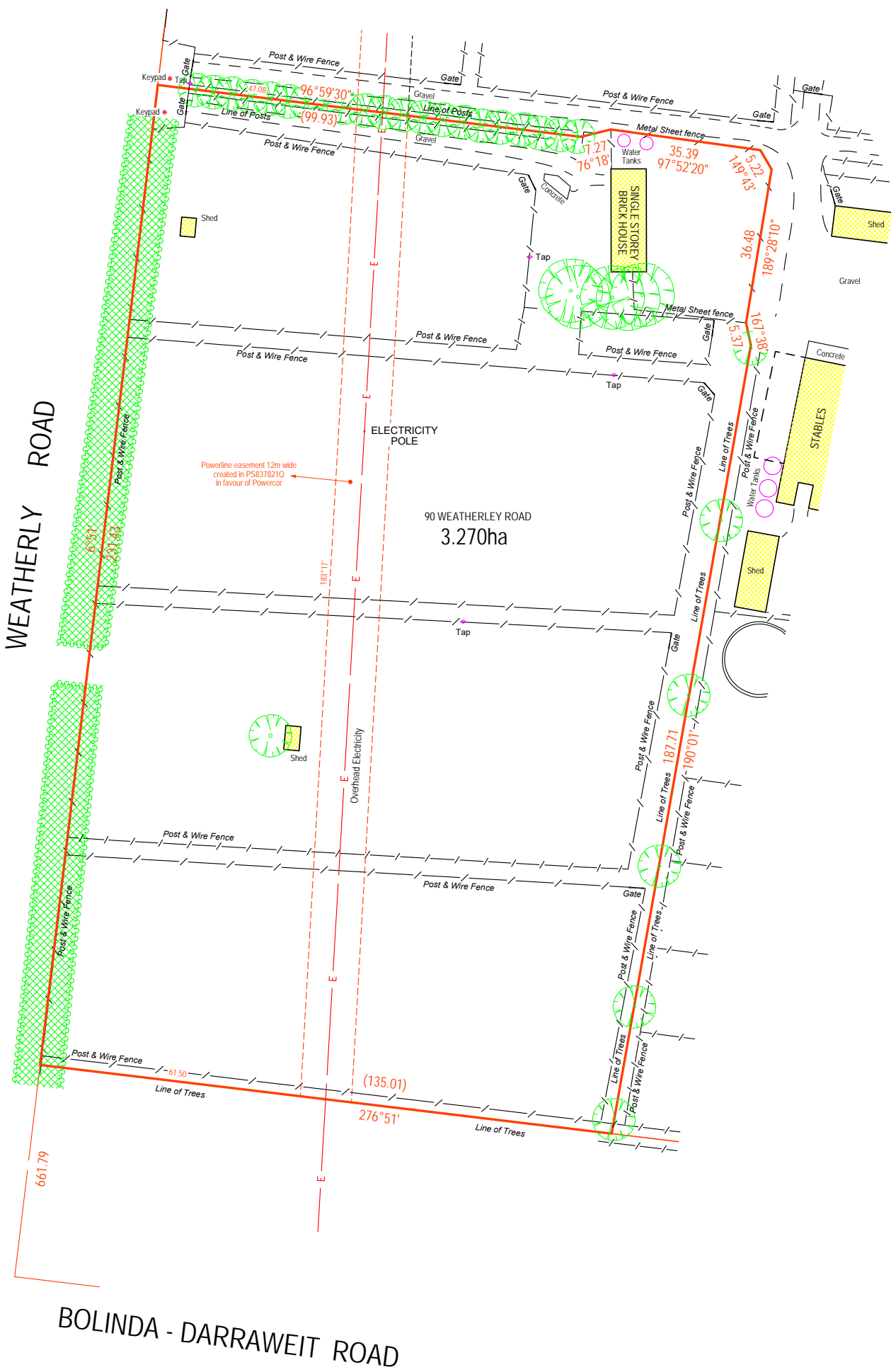
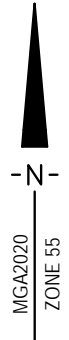
Objective number	Objective in the SOPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
		keeping with the declared area's significant landscapes, environmental and cultural values.				conflicts with the existing agricultural use. The housing of visitors in a productive agricultural area prevents the engagement of these people with urban centres, and engagement with the economic centres of the Shire.
		Facilitate tourism-related land use and development that encourages people to recognise and understand Aboriginal and post-contact cultural heritage.			N/A	
		Ensure the conservation and enhancement of Declared Water Supply Catchment Areas of regional or state significance in the planning of tourism and recreational land uses.			N/A	
		Protect the unique rural character of towns in the declared area.		X		The proposed use is not adequately responsive to the agricultural setting. The Bolinda settlement retains a productive agricultural role and the proposed use and development is contrary to the context of the area.
8.	To plan and manage growth of settlements in the declared area consistent with protection of the area's significant landscapes, protection of catchments, biodiversity, ecological and environmental values, and consistent with the unique character, role and function of each settlement.			X		The proposed use and development is contrary to the role of the productive Farming Zone land of the Macedon Ranges, and the facilitation of additional out-of-centre development is contrary to the Regional Growth Plan.
		Direct urban development to a hierarchy of settlements identified for growth, through clearly defining long-term settlement boundaries.		X		It is considered that the proposed use is contradictory to the primary purpose of the zone which is to provide for limited human development in a rural environment. It is considered that this development is contrary to the character and expected amenity of what a rural area should experience.
		Direct rural residential development to rural-living-zoned land as provided for in the Macedon Ranges Council's rural living strategy, In the Rural Living Zone – Strategic Direction (2015).		X		The facilitation of a new dwelling in a productive agricultural area without adequate justification is inconsistent with the purpose of

Objective number	Objective in the SOPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
						the Macedon Ranges Council's rural living strategy.
		Encourage infill development that respects the townships' character.			N/A	
		Limit the expansion of settlements in high risk locations, actively reducing the risks associated with natural hazards.			N/A	
		Encourage a range of housing types within settlement boundaries to support a diverse range of housing needs.			N/A	The proposal is located outside of an established settlement boundary.
		Encourage provision of an adequate supply of well-serviced employment land within settlement boundaries to support local and regional jobs and services.			N/A	
		Encourage the use of voluntary Cultural Heritage Management Plans.			N/A	
9.	To manage the provision of infrastructure consistent with protection of the area's significant landscapes and protection of environmental values to support the social and economic needs of communities and increase resilience to climate change effects.				N/A	
		Provide timely infrastructure and services to meet community needs in sequence with development.			N/A	
		Maintain and enhance transport connections that provide links between and within regional communities and to major cities.			N/A	
		Reduce use of fossil fuels and reduce greenhouse gas emissions by prioritising active transport and public transport modes.			N/A	
		Maintain view lines of state-significant landscape features from the main road and rail transport corridors.			N/A	
		Ensure the future operation and development of major transport linkages and rail corridors and upgrading and improved management of freight			N/A	

Objective number	Objective in the SOPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
		routes are considered when managing the growth of settlements.				
		Ensure equitable access to community infrastructure.			N/A	
		Encourage the use of active and public transport by planning infrastructure and facilities in accessible locations, and improve walking and cycling routes.			N/A	
10.	Respond to the challenges and threats of climate change and natural hazards with careful planning and mitigation strategies.				N/A	
		Support community and government planning for disaster preparedness and climate resilience.			N/A	
		Manage bushfire risks while also retaining valued biodiversity and landscape character.			N/A	
		Plan for more renewable energy generation and distribution.			N/A	
		Ensure proposals to establish renewable energy facilities adhere to best practice measures to avoid and minimise impacts on significant environments and landscapes.			N/A	
		Ensure planning for future use and development of land prone to flooding minimises the consequences of inundation.			N/A	

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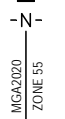
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 <p>MEASURED LAND SURVEYORS PTY LTD PO Box 2259 SUNBURY 3429 Ph: 0413 086 169 admin@measuredls.com.au www.measuredls.com.au</p>	<p>EXISTING SITE PLAN</p> <p>90 WEATHERLEY ROAD</p> <p>BOLINDA</p>		<p>SCALE 1:800</p> <p>8 0 8 16 24 32 40</p> <p>LENGTHS ARE IN METRES</p>		ORIGINAL SHEET SIZE A2	FB REF
	JOB No. 1232 DRAWING No. 3 VER. 1			CAD DRG 1232-3-1.LCD	DATE 20 FEB 2023	
			SURV. LP DATE 20/1/23	DRAWN LP DATE 20/2/23		

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BOLINDA - DARRAWEIT ROAD

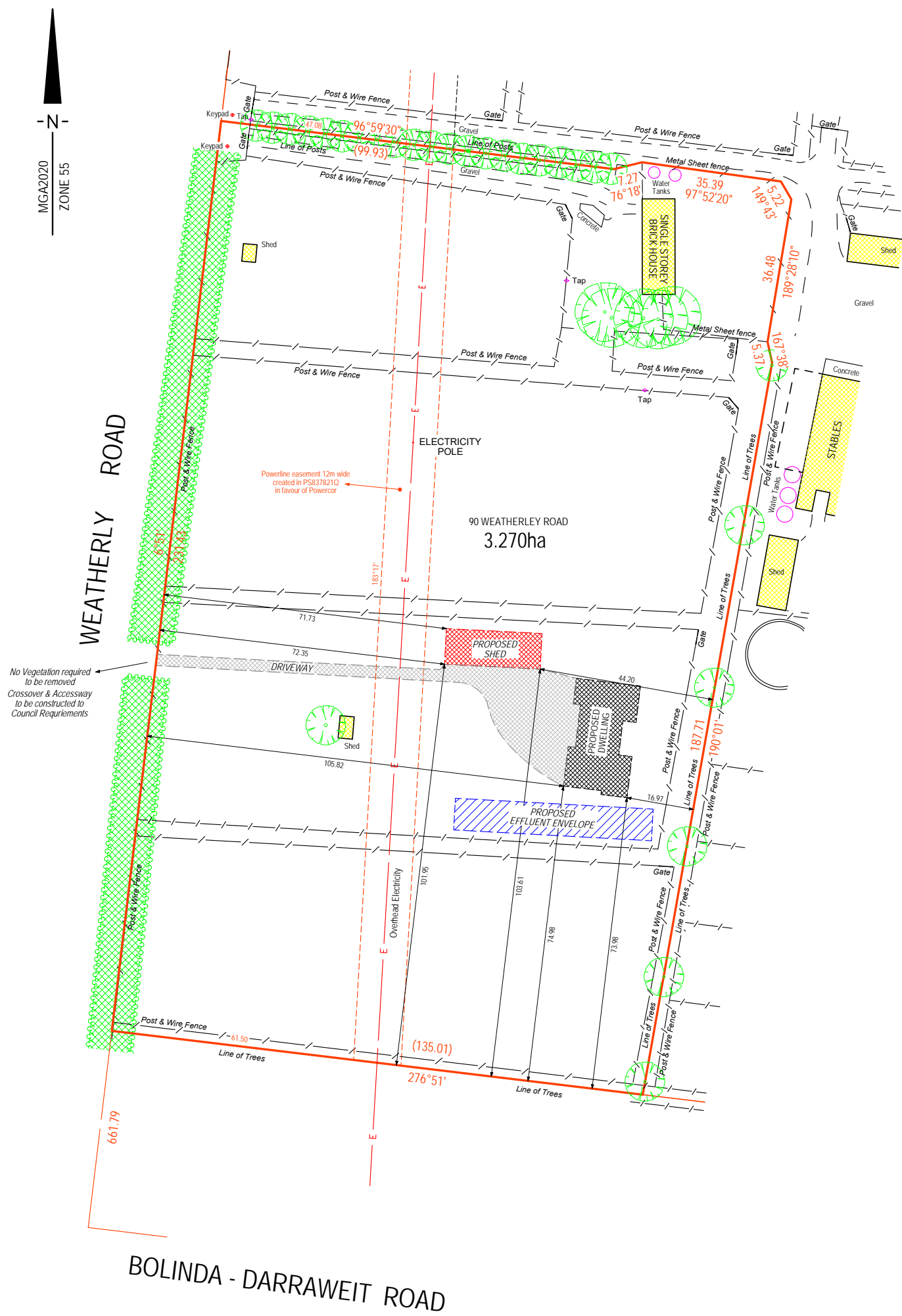
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KALIMNAH FARM - EXISTING SITE PLAN

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				JOB No. 1232 DRAWING No. 2 VET. 2 SURV. LP DATE 20/1/23	DATE 30/1/23	DRAWN LP

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No Vegetation required to be removed
 Crossover & Accessway to be constructed to Council Requirements

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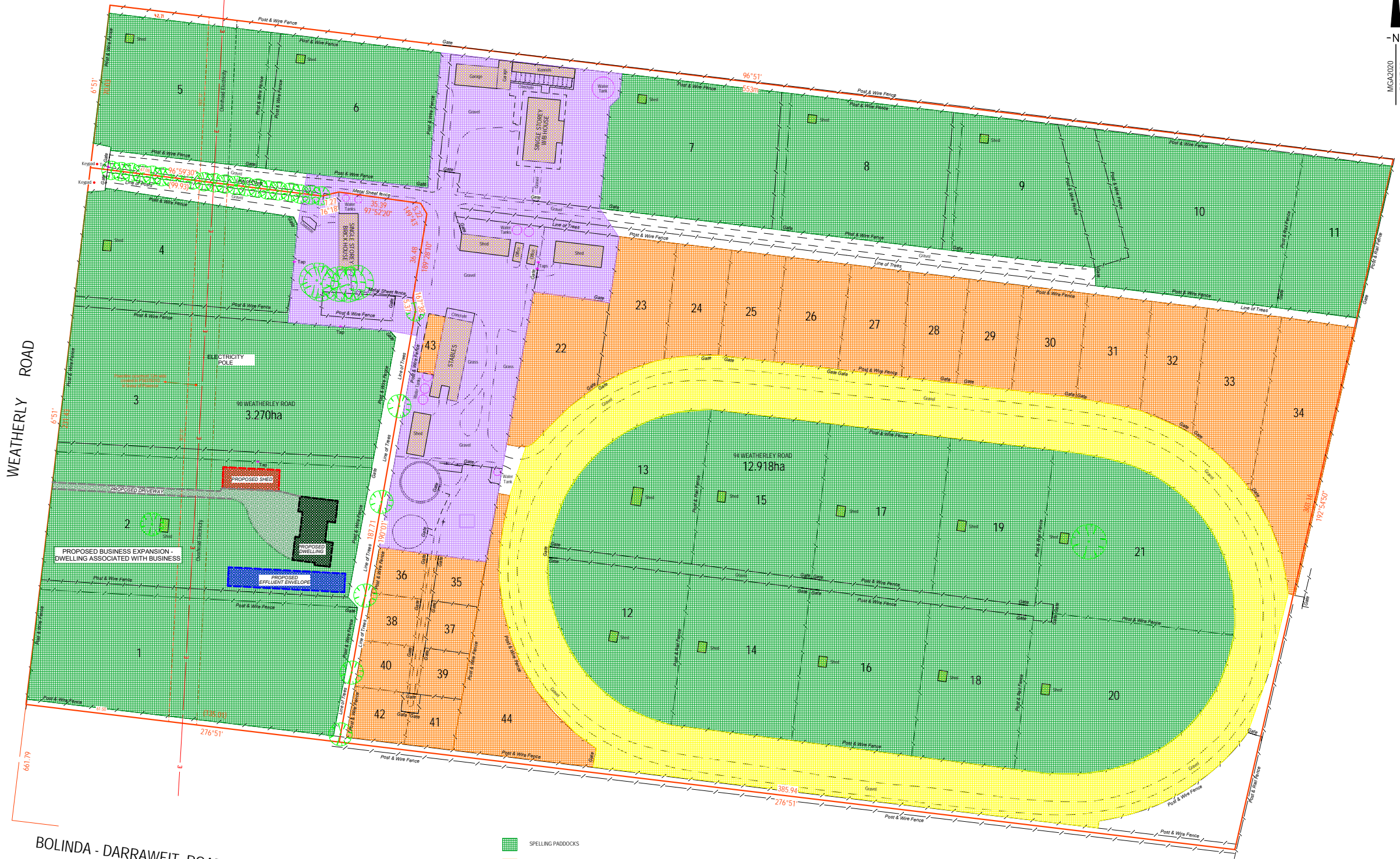
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	<p>DATE 20/1/23</p>			<p>CAD DRG 1232-3-1.LCD</p>	<p>DATE 24 FEB 2023</p>	
<p>JOB No. 1232</p>	<p>DRAWING No. 3</p>	<p>VER. 1</p>	<p>SURV. LP DATE 20/1/23</p>	<p>DRAWN LP DATE 24/2/23</p>		

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N
 MGA2020
 ZONE 55



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No.	DATE	REVISIONS	BY
2	10/2/23	Kenneth Added	LP

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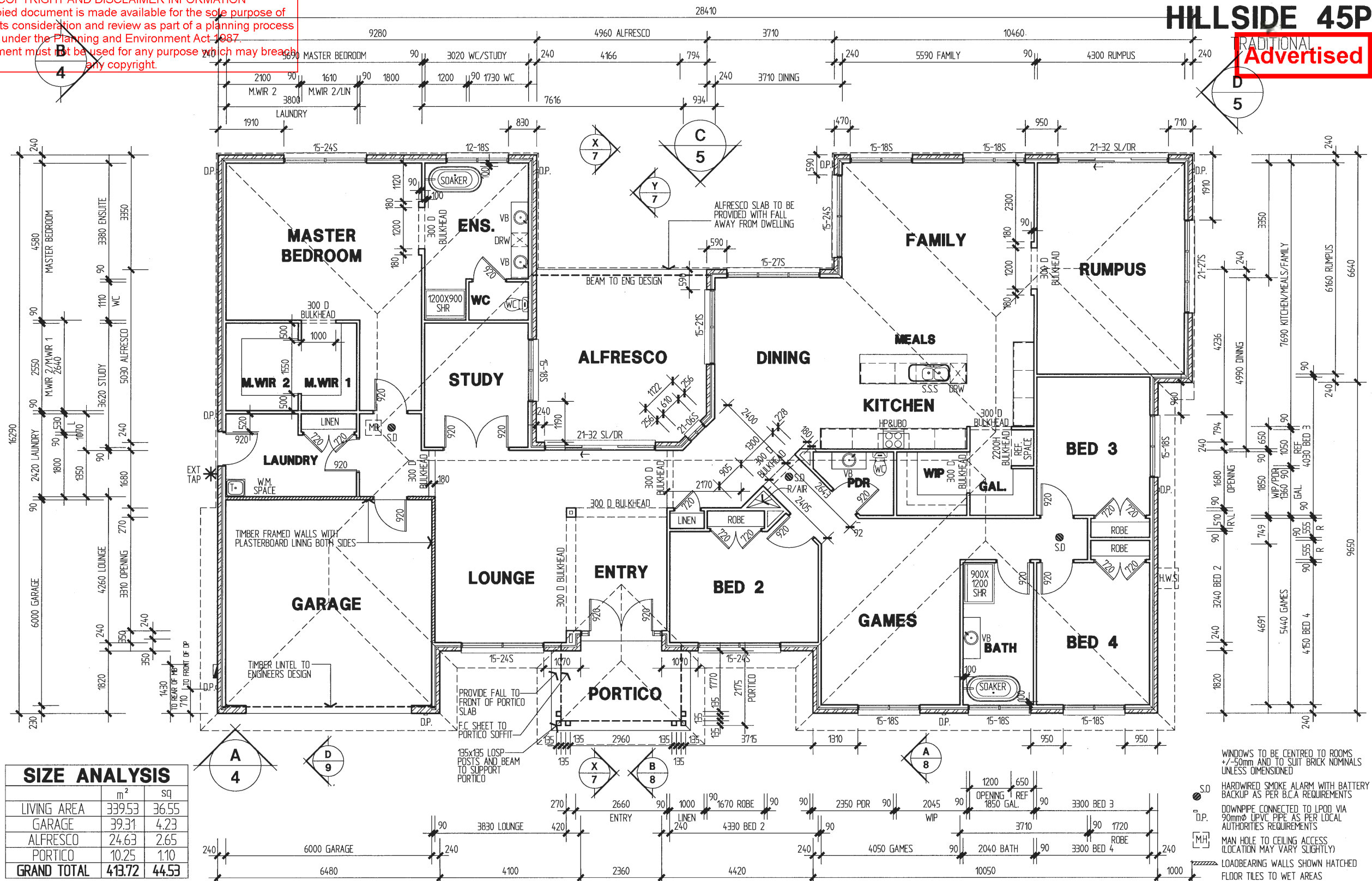
EXISTING BUSINESS PLAN
 90-94 WEATHERLY ROAD
 BOLINDA

SCALE 1:800	ORIGINAL SHEET SIZE A1	FB REF
8 0 8 16 24 32 40	CAD DRG 1232-2-3.LCD	
LENGTHS ARE IN METRES		
DATE 24 FEB 2023		
JOB No. 1232	DRAWING No. 2	VER. 3
DATE 20/1/23	SURV LP	DRAWN LP
	DATE 30/1/23	

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HILLSIDE 45P

ADVERTISED



SIZE ANALYSIS		
	m ²	sq
LIVING AREA	339.53	36.55
GARAGE	39.31	4.23
ALFRESCO	24.63	2.65
PORTICO	10.25	1.10
GRAND TOTAL	413.72	44.53

- WINDOWS TO BE CENTRO TO ROOMS +/-50mm AND TO SUIT BRICK NOMINALS UNLESS DIMENSIONED
- S.D. HARDWIRED SMOKE ALARM WITH BATTERY BACKUP AS PER B.C.A. REQUIREMENTS
- D.P. DOWNPIPE CONNECTED TO LPOD VIA 90mmØ UPVC PIPE AS PER LOCAL AUTHORITIES REQUIREMENTS
- M.H. MAN HOLE TO CEILING ACCESS (LOCATION MAY VARY SLIGHTLY)
- LOADBEARING WALLS SHOWN HATCHED
- FLOOR TILES TO WET AREAS

CLIENT:
CLIENT NAME
 ADDRESS:
ADDRESS
SUBURB

This drawing is sheet no. ____ of ____ drawings referred to in this contract agreement dated ____

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PORTER DAVIS
 Medibank Place
 Level 10, 720 Bourke Street, Docklands Vic 3008
 T (03) 8751 2700
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SIGNATURES
 Builder: _____
 Client: _____

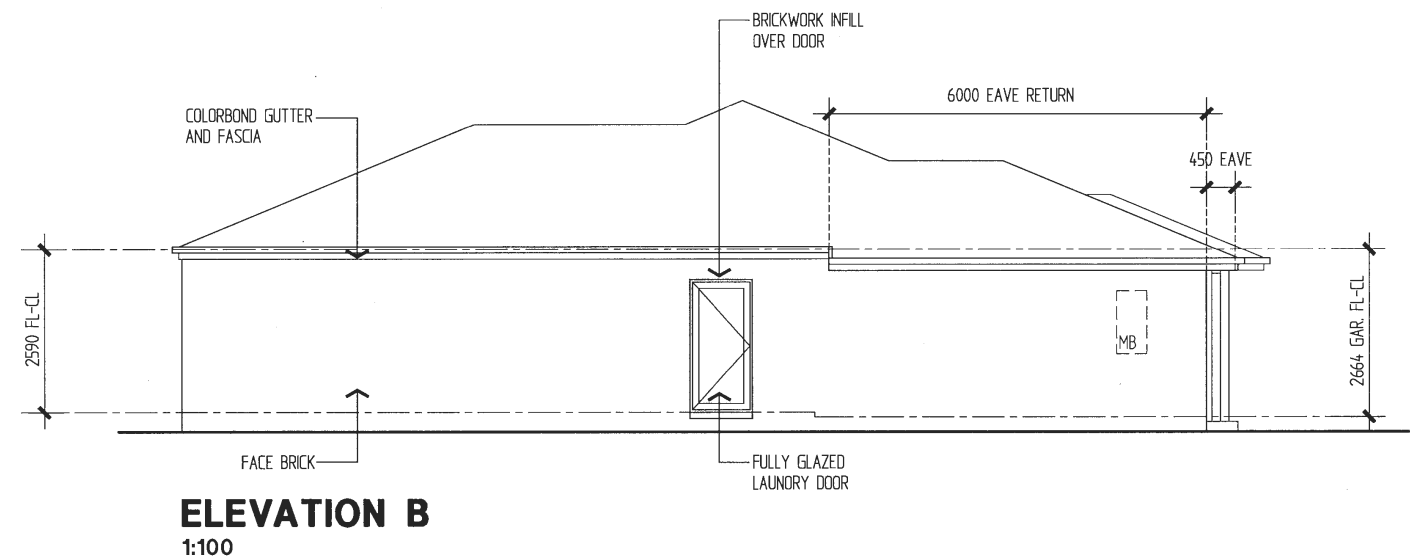
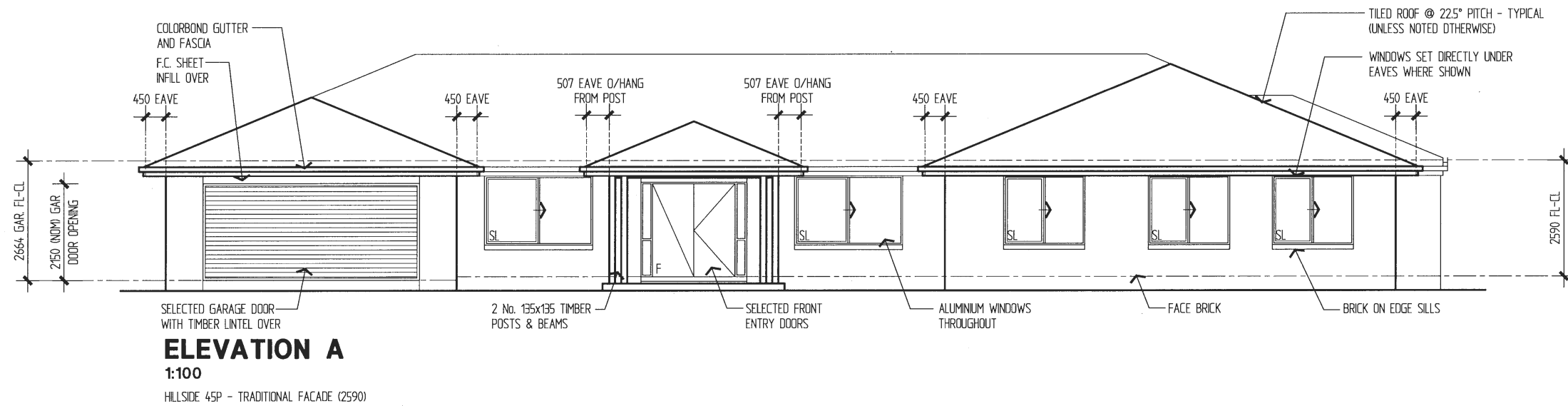
JOB No.: REFERENCE	
DATE: DATE	rev.
SCALE: 1:100	DRAWN: ???
SHEET 3 OF 13	

MASTER ISSUED: 10/11/21 BY: BL

FILE: ??? DATE: ??? BY: ???

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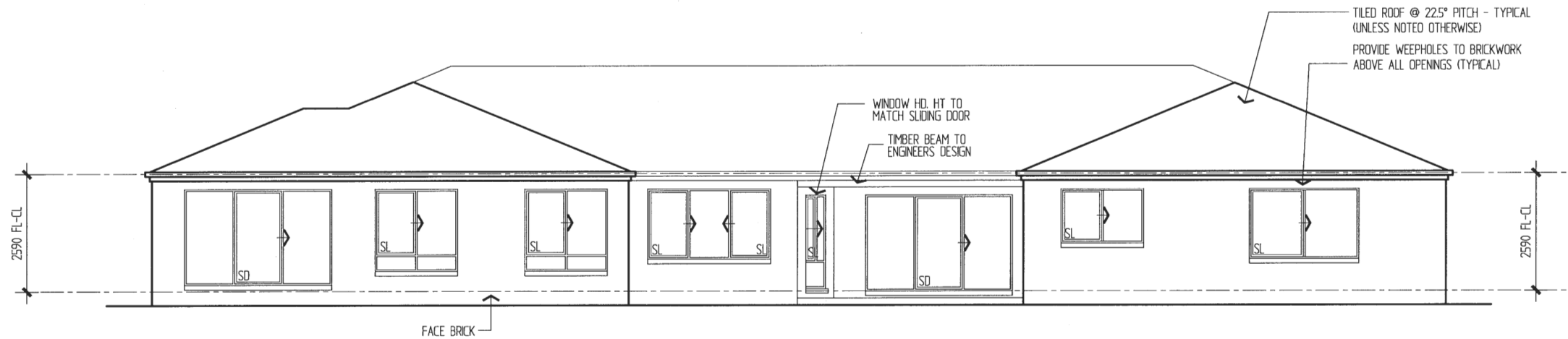
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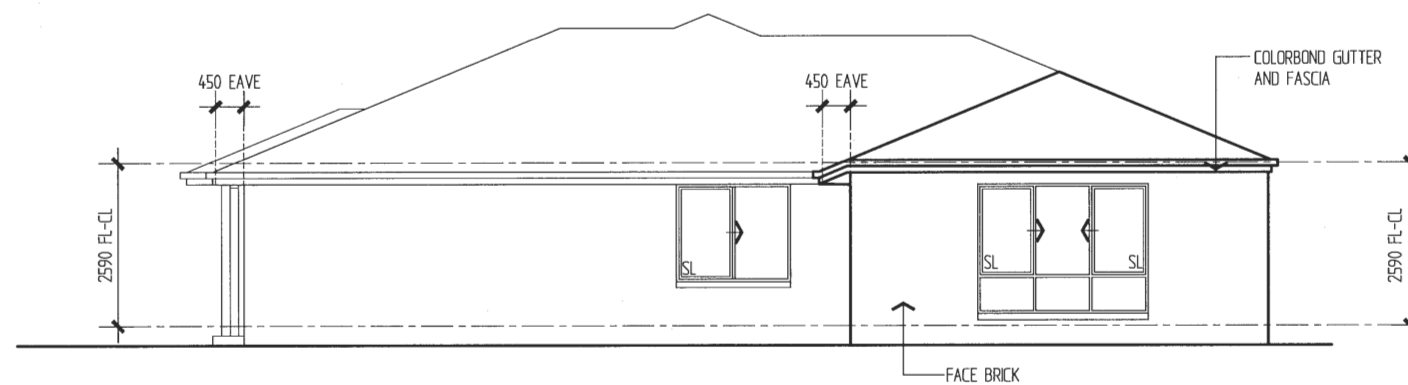
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ELEVATION C
 1:100

NOTE :
 SET ALL WINDOWS THROUGHOUT AT 2162mm NOMINAL HEAD HEIGHT ABOVE FLOOR LEVEL. (UNLESS NOTED OTHERWISE)

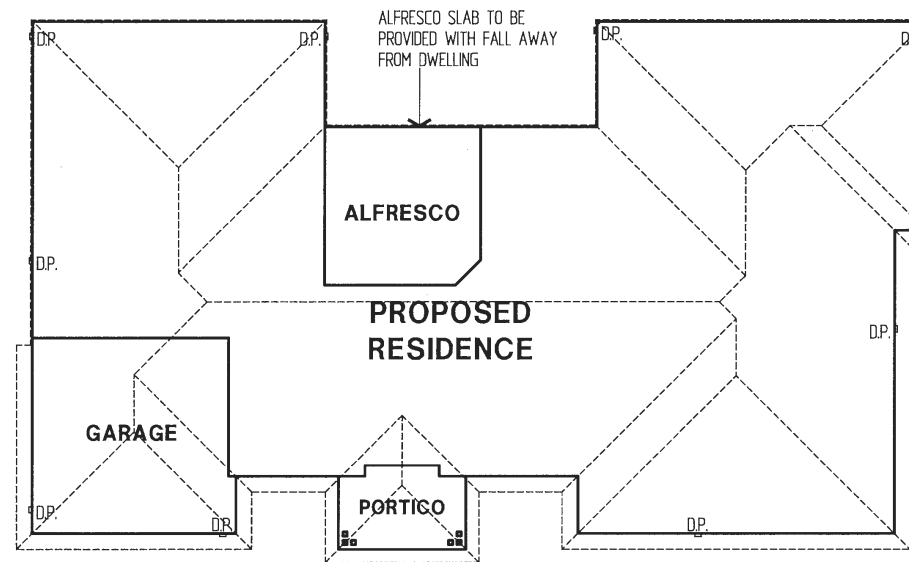


ELEVATION D
 1:100

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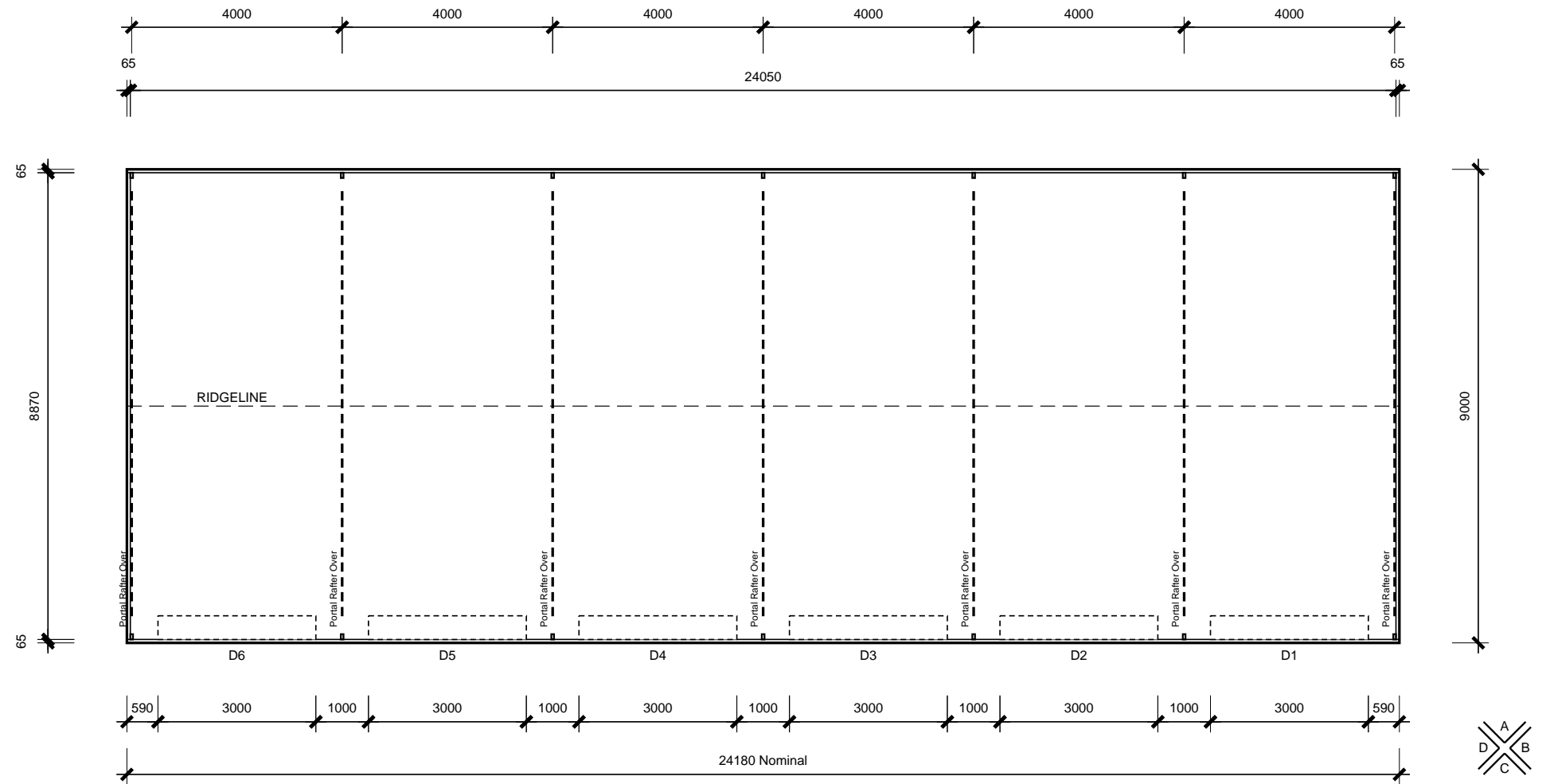
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FLOOR PLAN
 Scale 1:100

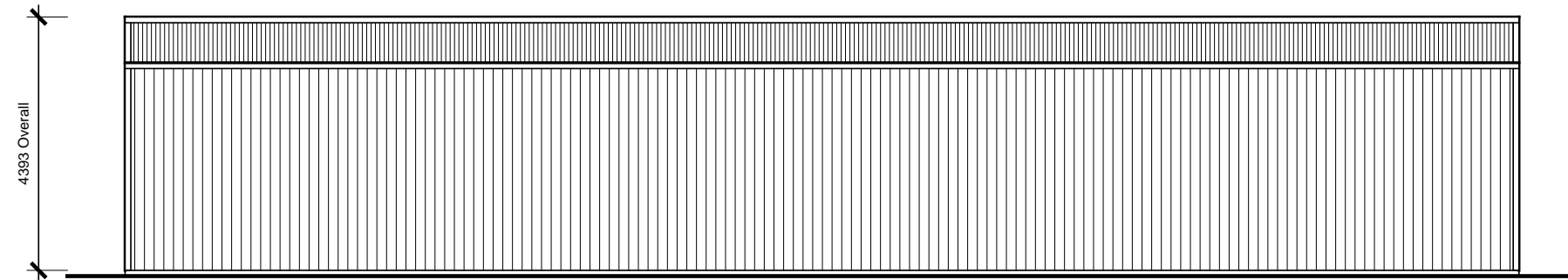
DOOR SCHEDULE			
MARK	DESCRIPTION	SIZE	COLOUR
D1	Roller Door, Manually operated	3000H x 3000W	TBC
D2	Roller Door, Manually operated	3000H x 3000W	TBC
D3	Roller Door, Manually operated	3000H x 3000W	TBC
D4	Roller Door, Manually operated	3000H x 3000W	TBC
D5	Roller Door, Manually operated	3000H x 3000W	TBC
D6	Roller Door, Manually operated	3000H x 3000W	TBC

Approved by Client: _____ Date: ____ / ____ / ____

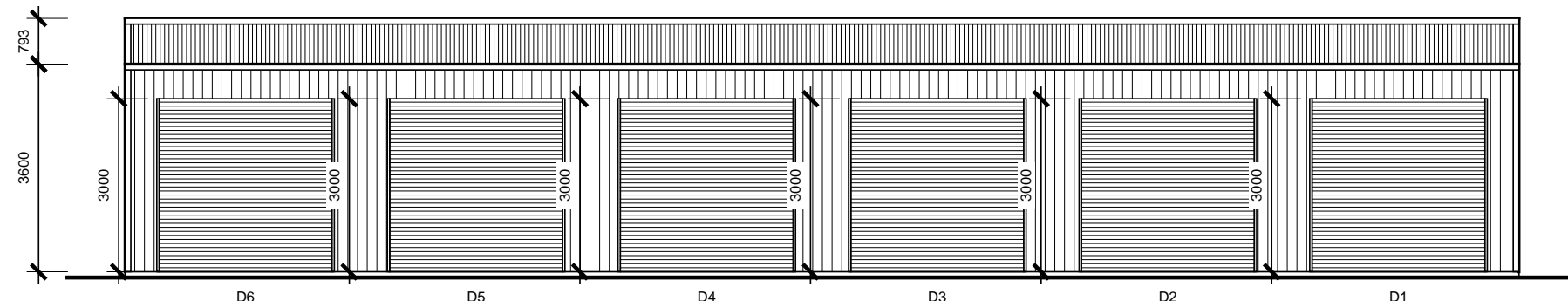
 SAFETY STEEL STRUCTURES 34-50 NATHAN ROAD DANDENONG SOUTH VIC 3175 TELEPHONE (03)9706 7711 FACSIMILE (03)9706 7992	Issue Status:	Drawing Title: Floorplan		
	Date: Nov 2022	Client: Martin Mizzi		
	Drawn: Michael Grech	Project: Proposed Garage		
	Checked:	Site:		
This drawing remains the intellectual property of Safety Steel Structures and shall be used only as authorised by Safety Steel Structures	Scale: 1:100	Project No: 2224340	Drawing No: A1.1	Rev: -
	Plot Date: 25-Nov-22			Page: A3

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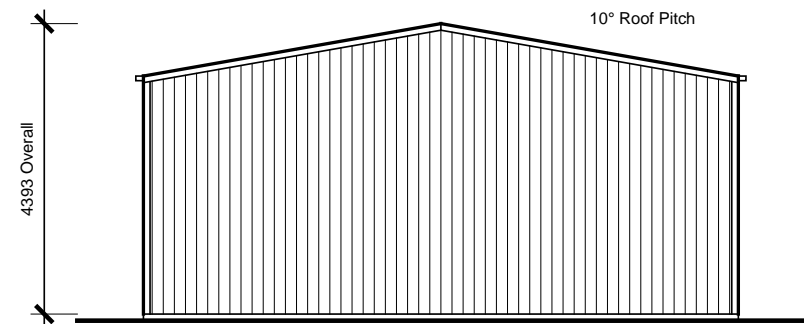
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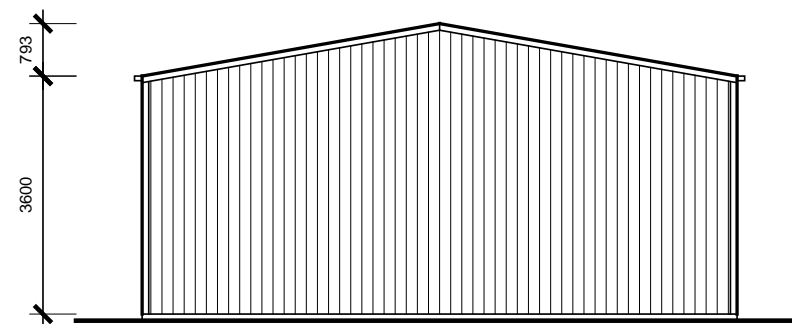
ELEVATION A
Scale 1:100



ELEVATION C
Scale 1:100




ELEVATION B
Scale 1:100



ELEVATION D
Scale 1:100

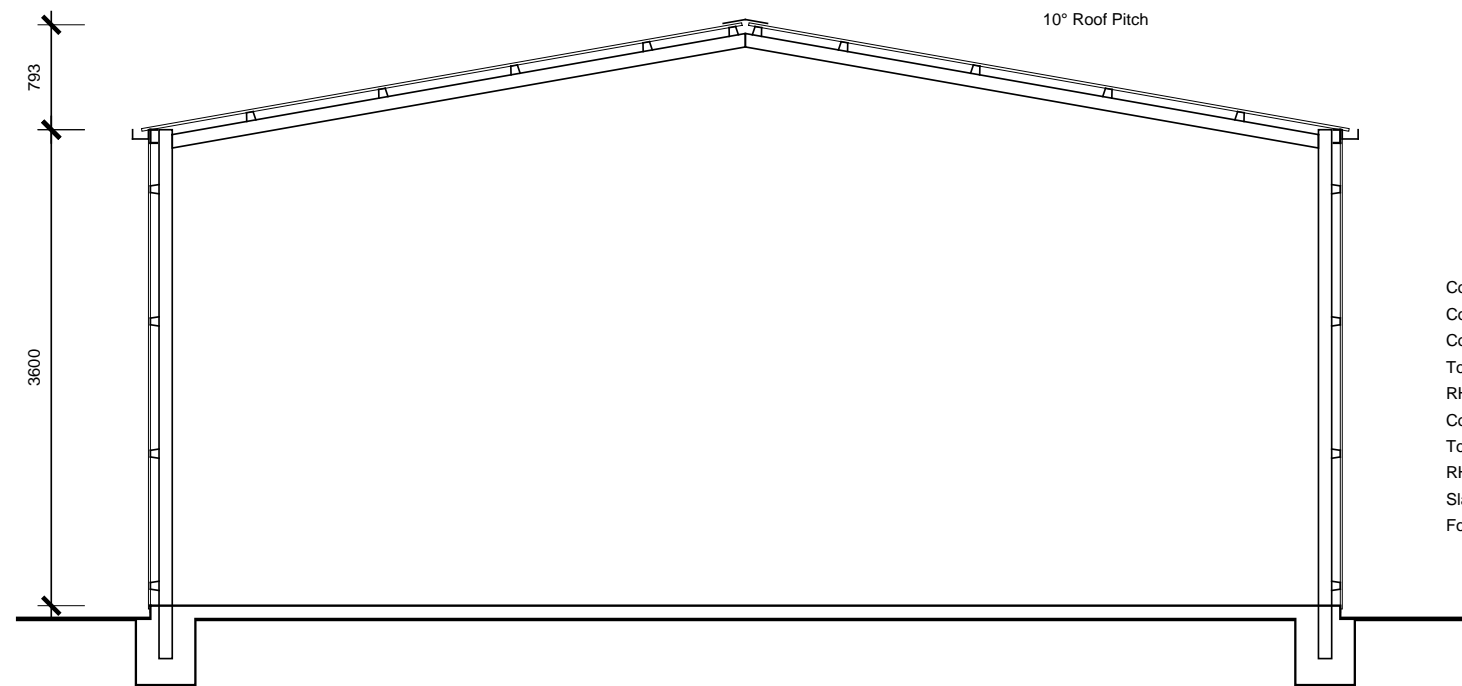
Approved by Client: _____ Date: ____ / ____ / ____

- Colour Coated Ridge Flashing (Colour to be Specified)
- Colour Coated Barge Flashing (Colour to be Specified)
- Colour Coated Corrugated Roof Cladding (Colour to be Specified)
- Colour Coated Quad Gutter (Colour to be Specified)
- Colour Coated Rolpanel Wall Cladding (Colour to be Specified)

 SAFETY STEEL STRUCTURES 34-50 NATHAN ROAD DANDENONG SOUTH VIC 3175 TELEPHONE (03)9706 7711 FACSIMILE (03)9706 7992	Issue Status:	Drawing Title: Elevations		
	Date: Nov 2022	Client: Martin Mizzi		
	Drawn: Michael Grech	Project: Proposed Garage		
	Checked:	Site:		
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	Plot Date: 25-Nov-22			Page: A3

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- Colour Coated Ridge Flashing (Colour to be Specified)
- Colour Coated Corrugated Roof Cladding (Colour to be Specified)
- Colour Coated Quad Gutter (Colour to be Specified)
- Tophat Purlins to Engineers Specification
- RHS Rafter to Engineers Specification
- Colour Coated Rolpanel Wall Cladding (Colour to be Specified)
- Tophat Girts to Engineers Specification
- RHS Columns to Engineers Specification
- Slab By Others to Engineers Specification
- Foundations to Engineers Specification

TYPICAL PORTAL SECTION
 Scale 1:50

Approved by Client: _____ Date: ____ / ____ / ____

 SAFETY STEEL STRUCTURES 34-50 NATHAN ROAD DANDENONG SOUTH VIC 3175 TELEPHONE (03)9706 7711 FACSIMILE (03)9706 7992	Issue Status:	Drawing Title: Sections			
	Date: Nov 2022	Client: Martin Mizzi			
	Drawn: Michael Grech	Project: Proposed Garage			
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Kalimnah Farm

90 and 94 Weatherly Road, Bolinda



Business Plan – Development of a Second Dwelling

PLN/2022/353

Date: February 2022

Report Rev: Rev A

Job Ref: 108-22

Prepared by: RF

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1. Introduction and Overview

This Business Plan has been prepared to accompany the response to Council’s Request for Further Information regarding PLN/2022/353 for the use and development of the land for a second dwelling at 90 Weatherly Road, Bolinda at Kalimnah Farm.

Kalimnah Farm is an existing, successful equine training operation (owned and operated by Martin Mizzi) which has called Bolinda home for over 20 years.

The focus of this Plan is to identify and further explain the proposal, and the need for the second dwelling to allow for expansion to the existing operation of the business to appropriately allay Council’s queries in relation to the appropriateness of the second dwelling within a Farming Zone and other considerations pursuant to the Macedon Ranges Planning Scheme.

The provision of a second dwelling at 94 Weatherly Road is a key part of the business plan to allow the continued successful operation of the business which provides substantial economic development and employment opportunities within the Macedon Ranges.

The proposal is well considered, and is an opportunity to fulfill a need to support a successful local business that operates internationally. Based on successful training regimes and effective land and animal management, Kalimnah Farm seeks to continue to evolve to meet equine industry standard and practice as it has done for over 20 years in Bolinda.

Given the nature and scale of the existing business, the characteristic of the Weatherly Road precinct, continued agricultural potential of the site land management practices, there is no negative impact to the agricultural viability of the site or surrounds. In fact, the extension to the commercial operation of the business will support the equine enterprise that already successfully occupies and manages the site, assisting Kalimnah Farm to successfully contribute to the sustainable viability of business and wider Macedon Ranges equine industry.



Figure 1 - Kalimnah Farm central accessway as seen from the subject site

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2. Existing Business Operations – Kalimnah Farm

Mr Martin Mizzi, owner and operator of Kalimnah Farm, has worked within the equine racing industry for over 30 years, including 25 years within the Macedon Ranges region and over 20 years at Kalimnah Farm on Weatherly Road, Bolinda.

Kalimnah Farm extends over 16.19 hectares, and incorporates two land parcels being:

- 90 Weatherly Road – 3.27ha
- 94 Weatherly Road – 12.92ha

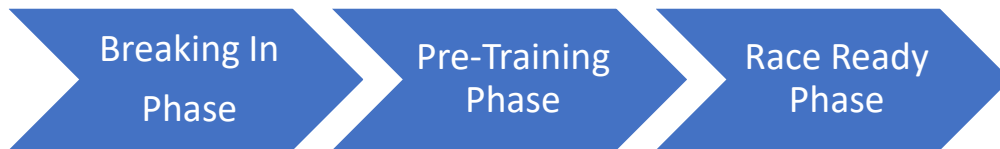
Whilst separate titles, they are intrinsically intertwined by the business operations which covers the wider site.

Kalimnah Farm is a well respected member of the equine industry, having bred, trained and produced a number of Group 1 Cup and Endurance Race Winners in both Australia and the Middle East for clients based in Qatar and the United Arab Emirates.

Career highlights include:

- Melbourne Cup and Cox Plate Race Winners
- Overseas wins including Muhammads Cup, Qatar Cup and Dubai Cup Race Winners
- Frequent overseas travel to Qatar and UAE for equine training, industry meetings and events as both a trainer and special guest

In season, approximately 25-30 horses call Kalimnah Farm home across various cycles being:



Furthermore, breeding of horses is undertaken on the property.

Specialising in endurance racing of Arabian Horses, Kalimnah Farm employs over 10 people at any given time, and in peak periods employs additional staff. Further, Mr Mizzi and the Kalimnah Farm team closely works with a number of industry specialists in regards to equine veterinary services, equine specialists (chiropractors, farriers, dentists etc), transport, mechanics, biosecurity, feed supply, as well as weed, pest and property maintenance.

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3. Development History – Kalimnah Farm

Purchasing the vacant site 25 years ago, Mr Mizzi has successfully undertaken significant works regarding the infrastructure and operations on the site seen today including:

- Erecting and maintaining boundary and internal fencing
- Development of shedding and buildings including horse stabling, training yards, horse yards, training tracks, site offices, associated machinery and storage sheds, bore, internal accessways and servicing infrastructure.
- Pasture management and ongoing weed and pest maintenance
- Landscaping and shelterbelt planting
- Maintaining the existing dwelling located on 90 Weatherly Road for the purpose of accommodate for trainers (and their families) employed by Kalimnah Farm
- Development of the Kalimnah Farm Homestead, being the dwelling and home office for Mr Mizzi and family located at 94 Weatherly Road

A conservative estimate regards an outlay of upwards of \$4m+ by Mr Mizzi on the business infrastructure benefitting the site today to support the successful operations of Kalimnah Farm over the last 28 years, not including day to day operational expenditure of the business.



Figure 2 - Existing stabling at Kalimnah Farm.

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Figure 3 - Kalimnah Farm Homestead.



Figure 4 - Kalimnah Farm paddocks and training track.

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4. Business Vision – Kalimnah Farm

Clients from the Middle East actively participate and view the training and breeding of their horses as undertaken by Mr Mizzi and Kalimnah Farm.

This includes travelling to Melbourne from the Middle East. Currently, Kalimnah Farm accommodate clients at cost within hotels within the Melbourne CBD, and organise transport and travel to and from the site each day. This is both inefficient and costly, and also diminishes the opportunities to develop stronger relationships with clients.

Due to the limitations of such an arrangement, clients travel to Australia for short periods of time for ‘business trips’ as opposed to longer term stays. However, there is a growing need and demand to provide suitable accommodation to allow clients to stay for extended periods of time which would align with the existing operation and opportunities of other large scale business operations.

To remediate this, Kalimnah Farm now seek to act on the business expansion plan to provide on-site dwelling accommodation to clients for continued, on-going accommodation.

The purpose of the dwelling is to allow Kalimnah clients, including family and children, to **live on site** for peak season inclusive of business associates, nannies, educators, personal chefs and/or spiritual leaders.

The dwelling will accommodate clients for up to a full 12 months of the year. In the event that clients are not residing in the dwelling, the dwelling will house employees of Kalimnah Farm much like the existing dwelling on site which has housed a trainer and family for the last 5+ years. It is important to note that the proposed accommodation is for longer term living, not short term business accommodation.

The development of the second dwelling to accommodate clientele and their families and business entourage will enable Kalimnah Farm to expand business operations.



Figure 5 - Approximate location of the proposed second dwelling on Kalimnah Farm.

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5. Proposed Business Expansion – Second Dwelling

The second dwelling on the lot (noting it is a third dwelling across the wider farming enterprise) includes:

- Four bedrooms, inclusive of one master suite
- Open Plan kitchen, dining and family room
- Bonus Rumpus, Lounge and Study Room
- 2.5 bathrooms and laundry

This dwelling will accommodate clients and their family (as well as business associates, nannies, educators, personal chefs and/or spiritual leaders) for up to 12 months of the year.

The dwelling is required as clients undertake active participation in the training and breeding of horses located at Kalimnah Farm and require suitable residential accommodation on-site to do so. As such, this proposal regards the extension to an existing, successful equine operation in the Farming Zone.

The siting of the proposed dwelling has been set aside for such a proposed use forming part of the original business plan which has been actioned over the last 20+ years on the site.

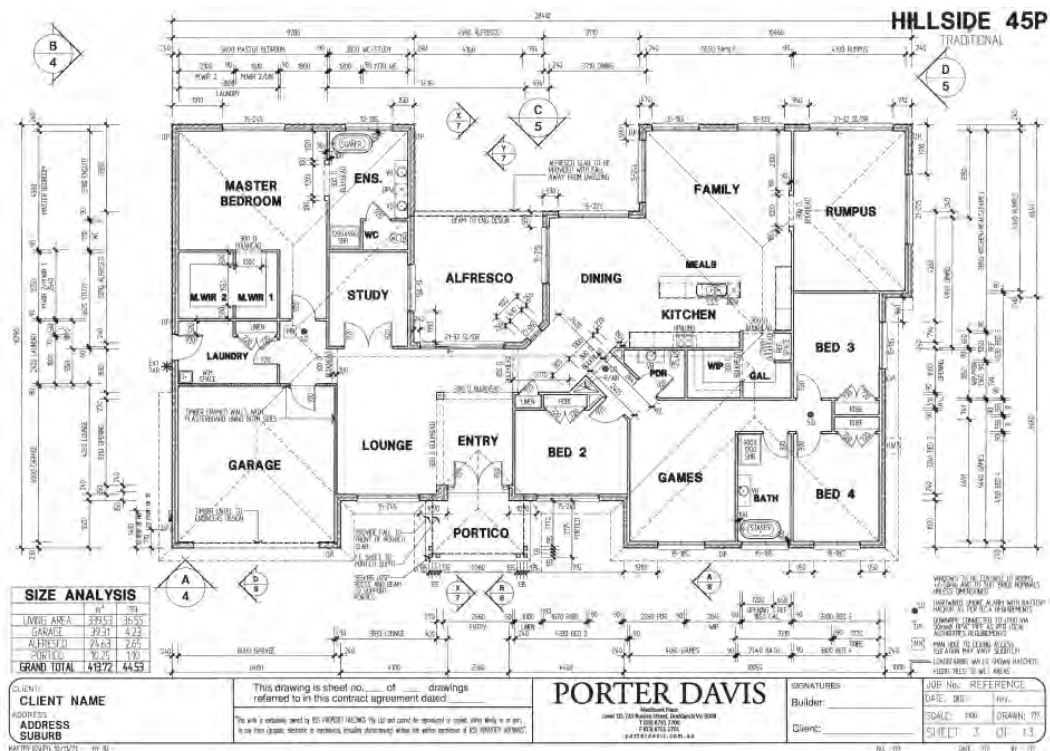


Figure 6 - Proposed Floor Plan.

Extensions to existing buildings are not appropriate to accommodate clients, families and business entourages for personal, business and religious reasons.

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 Additionally, an associated 24m x 9m outbuilding is proposed to be located within close proximity to



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the dwelling. The purpose of the outbuilding will be for storage associated with the proposed dwelling (vehicles etc), as well as agricultural activities associated with the business (trailers, floats, harnesses, gardening machinery etc).

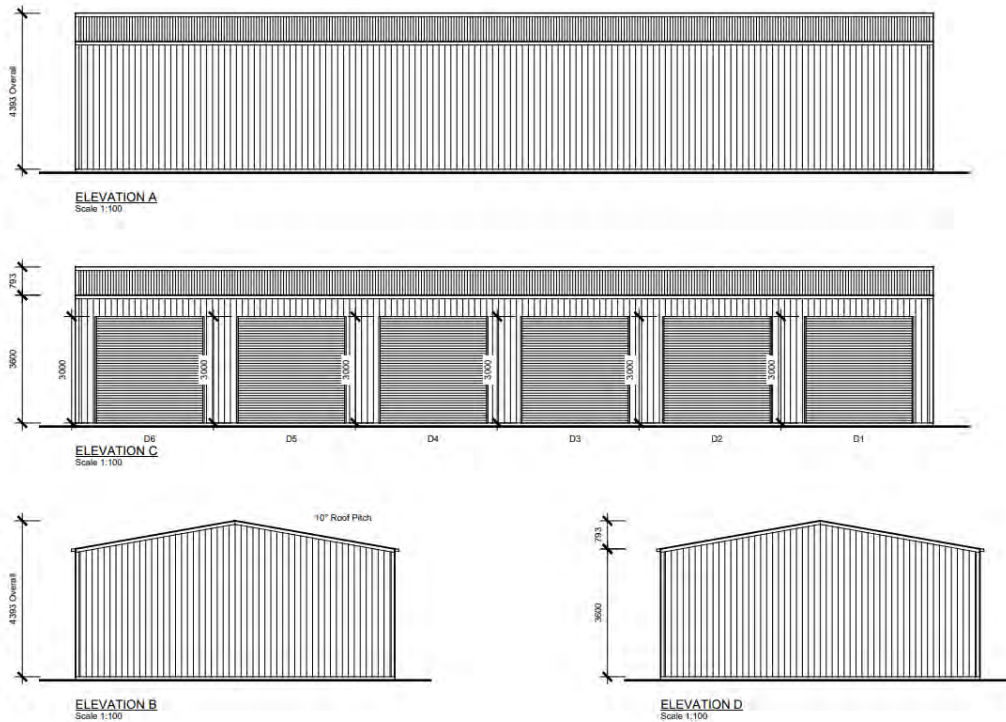


Figure 7 - Proposed elevations of the proposed outbuilding.

6. Supporting Continued Existing Operations

The proposed dwelling is an identified, appropriate business expansion required by Kalimnah Farm and will significantly support, compliment and assist the existing business operation on the site, being a fully commercial scale business within the equine industry.

The dwelling responds to a pressing commercial need to support the business, which both directly and indirectly provides various employment opportunities.

Onsite training and viewing is an integral part of the business operations and clientele of Kalimnah Farm, noting the value in assets (horses) and potential race winnings (income).

The development of a second dwelling on the lot will not alter the overall farm and business management practices, but will allow for an appropriate business expansion to support the existing on-site equine training specialist operation.

In essence, the development of land for a second dwelling is an ancillary element to the primary use of the wider site for Kalimnah Farm, being a successful equine operation.

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7. Development and Business Considerations

The location of the dwelling has been set aside as part of original business plans for over 20 years.

The front paddocks, where the dwelling is to be situated, has been set aside for future dwelling accommodation for clients as the location:

- Provides direct and individual access to/from Weatherly Road whilst not convoluting internal accessways associated with the other existing dwelling on the site
- Is within close proximity of internal access to key areas of the site including stabling, training yards etc ensuring that built form is generally located within the same area of the site
- Is generally flat, and canopy tree coverage is to be impacted
- Has no specific bushfire or erosion risk, is not located in an area infested by weed species and will not impact on any valued natural systems
- Allows for construction that will not impact on the day-to-day operations of the business, impact on the health and wellbeing of horses, or adversely interrupt the wider surrounds
- The dwelling will be appropriately set back from property boundaries, other farming operations or dwellings to reduce adverse impacts to other uses
- Allows for visibility and passive surveillance opportunities to the public realm

Extensions to the existing dwelling are not an appropriate outcome for long term residents. The existing dwelling is home to an existing trainer and family, whilst clients require a separate dwelling for religious, spiritual and operational reasons.

Overall, the additional dwelling and business expansion will not impact on the agricultural viability of the site, and will support the existing business enterprise (horse husbandry) and training, breeding, monitoring and emergency care of the horses trained on site. Additionally, residents will assist in wider property maintenance and both directly and indirectly add to the economy of the Macedon Ranges and wider surrounds.

In short, the proposed dwelling is an identified, pressing commercial need to support the existing, successful equine operation that has been based at the site for over 20 years.

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8. Masterplan



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9. Conclusion

The proposed second dwelling is a well considered, ancillary element to Kalimnah Farm. The existing equine enterprise has an exemplary history in the equine industry, and the business owners have spent considerably on development and infrastructure for the site, and also call the site home.

The need for the second dwelling has been determined through the contents of this report, and has formed part of a wider business plan for over 20 years to continue to expand and grow as a local business that plays its part within the local employment sector, economic and tourism markets of the municipality.

The business seeks for a residential dwelling to continue to support the overall business, both now and into the future to respond to a required business need.

The topography of the land and natural features do not overly restrict the siting of the proposed dwelling, which has allowed the location of the dwelling to be carefully considered to minimise any real or perceived offsite amenity impacts.

Given the nature of the land and the Farming Zone in which it sits, the characteristics of the Weatherly Road precinct, the scale of the existing successful business, the agricultural potential of the property, and the need for the dwelling to support the existing business, there is no foreseen negative impact to the agricultural viability of the land or the surrounds or the environment— both now and into the future.

To the contrary, the development of the second dwelling will make a significant contribution to the overall viability and sustainability of the existing equine (horse husbandry) business. Additionally and importantly, direct and indirect benefits to the wider Macedon Ranges economy, employment sector and tourism markets are envisaged.

TOWN PLANNING PEOPLE [ABN 48590943290].

TOWNPLANNINGPEOPLE.COM.AU

ADMIN@TOWNPLANNINGPEOPLE.COM.AU