

## 5.7 Use and development of a dwelling - 245 Simpson Road, Iona

**Responsible GM:** Lili Rosic  
**Author:** Tim Heffernan

### Recommendation(s)

That Council resolve to issue a Notice of Decision to Refuse to Grant a Permit for Planning Permit Application T220833 for Use and development of a dwelling on the following grounds:

1. The proposal is inconsistent with Planning Policy Framework and Local Planning Policy Framework, that seeks to discourage non-agricultural and non-soil-based uses that are established on soil of high agricultural valued land, specifically:
  - a. Clause 14.01-1S - Protection of Agricultural Land;
  - b. Clause 14.01-1R - Protection of Agricultural Land – Metropolitan Melbourne;
  - c. Clause 14.01-2S - Sustainable Agricultural Land Use;
  - d. Clause 21.04-2 – Agriculture; and
  - e. Clause 22.05 – Western Port Green Wedge, and particularly Precinct 1.
2. The proposal is inconsistent with the purposes and decision guidelines of the Special Use Zone – Schedule 1.
3. The proposal is contrary to Clause 51.02 - Metropolitan Green Wedge Land: Core Planning Provisions.
4. The proposal does not comply with the relevant considerations of Clause 65 and the orderly planning of the area.

### Attachments

1. T220833 Locality Map [5.7.1 - 1 page]
2. T220833 Development Plans [5.7.2 - 10 pages]
3. T220833 Delegate Report (2) [5.7.3 - 16 pages]

<b>APPLICATION NO.:</b>	T220833
<b>APPLICANT:</b>	Madeleine Heard Hotondo Homes
<b>LAND:</b>	245 Simpson Road, Iona VIC 3815 Lot 1 TP611732 V8208 F242
<b>PROPOSAL:</b>	Use and development of a dwelling

<b>PLANNING CONTROLS:</b>	<b>Zone:</b> Special Use Zone Schedule 1 (SUZ1) <b>Overlay:</b> Land Subject to Inundation Overlay (LSIO)
<b>NOTIFICATION &amp; OBJECTIONS:</b>	Pursuant to Section 52 of the Planning and Environmental Act, the application was advertised by sending notices in the mail to nearby property owners and placement of signage on site.  No objections received.
<b>KEY PLANNING CONSIDERATIONS:</b>	Inconsistent with Special Use Zone provisions. The land use does <u>not</u> utilise the high-quality soils to their highest capacity. The proposed dwelling is not reasonably required. The proposal is not responsive to Western Port Green Wedge Policy (Clause 22.05). The proposed dwelling would not support and enhance agricultural production. Potential for land use conflicts – ‘right to farm’ impeded.
<b>RECOMMENDATION:</b>	Notice of Decision to Refuse to Grant a Permit

### Executive Summary

Planning permission is sought for the use and development of the land for a single storey dwelling, comprising 4 bedrooms, 2 bathrooms, 2 living areas, double garage and alfresco area.

The subject site comprises of approximately 41.16 hectares of highly productive agricultural land.

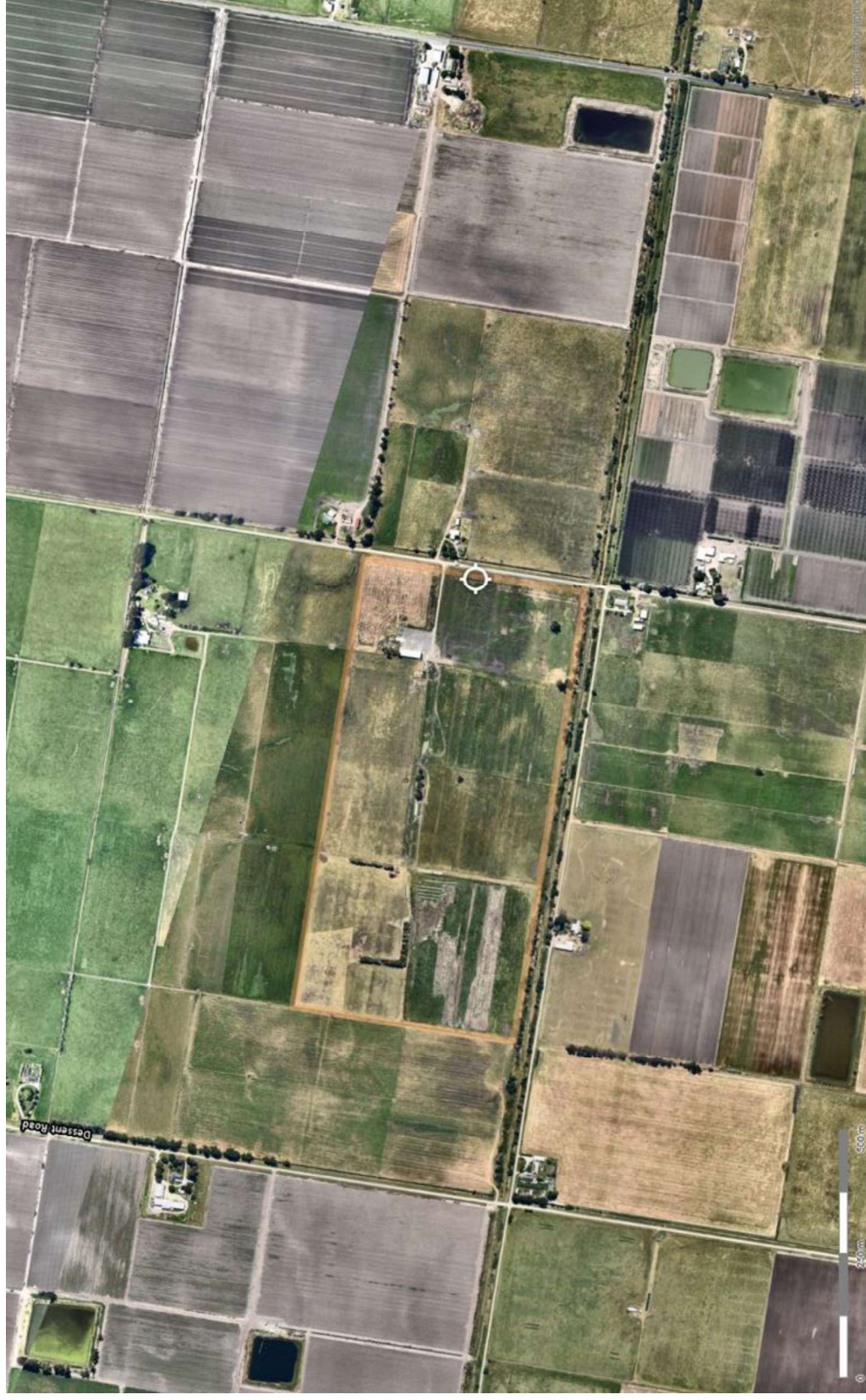
The property currently houses an agricultural shed, 80 head of beef cattle and fodder conservation in the form of hay and silage. It is contended by the applicants that the dwelling is required to enable more appropriate management of the onsite beef cattle, hay and silage production. This was not expanded upon.

Council has considered the purposes of the Special Use Zone Schedule 1 (Horticultural Preservation) and Western Port Green Wedge Policy set out in Clause 22.05. The onus is on applicants to justify the needs of a dwelling. In this instance, the proposed dwelling is not required in order to support cattle on site with the dwelling also fragmentating the land and causing a notable loss in productive agricultural land.

### Relevance to Council Plan

#### 5.1 We practise responsible leadership

##### 5.1.1 Build trust through meaningful community engagement and transparent decision-making.





ARTIST IMPRESSION REPRESENTED IN 3D IMAGE ARE FOR ILLUSTRATIVE PURPOSES ONLY. SUBSEQUENT DOCUMENTATION TAKES PRECEDENCE

**SHEET LIST - PHOENIX**

SHEET NUMBER	SHEET NAME
00	COVER PAGE
01	SITE PLAN
01A	SITE PLAN SURVEY
01B	SLAB PLAN
02	FLOOR PLAN
02A	FLOOR PLAN
02B	FLOOR PLAN
03A	ELEVATIONS
03B	ELEVATIONS
04	SECTION
05	ELECTRICAL PLANS
06	KITCHEN / PANTRY
07	BATHROOM / ENSUITE
08	LAUNDRY / WC
09	WIR / LINEN / ROBE
10	MUDROOM

**SPECIFICATIONS**

**GENERAL**

- IT IS RESPONSIBILITY OF BUILDER TO VERIFY ALL DOCUMENTS AS TO THEIR ACCURACY AND SUFFICIENCY.  
- STAND TO BE READ IN CONJUNCTION WITH ENGINEER'S DETAILS WHERE APPLICABLE.  
- BCA - BUILDING CODE OF AUSTRALIA - VOLUME 2 - HOUSING PROVISIONS

**STATUTORY REQUIREMENTS**

- ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE BCA CONDITIONS IMPOSED BY LOCAL AUTHORITY & COMMITMENTS NOTED IN RELEVANT GRANTS FOR CERTIFICATE.  
- THE BUILDER IS TO COMPLY WITH REQUIREMENTS OF ALL LEGALLY CONSTITUTED AUTHORITIES HAVING JURISDICTION OVER BUILDING WORKS AND PROVISIONS OF THE HOME BUILDING ACT.  
- BUILDER SHALL PROVIDE TEMPORARY TOILET FACILITIES FOR THE USE OF THE SUBCONTRACTORS

**BCA REQUIREMENTS**

- ALL EARTHWORKS SHALL BE IN ACCORDANCE WITH ENGINEER'S DETAILS & PART 3.1.1 OF BCA. ALL EXCAVATIONS & UNDERGROUND SHALL BE IN ACCORDANCE WITH ENGINEER'S DETAILS & PART 3.2.2 OF BCA.  
- PRIMARY BUILDING ELEMENTS TO BE PROTECTED FROM SUBTERRANEAN TERMITES IN ACCORDANCE WITH PART 3.1.4 OF BCA.  
- PROVIDE ADEQUATE CROSS VENTILATION TO SPACE UNDER SUPPLEMENTED GROUND FLOORS IN ACCORDANCE WITH PART 3.4.1 OF BCA.  
- STORMWATER DRAINAGE SHALL BE CARRIED OUT IN ACCORDANCE WITH PART 3.1.1 OF BCA & AUNZS3000.3.  
- ALL TIMBER FRAMED WORK SHALL COMPLY WITH PART 3.4.3 OF BCA OR AS1684.  
- ROOF TRUSSES SHALL BE DESIGNED IN ACCORDANCE WITH AS1720 & INSTALLED IN ACCORDANCE TO MANUFACTURER'S SPECIFICATIONS.  
- STAIR & SHELTER FLOORING SHALL BE INSTALLED IN ACCORDANCE WITH AS1684.  
- STEEL FRAMING SHALL BE IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS & PART 3.4.2 OF BCA.  
- ALL ROOF CLADDING SHALL COMPLY WITH PART 3.5 OF BCA & BE INSTALLED IN ACCORDANCE TO MANUFACTURER'S SPECIFICATIONS.  
- CUTTERS & DOWNPIPES SHALL BE IN ACCORDANCE WITH PART 3.5.3 OF BCA.  
- DOWNPIPE LOCATION IS FOR INDICATIVE PURPOSES ONLY AND WILL BE INSTALLED AT PLUMBER'S DISCRETION TO AS4773 OR AS3700.  
- PLUMBING WRAP & SAMPING SHALL COMPLY WITH AS/NZS4200.1 & 2.  
- FLASHING SHALL COMPLY WITH EITHER AS4773 OR AS3700.  
- CLAY BRICK WORK SHALL COMPLY WITH EITHER AS4773 OR AS3700.  
- CONCRETE BLOCK WORK SHALL BE CONSTRUCTED IN ACCORDANCE WITH EITHER AS4773 OR AS3700.  
- AUTOCALCULATED & PRECAST CONCRETE PRODUCTS SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.  
- DAMP PROOF COURSES & CAVITY VENTILATION SHALL COMPLY WITH EITHER AS4773 OR AS3700.  
- MORTAR & JOINT TOLERANCES SHALL BE IN ACCORDANCE WITH EITHER AS4773 OR AS3700.  
- MASONRY ACCESSORIES SHALL COMPLY WITH EITHER AS4773 OR AS3700.  
- APPROPRIATE TIES SHALL BE PROVIDED TO ANCHOR MASONRY JOINTS.  
- UNITS USED TO SUPPORT BRICKWORK OVER OPENINGS & BE PROTECTED FROM CORROSION SHALL COMPLY WITH EITHER AS4773 OR AS3700.  
- ENGAGED PIERS IN SINGLE LEAF MASONRY WALLS SHALL BE CONSTRUCTED IN ACCORDANCE WITH EITHER AS4773 OR AS3700.  
- INTERNAL WET AREAS & BALCONIES OVER HABITABLE ROOMS TO BE WATERPROOFED IN ACCORDANCE WITH PART 3.8.1 OF BCA. WET AREA WALL LINING TO BE FIRED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.  
- ALL TIMBER DOORS & DOORSETS SHALL BE MANUFACTURED IN ACCORDANCE WITH AS2888 & AS2889 UNLESS NOTED OTHERWISE IN THE SCHEDULE OF WORKS.  
- WINDOWS & DOORS SHALL BE MANUFACTURED & INSTALLED IN ACCORDANCE WITH AS 2047.  
- PROTECTION OF DRINKING WINDOWS IN ACCORDANCE WITH CLAUSE 3.9.2.6 OF BCA.  
- ALL GLAZING SHALL COMPLY WITH PART 3.6 OF BCA.  
- SINGLE HANDS TO THE GLASS DOORS AND WINDOWS IN ACCORDANCE WITH CLAUSE 3.6.4.6 OF THE BCA 2019.  
- STAIR & RAMP CONSTRUCTION SHALL BE IN ACCORDANCE WITH PART 3.9.1 OF BCA.  
- BALUSTRADES SHALL BE IN ACCORDANCE WITH PART 3.9.2 OF BCA.  
- HANDRAIL FOR FULL FLIGHT OF STAIRS IN ACCORDANCE WITH 3.9.2.4 OF THE BCA.  
- ALL PLUMBING SHALL COMPLY WITH REQUIREMENTS OF RELEVANT SUPPLY AUTHORITY & AS3800 & BE CARRIED OUT BY A LICENSED PLUMBER.  
- ALL ELECTRICAL WORK SHALL COMPLY WITH REQUIREMENTS OF RELEVANT SUPPLY AUTHORITY & AS3000 & BE CARRIED OUT BY A LICENSED ELECTRICIAN.  
- ALL GAS INSTALLATIONS SHALL COMPLY WITH REQUIREMENTS OF RELEVANT SUPPLY AUTHORITY & BE CARRIED OUT BY A LICENSED GAS FITTER.  
- PROVIDE & INSTALL HARD WIRED INTERCONNECTED SMOKE ALARMS IN ACCORDANCE WITH AS3786 & CLAUSE 3.7.5.2 OF THE BCA.  
- INSTALLATION OF WALL & FLOOR TILES SHALL BE IN ACCORDANCE WITH AS3801.  
- BUILDING TO BE SEALED TO THE REQUIREMENTS OF PART 3.12.3 OF BCA, INCLUDING CHIMNEYS, RIDGES, ROOF LIGHTS, EXTERNAL WINDOWS & DOORS, EXHAUST FANS, ROOF WALLS & ROOFS.  
- SERVICES ARE TO BE INSTALLED TO THE REQUIREMENTS OF 3.12.5 OF BCA, INCLUDING HOT WATER SUPPLY, ISOLATION OF SERVICES, CENTRAL HEATING WATER PIPING, HEATING & COOLING OUTSIDEWORK.  
- MECHANICAL VENTILATION IS TO BE INSTALLED IN ACCORDANCE WITH PART 3.8.5 OF BCA.  
- INWARD DRIVING WIND DOORS ARE TO BE FITTED WITH LIFT OFF HINGES TO COMPLY WITH PART 3.8.5.1 OF BCA.  
- METHOD OF TREATMENT: TREATING THE GARAGE ON THE BOUNDARY IN ACCORDANCE WITH AS3601 (TREATMENT IN PHYSICAL BARRIER).  
- PLUMBING BUILDING MEMBRANE INSTALLED IN EXTERNAL WALLS TO BE A VAPOUR PERMEABLE TYPE, COMPLY WITH AS/NZS4686.1 AND BE INSTALLED AS PER AS/NZS4686.2.  
- EXHAUST SYSTEMS (THIS INCLUDES TASTIC LIGHT & VENT COMBO TYPE FANS) TO DISCHARGE TO OUTSIDE AIR AS PER PART 3.8.7.2 OF NCC 2019.  
- EXHAUST SYSTEM FLOW RATE IN ACCORDANCE WITH NCC 2019 CLAUSE 3.8.7.3.  
- 25 l/s FOR A BATHROOM/BATHROOM COMPARTMENT.  
- 40 l/s FOR A LAUNDRY/KITCHEN.  
- EXTERNAL DOORS AND OPENABLE WINDOWS IN CONDITIONED SPACES TO BE SEALED TO RESTRICT AIR INTRUSION AS PER PART 3.12.4 OF NCC 2019.  
- ANTI PONDING ROADS TO ROOF AS PER NCC CLAUSE 3.5.2.2 DUE TO NO FAVES.  
- GUTTERLIGHT EXTERNAL WALL CLADDING CLEARANCE TO THE GROUND TO BE IN ACCORDANCE WITH BCA 2019, VOL. 2, PART 3.5.4.7.  
- SUPERSEDES TO STAND IN ACCORDANCE WITH BCA 2019, VOL. 2, PART 3.9.1.4 AND TABLE 3.9.1.3 AND AS4586.

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BUILDER:  
Checker  
Designer

CONTRACTOR MUST VERIFY ALL DIMENSIONS AND LEVELS AT THE JOB PRIOR TO COMMENCING ANY WORK OR MAKING ANY SHOP DRAWINGS.  
DO NOT SCALE DRAWINGS.  
ALWAYS USE WRITTEN DIMENSIONS.  
ALL WRITTEN DIMENSIONS IN THIS DRAWING ARE NOMINAL ONLY.

REV.	DESCRIPTION	INITIAL	DATE

HOTONDO HOMES  
**FOREVER  
SANCTUARY**  
- Dream part of the family -



JOB ADDRESS:  
LOT 245 SIMPSON ROAD, LONA

DRAWN BY: VL

21-06-23 9:57:19 PM

SCALE:

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REV: -

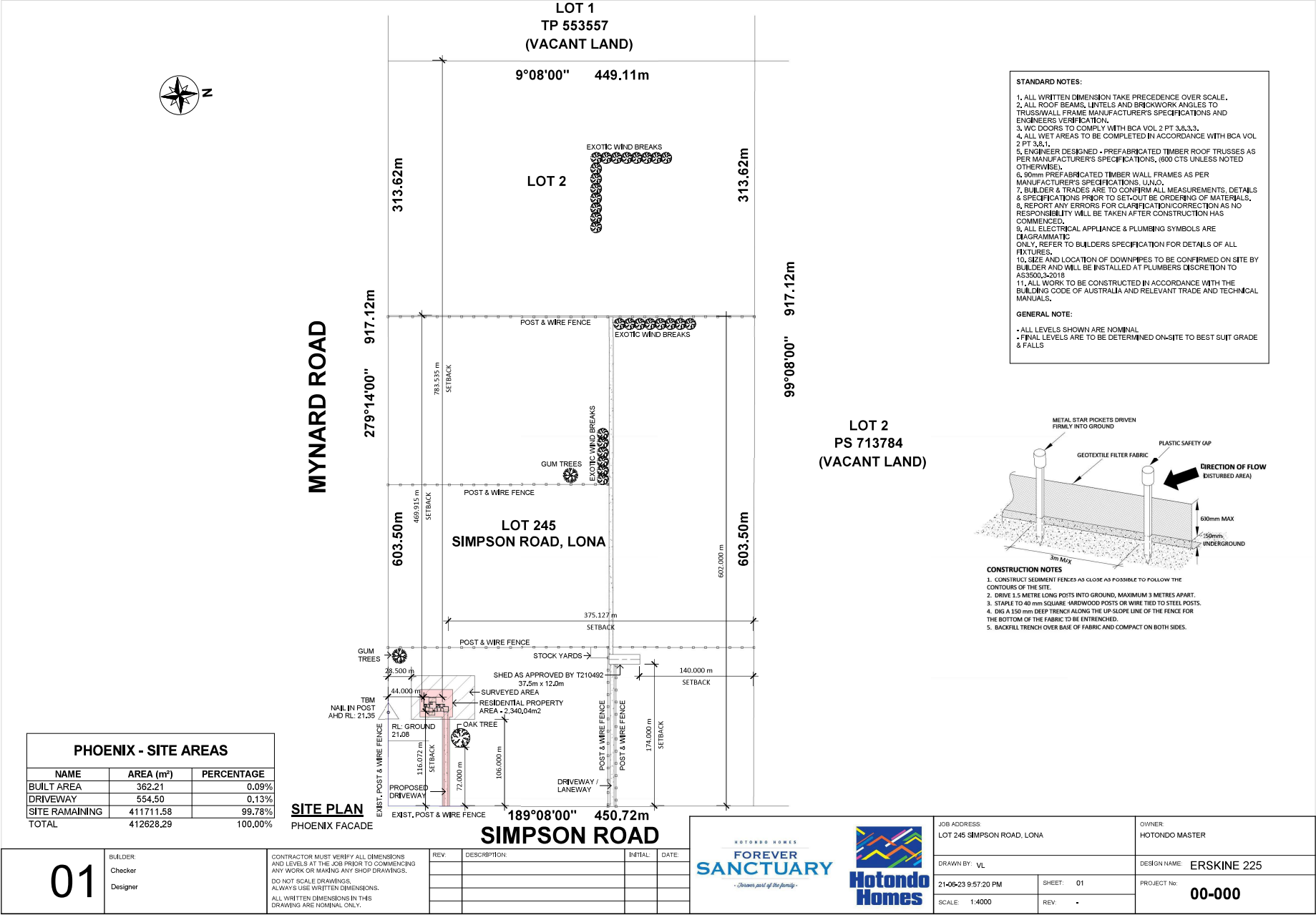
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HOTONDO MASTER

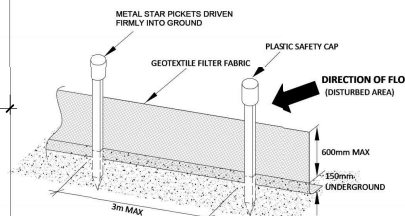
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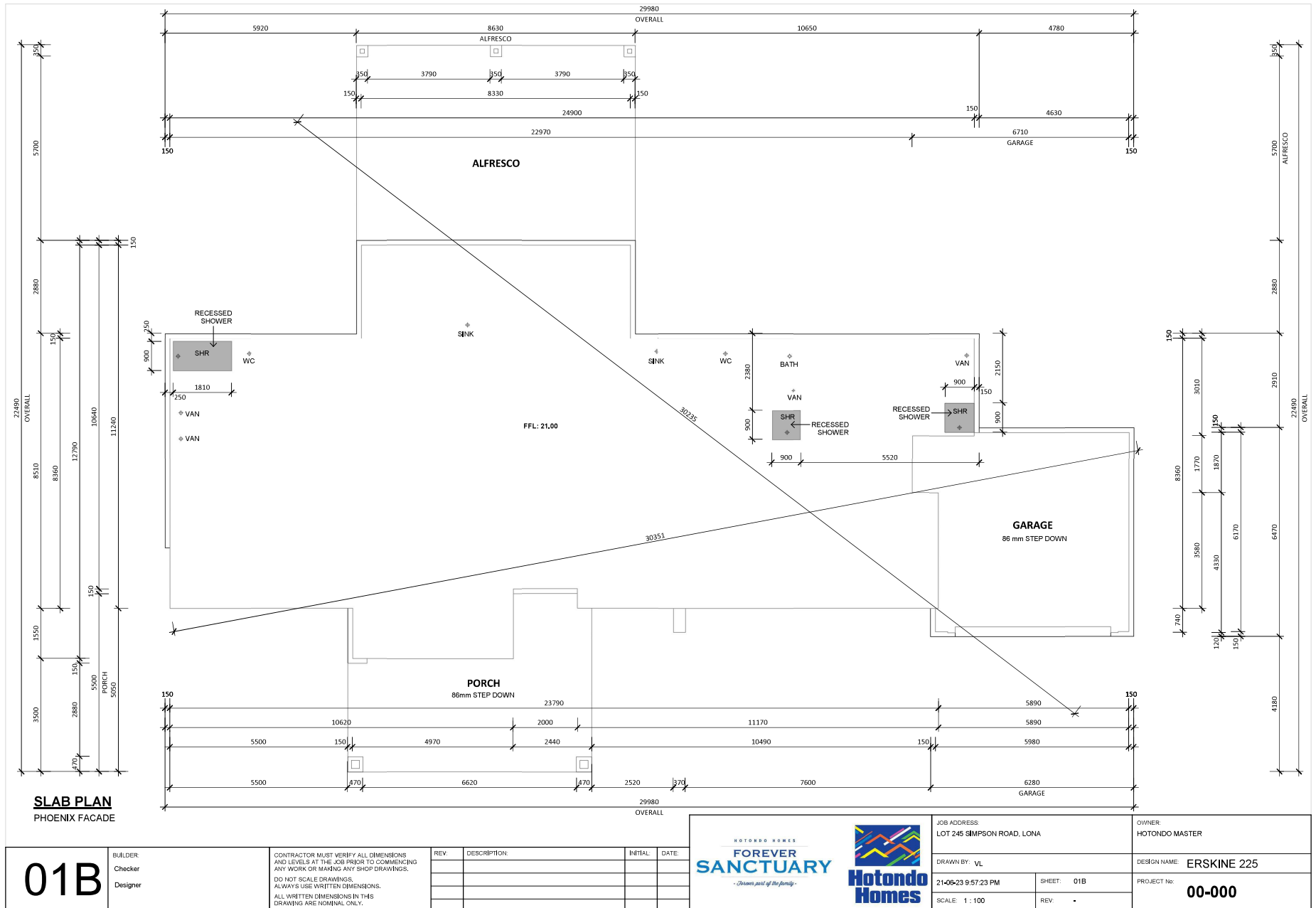


PHOENIX - SITE AREAS		
NAME	AREA (m²)	PERCENTAGE
BUILT AREA	362.21	0.09%
DRIVEWAY	554.50	0.13%
SITE REMAINING	411711.58	99.78%
TOTAL	412628.29	100.00%

**SITE PLAN**  
PHOENIX FACADE

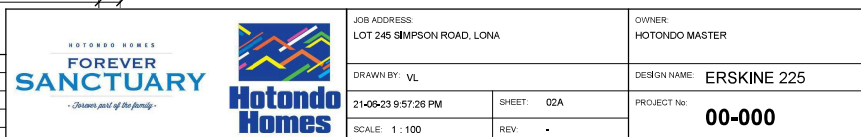
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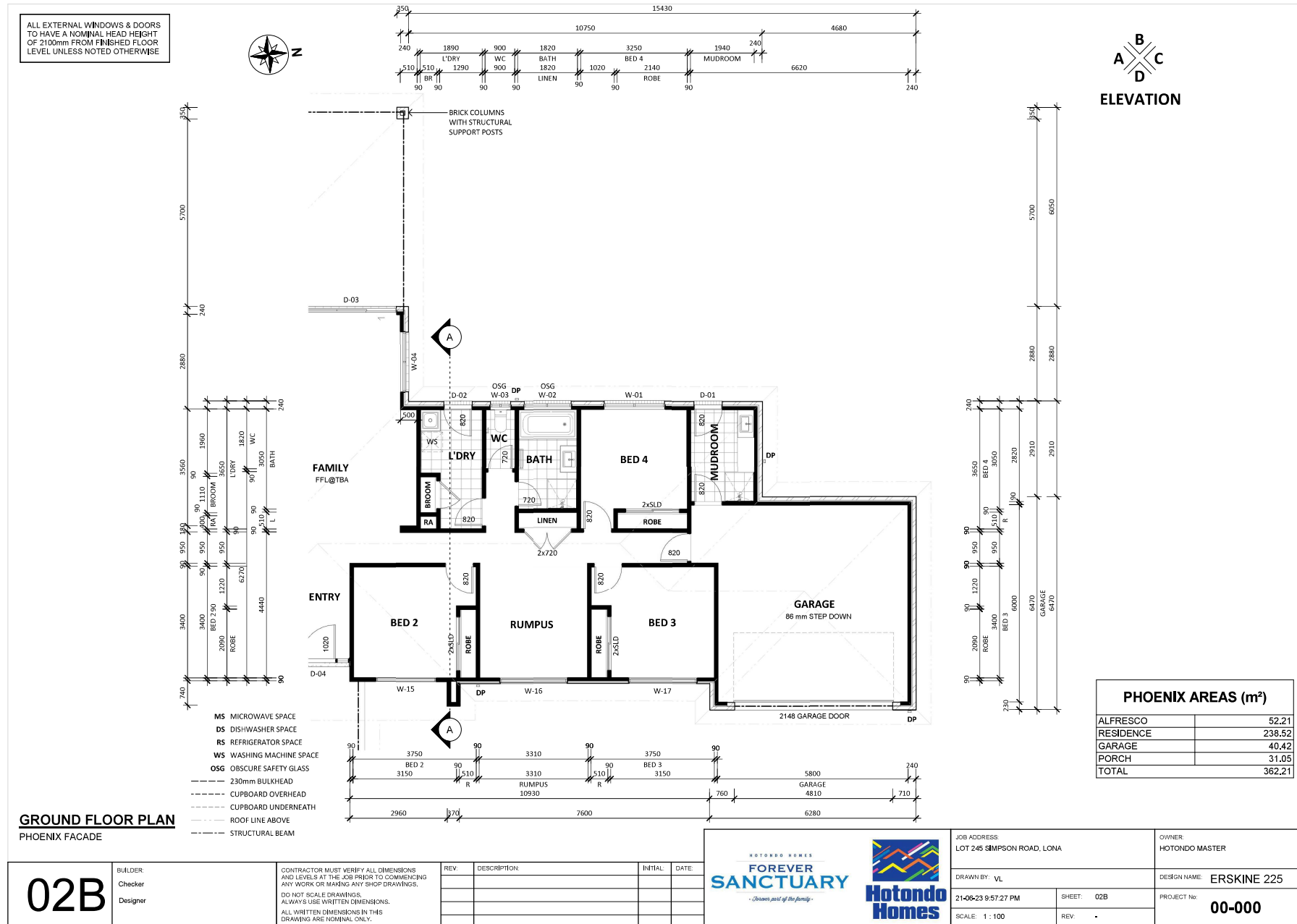
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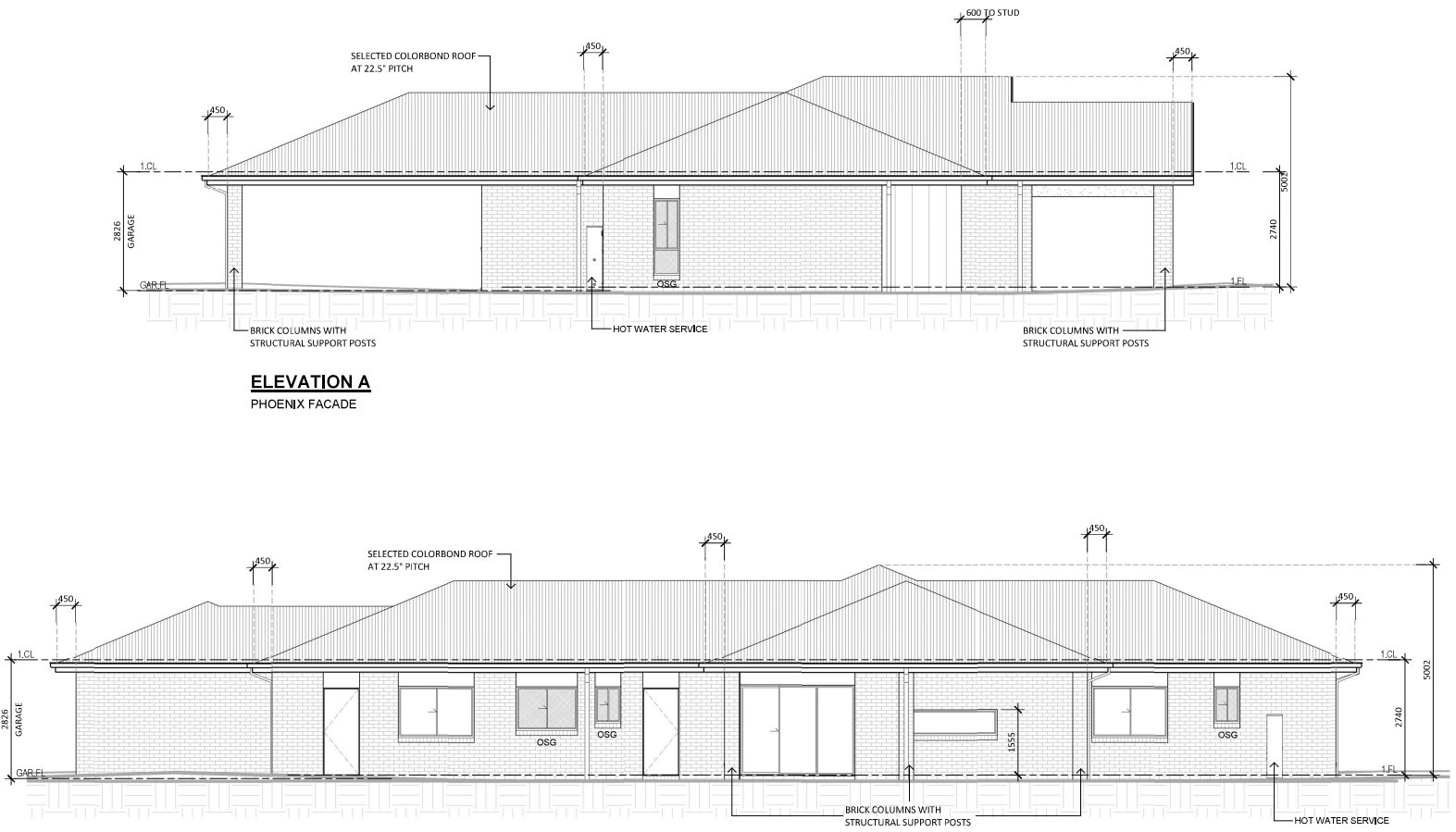









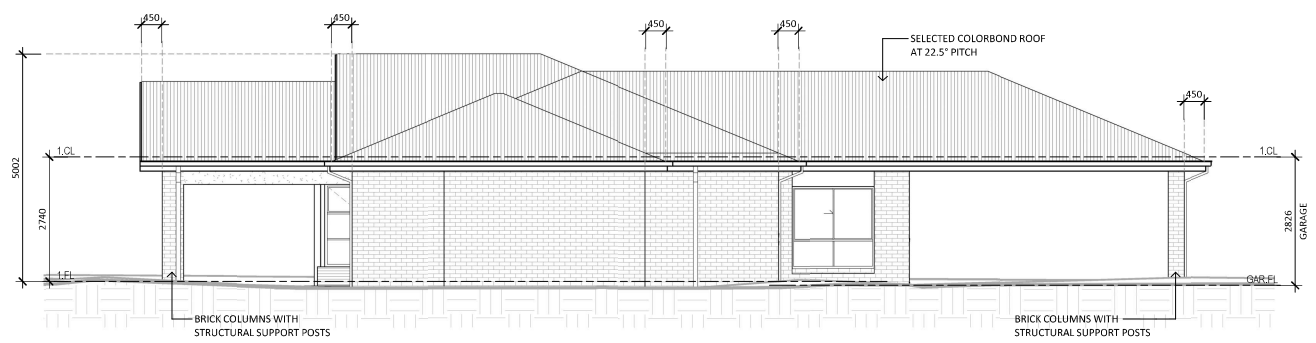




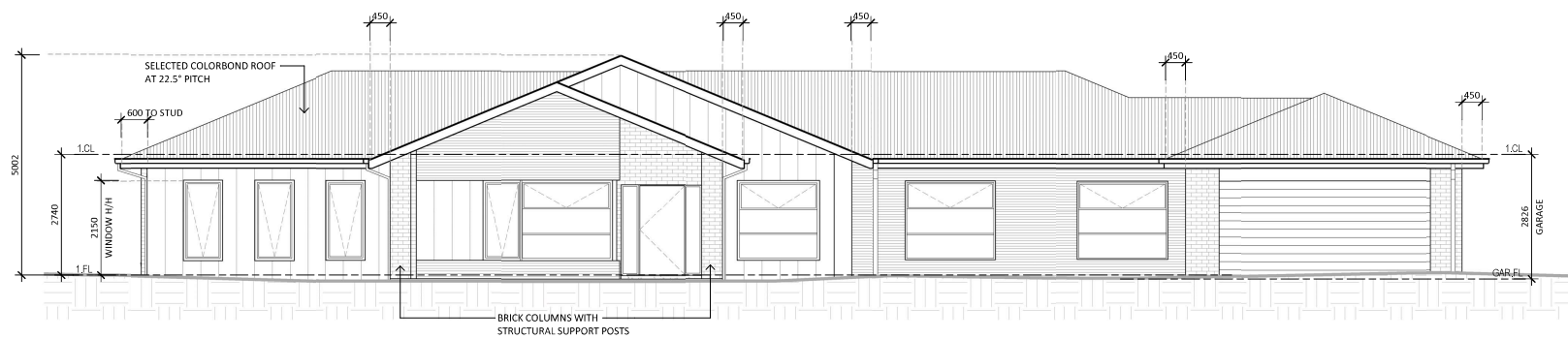
- LEGEND**  
Refer to detailed single page specification document for full facade details
- SELECTED FACE BRICK
  - SELECTED RENDER FINISH
  - SELECTED ROOF TILE AT 22.5° PITCH
  - SELECTED METAL ROOF AT 22.5° PITCH
  - JAMES HARDIE HARDIPLANK SMOOTH 230
  - JAMES HARDIE AXON 133
  - JAMES HARDIE STRIA 405
  - JAMES HARDIE MATRIX
  - HORIZONTAL TIMBER BOARDS
- FRONT ENTRY DOOR TO FACADE SPECIFICATION
  - BRICKWORK ABOVE FRONT ENTRY DOOR & WINDOWS UNLESS NOTED OTHERWISE
  - GARAGE DOOR TO FACADE SPECIFICATION
  - IN FILL ABOVE GARAGE DOOR TO FACADE SPECIFICATION
  - SELECTED ALUMINIUM WINDOWS TO FACADE SPECIFICATION
  - SELECTED METAL PARAPET CAPPING WHERE REQUIRED
  - COLORBOND FASCIA & GUTTER

ALL GROUND FLOOR EXTERNAL WINDOWS & DOORS TO HAVE A NOMINAL HEAD HEIGHT OF 2100mm FROM FINISHED FLOOR LEVEL UNLESS NOTED OTHERWISE

03A	BUILDER	CONTRACTOR MUST VERIFY ALL DIMENSIONS AND LEVELS AT THE JOB PRIOR TO COMMENCING ANY WORK OR MAKING ANY SHOP DRAWINGS. DO NOT SCALE DRAWINGS. ALWAYS USE WRITTEN DIMENSIONS. ALL WRITTEN DIMENSIONS IN THIS DRAWING ARE NOMINAL ONLY.	REV.	DESCRIPTION	INITIAL	DATE	<div><div><div>HOTONDO HOMES</div><div>FOREVER SANCTUARY</div><div><i>• Dream part of the family •</i></div></div><div></div></div>	JOB ADDRESS LOT 245 SIMPSON ROAD, LONA		OWNER HOTONDO MASTER		
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











**ELEVATION C**  
PHOENIX FACADE





**ELEVATION D**  
PHOENIX FACADE

**LEGEND**

Refer to detailed single page specification document for full facade details

-  SELECTED FACE BRICK
-  SELECTED RENDER FINISH
-  SELECTED ROOF TILE AT 22.5° PITCH
-  SELECTED METAL ROOF AT 22.5° PITCH
-  JAMES HARDIE HARDPLANK SMOOTH 230
-  JAMES HARDIE AXON 133
-  JAMES HARDIE STRIA 405
-  JAMES HARDIE MATRIX
-  HORIZONTAL TIMBER BOARDS
-  FRONT ENTRY DOOR TO FACADE SPECIFICATION
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-  GARAGE DOOR TO FACADE SPECIFICATION
-  IN FILL ABOVE GARAGE DOOR TO FACADE SPECIFICATION
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-  COLORBOND FASCIA & GUTTER

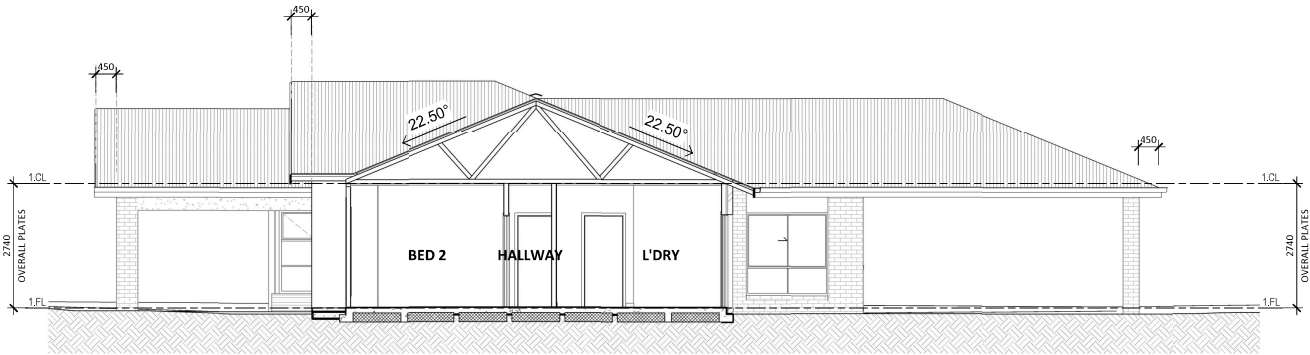
ALL GROUND FLOOR EXTERNAL WINDOWS & DOORS TO HAVE A NOMINAL HEAD HEIGHT OF 2100mm FROM FINISHED FLOOR LEVEL UNLESS NOTED OTHERWISE

03B	BUILDER:	CONTRACTOR MUST VERIFY ALL DIMENSIONS AND LEVELS AT THE JOB PRIOR TO COMMENCING ANY WORK OR MAKING ANY SHOP DRAWINGS. DO NOT SCALE DRAWINGS. ALWAYS USE WRITTEN DIMENSIONS. ALL WRITTEN DIMENSIONS IN THIS DRAWING ARE NOMINAL ONLY.	REV.	DESCRIPTION	INITIAL	DATE	 	JOB ADDRESS:	LOT 245 SIMPSON ROAD, LONA	OWNER:	HOTONDO MASTER
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	Designer							21-06-23 9:57:30 PM		PROJECT No:	
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WINDOW SCHEDULE - PHOENIX				
ID	HEIGHT (mm)	WIDTH (mm)	DESCRIPTION	AREA (m²)
W-01	1200	1810	SLIDING WINDOW	2.17
W-02	1029	1450	SLIDING WINDOW	1.49
W-03	857	610	SLIDING WINDOW	0.52
W-04	1800	1810	SLIDING WINDOW	3.26
W-05	600	2100	SERVERY WINDOW	1.26
W-06	1200	1810	SLIDING WINDOW	2.17
W-07	857	610	SLIDING WINDOW	0.52
W-08	1800	610	SLIDING WINDOW	1.10
W-09	1800	850	AWNING WINDOW	1.53
W-10	1800	850	AWNING WINDOW	1.53
W-11	1800	850	AWNING WINDOW	1.53
W-12	1800	850	AWNING WINDOW	1.53
W-13	1800	2050	AWNING WINDOW	3.69
W-14	1800	1450	AWNING WINDOW	2.61
W-15	1800	1810	AWNING WINDOW	3.26
W-16	1800	2050	AWNING WINDOW	3.69
W-17	1800	2050	AWNING WINDOW	3.69
D-01	2040	820	SWING DOOR	1.67
D-02	2064	860	SWING DOOR	1.78
D-03	2140	2724	SLIDING DOOR	5.83
D-04	2064	1060	SWING DOOR	2.19

- LEGEND**
- REFER TO APPROVED BUILDING PERMIT DRAWINGS FOR ALL FINAL SPECIFICATIONS
- ROOF TRUSSES AT 22.5° TO MANUFACTURERS SPECIFICATION
  - SELECTED TILE ROOF ON BATTENS
  - SELECTED COLORBOND FASCIA & GUTTER
  - NO EAVE OVERHANG UNLESS NOTED OTHERWISE
  - CONCRETE SLAB TO ENGINEERS SPECIFICATION
  - PLASTERBOARD LINING TO ALL CEILINGS AND WALLS
  - UPPER STOREY FLOOR JOISTS (WHERE APPLICABLE) TO MANUFACTURERS SPECIFICATION



**SECTION A**  
PHOENIX FACADE

04	BUILDER:	CONTRACTOR MUST VERIFY ALL DIMENSIONS AND LEVELS AT THE JOB PRIOR TO COMMENCING ANY WORK OR MAKING ANY SHOP DRAWINGS. DO NOT SCALE DRAWINGS. ALWAYS USE WRITTEN DIMENSIONS. ALL WRITTEN DIMENSIONS IN THIS DRAWING ARE NOMINAL ONLY.	REV.	DESCRIPTION	INITIAL	DATE	<div>HOTONDO HOMES</div> <div>FOREVER SANCTUARY</div> <div>• Dream part of the family •</div> <div></div>	JOB ADDRESS:	LOT 245 SIMPSON ROAD, LONA	OWNER:	HOTONDO MASTER
	Checker							DRAWN BY:		DESIGN NAME:	
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APPLICATION FOR CONSIDERATION  
REFUSAL  
OFFICER REPORT



**Application Details:**

<b>Proposal</b>	Use and development of a dwelling		
<b>Applicant</b>	Mrs Madeline Heard Hotondo Homes Warragul		
<b>Date Received:</b>	21 December 2022		
<b>Statutory Days:</b>	102 (as of November)		
<b>Section 50/50A/57A Amendment</b>	<input checked="" type="checkbox"/> <b>None</b>	<input type="checkbox"/> <b>Yes, date:</b> <insertdate>	
<b>Application Number</b>	T220833		
<b>Planner</b>	Tim Heffernan - Senior Planner		
<b>Land/Address</b>	245 Simpson Road, Iona VIC 3815 Lot 1 TP611732 V8208 F242		
<b>Property No.</b>	4774900500		
<b>Zoning</b>	Special Use Zone - Schedule 1 (SUZ1)		
<b>Overlay/s</b>	Land Subject to Inundation Overlay (LSIO)		
<b>Permit Trigger(s)</b>	<ul style="list-style-type: none"> <li>Pursuant to Schedule 1 of Clause 37.01 of the Special Use Zone a permit is required to use the land for a dwelling.</li> <li>Pursuant to Schedule 1 of Clause 37.01 of the Special Use Zone a permit is required to construct a building or construct or carry out works associated with a Section 2 use (Dwelling).</li> <li>Pursuant to Schedule 1 of Clause 37.01 of the Special Use Zone a permit is required to construct a building or construct or carry out works within 100 metres from a waterway.</li> <li>Pursuant to Schedule 1 of Clause 37.01 of the Special Use Zone a permit is required to construct a building with a gross floor area that exceeds 200 square metres.</li> <li>Pursuant to Clause 44.04-2 of the Land Subject to Inundation Overlay a permit is required to construct a building or to construct or carry out works.</li> </ul>		
<b>Aboriginal Cultural Sensitivity</b>	<input type="checkbox"/> <b>No</b>	<input checked="" type="checkbox"/> <b>Yes; a CHMP is:</b>  <input checked="" type="checkbox"/> <b>Not required</b> The construction of one dwelling is an exempt activity under <input type="checkbox"/> <b>Required</b> <CHMP no.>	

		Regulation 9 of the Cultural Heritage Act 2018.	
<b>Section 55 Referrals</b>	<input type="checkbox"/> None	<input checked="" type="checkbox"/> Yes, list below:	
	<ul style="list-style-type: none"> <li>Melbourne Water</li> </ul>		
<b>Registered restrictions on Title</b>	<input checked="" type="checkbox"/> None	<input type="checkbox"/> Yes, list below:	
<b>Recommendation</b>	<input type="checkbox"/> Permit <input type="checkbox"/> NOD <input checked="" type="checkbox"/> Refusal		
<b>Ward Councillor communications</b>	<input checked="" type="checkbox"/> None	<input type="checkbox"/> Yes, item in Councillor Bulletin <insertdate>	
<b>Documents relied on</b>	<ul style="list-style-type: none"> <li>Development plans prepared by Hotondo Homes, dated June 2023</li> <li>Town planning submission prepared by Hotondo Homes, dated December 2022</li> <li>Farm Management Plan prepared by Hotondo Homes, dated December 2022.</li> <li>Winter 2023 Soil, Health and Crop Nutrition Plan</li> <li>Title documents</li> <li>Melbourne Water response</li> </ul>		

## Proposal

Planning permission is sought for the use and development of the land for a single storey dwelling as follows.

### Proposed dwelling:

4 bedrooms, 2 living areas, study, 2 bathrooms, double garage (40.4m<sup>2</sup>), mudroom, alfresco area (52.2m<sup>2</sup>), 5.02 overall building height with pitched, metal roof, setback 116m from Simpson Road. Proposed materiality includes selected face brick, render.

The owner seeks to construct a dwelling to expand his business and provide enhanced security and management of his property and livestock.

### Intended land use:

The land currently houses 80 head of beef cattle, with the land also undertaking fodder conservation in the form of hay and silage. It is contended that the dwelling is required to enable more appropriate management of the onsite beef cattle, hay and silage production.

### Farm management plan:

The site is to be managed by a landowner with over 40 years' farming experience.

Day-to-day management includes supervision of cattle, management of fencing to ensure livestock safety, increased security for both stock and farm machinery.

The attendance to cows regularly will ensure injury and illness is tended to quickly, calving heifers can be managed appropriately and timely reducing both death rates in heifers and calves. Cattle then sold to the market.

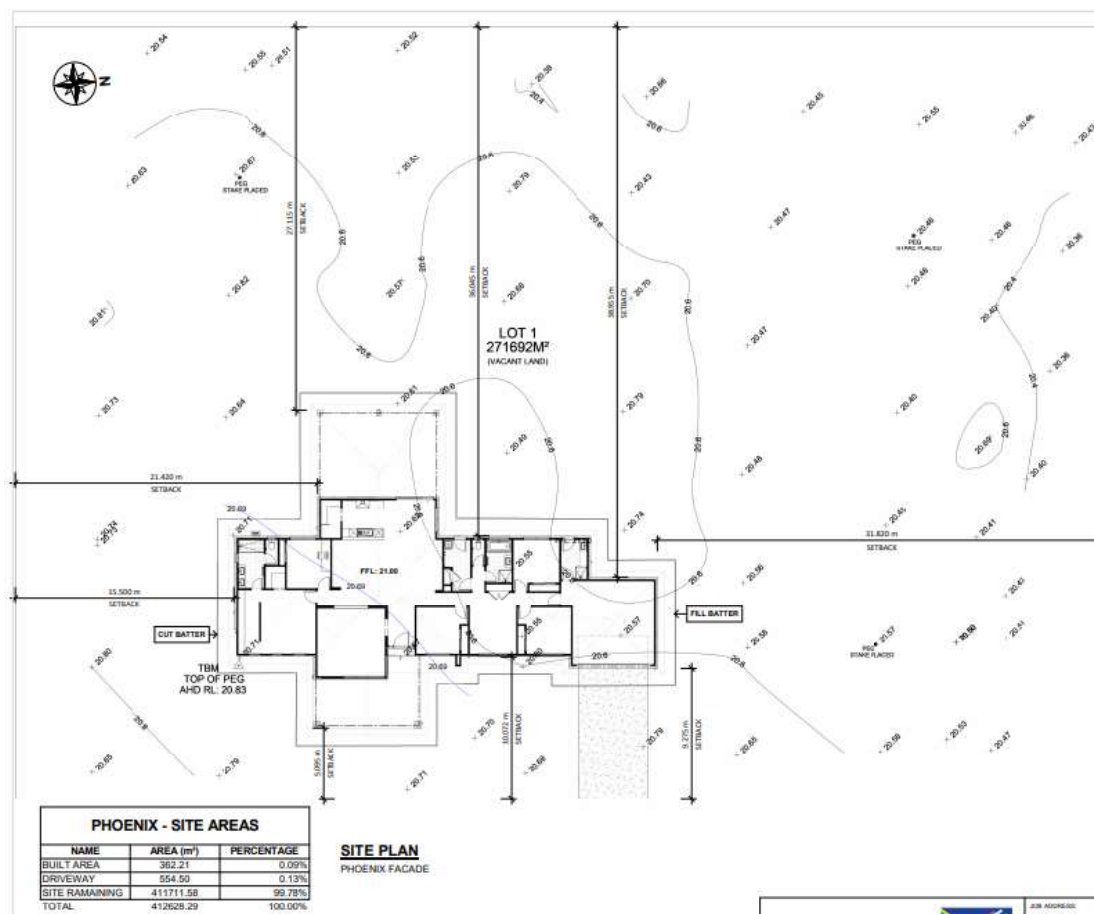
Product	Number	Unit price	Total
Beef sales	45**	\$4500*	\$202,500
Hay Production	102 bales	\$80	\$8160
Silage production	260 Bales	\$80	\$20,800
	Total Sales		\$231,460

\*Based on Meat and Livestock Australia prices and market statistics

\*\* Based on a heard of 60 heifers yielding a 75% live calf rate

#### Findings of Winter 2023 Soil, Health and Crop Nutrition Plan

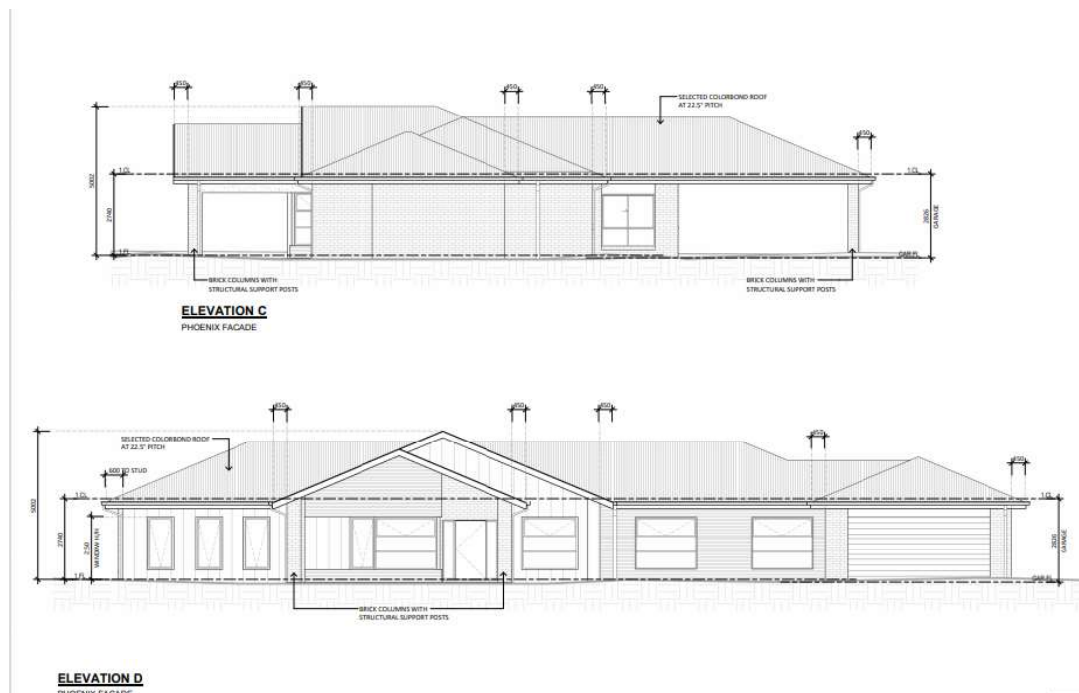
- Current pasture species are of average quality, with pasture management, rotational grazing in conjunction with fertilizer will encourage growth in productive pasture.
- Phosphorus (P) marginal levels, Potassium (K) and Sulphur (S) levels are adequate.
- The report identified opportunities/recommendations to improve the land for higher production.



Proposed site plan. Source: Hotondo Homes.







Proposed elevations. Source: Hotondo Homes.

**LEGEND**

Materials and finishes specified for the dwelling:

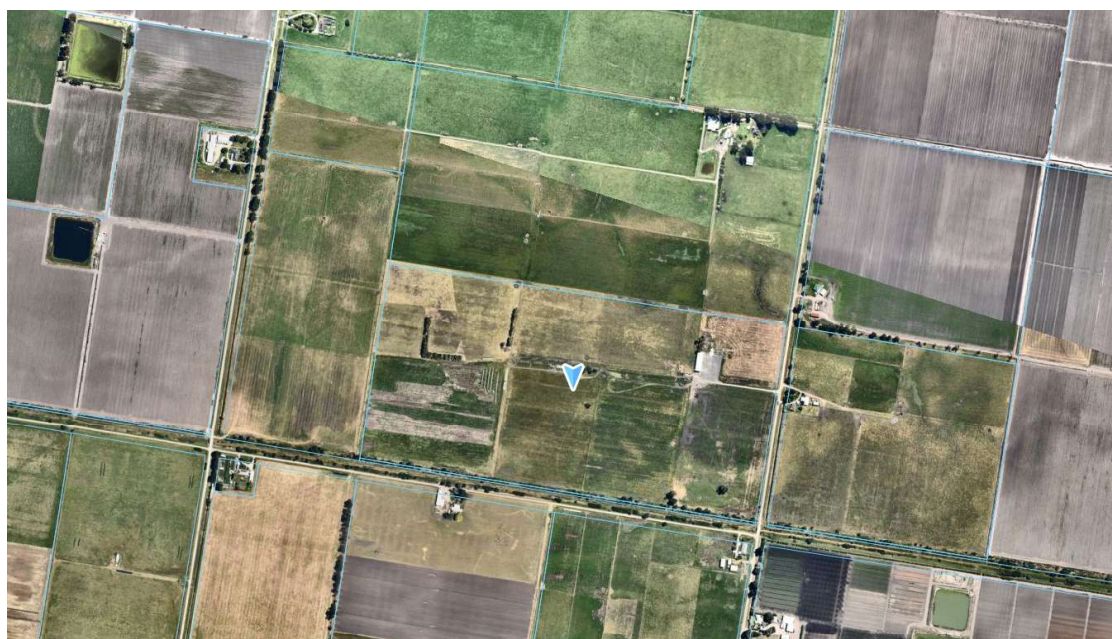
- SELECTED FACE BRICK
- SELECTED RENDER FINISH
- SELECTED ROOF TILE AT 22.5° PITCH
- SELECTED METAL ROOF AT 22.5° PITCH
- VARIES HARDIE HARDPLANK (WIDTH 230)
- VARIES HARDIE ANON 153
- VARIES HARDIE 150x45
- VARIES HARDIE 150x75
- HORIZONTAL FINGER BOARDS
- FRONT ENTRY DOOR TO FACADE SPECIFICATION
- BROCHURE ABOVE FRONT ENTRY DOOR & WINDOWS (UNLESS NOTED OTHERWISE)
- GARAGE DOOR TO FACADE SPECIFICATION
- IN FILL ABOVE GARAGE DOOR TO FACADE SPECIFICATION
- SELECTED ALUMINIUM WINDOWS TO FACADE SPECIFICATION
- SELECTED METAL PARAPET CAPING (WHERE REQUIRED)
- COLORBOND FASCIA & GUTTER



Proposed finishes/ materiality

Dwelling render. Source: Hotondo Homes.

## Subject site & locality



Subject site aerial. Source: Near Map, 2023.

An inspection of the site and the surrounding area has been undertaken.

The site is rectangle in shape and comprises 2 lots with an overall area of approximately 41.16 hectares and is formally recognised as Lots 1 and 2, TP611732.

Council acknowledges the applicant owns Lots 1 and 2, however the proposal relates to Lot 1 only being where the proposed dwelling is located and consists of approximately 27 hectares. At this point in time Lot 2 can be sold independently.

Contextually, the site is bound on two sides by Simpson Road to the east and Dessent Road to the west. A crossover is located off Simpson Road.

The site currently contains an existing agricultural building set back 178m from Simpson Road. Number Seven Yallock Drain and various canopy trees are located fronting Mynard Road, while topographically, the land is mostly flat. Standard stock/paddock fencing is found on site.

The site currently houses 80 head of beef cattle and historically has been used for raising of cattle, hay and silage production. Contextually, the subject site is in an existing farming area, located to the north of Kooweerup-Longwarry Road.

The main characteristics of the surrounding area are:

- Large lots in keeping with farming/ agricultural setting, generally with disturbed topsoils.
- Area is open and expansive, flat and at a lower elevation.

The table below outlines the abutting land to the subject site:

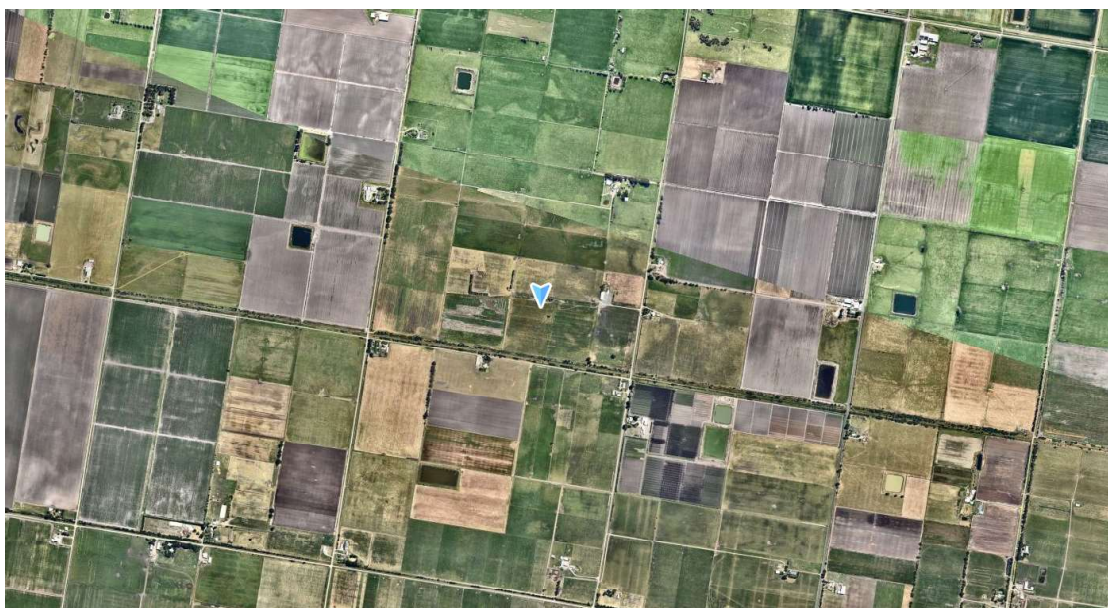
<b>North</b>	305 Simpson Road, Iona	Irregular shaped parcel of agricultural land with dwelling located near centre of lot
<b>East</b>	250 Simpson Road, Iona	Rectangular shaped agricultural land, small dwelling fronting Simpon Road.
<b>South</b>	275 McDonalds Road, Iona	Rectangular shaped, cleared agricultural land with a number of agricultural sheds, positioned near corner of Simpon and Mynard Road.



	560 Mynard Road, Catani	Rectangular shaped, cleared agricultural land, small dwelling fronting Mynard Road.
<b>West</b>	Number Seven Drain Road, Iona	Rectangular shaped, cleared agricultural land.



Subject area zoning (Special Use & Green Wedge). Source: VicPlan, 2023.



Subject area aerial. Source: Near Map, 2023.

## Permit/Site History

The history of the site includes:

- T210492- Buildings and works associated with an agricultural building. Issued 18 August 2021.
- SC0312-21 - Changes to shed plans and elevations. Issued 24 November 2021.



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## Planning Scheme Provisions

### Zone

The land is subject to the following zones:

- Special Use Zone - Schedule 1 (SUZ1)

### Overlays

The land is subject to the following overlays:

- Land Subject to Inundation Overlay (LSIO)

### Planning Policy Framework (PPF)

The relevant clauses of the PPF are:

- Clause 11 Settlement
- Clause 11.01-1R Green Wedges- Metropolitan Melbourne
- Clause 13.03-1S Floodplain Management
- Clause 11.03-3S Peri-urban areas
- Clause 13.07-1S Land Use Capability
- Clause 14.01-1S Protection of agricultural land
- Clause 14.01-1R Protection of agricultural land – Metropolitan Melbourne
- Clause 14.01-2S Sustainable Agricultural Land Use
- Clause 15.01-2S Building design
- Clause 15.01-6S Design for rural areas
- Clause 16.01-3S Rural residential development

### Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.01 Cardinia Shire Key Issues and Strategic Vision
- Clause 21.03-4 Rural townships
- Clause 21.03-5 Rural residential and rural living development
- Clause 21.04-2 Agriculture
- Clause 22.05 Western Port Green Wedge Policy

### Relevant Particular/General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 51.02 Metropolitan Green Wedge Land: Core Planning Provisions
- Clause 65 Decision Guidelines
- Clause 66 Referral and notice provisions
- *Cardinia Western Port Green Wedge Management Plan (Incorporated Document - May 2017)*

## Planning Permit Triggers

The proposal requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Schedule 1 of Clause 37.01 of the Special Use Zone a permit is required to use the land for a dwelling.
- Pursuant to Schedule 1 of Clause 37.01 of the Special Use Zone a permit is required to construct a building or construct or carry out works associated with a Section 2 use (Dwelling).
- Pursuant to Schedule 1 of Clause 37.01 of the Special Use Zone a permit is required to construct a building or construct or carry out works within 100 metres from a waterway.
- Pursuant to Schedule 1 of Clause 37.01 of the Special Use Zone a permit is required to construct a building with a gross floor area that exceeds 200 square metres.
- Pursuant to Clause 44.04-2 of the Land Subject to Inundation Overlay a permit is required to construct a building or to construct or carry out works.

## Public Notification

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

- Placing a sign on site and sending notices to the owners and occupiers of adjoining land.

A statutory declaration was received 13<sup>th</sup> September 2023.

Council has received no objections to date.

## Referrals

### External Referrals/Notices:

Referrals/ Notice	Referral Authority	Brief summary of response
Section 55 Referrals	Melbourne Water Determining	<p>Received February 2023.</p> <p>No objection (subject to conditions)</p> <ol style="list-style-type: none"> <li>1. Prior to the commencement of development, amended plans to the satisfaction of Melbourne Water must be submitted to the responsible authority for approval. Once approved, the plans will form a part of the permit. The plans must be generally in accordance with the plans drawn by Hotondo Homes dated 16 December 2022, but modified to show: <ol style="list-style-type: none"> <li>a. The finished floor level of the dwelling must be set no lower than 900mm above the average natural surface level, or at 21.2 millimetres to Australian Height Datum (AHD), whichever is greater.</li> <li>b. The finished floor level of the garage must be set no lower than 300mm above the natural ground surface level, or at 20.6 m AHD, whichever is greater.</li> </ol> </li> <li>2. The finished floor level of the dwelling must be set no lower than 900mm above the average natural surface level, or at 21.2 metres Australian Height Datum (AHD), whichever is greater.</li> <li>3. The finished floor level of the garage must be set no lower than 300mm above the natural ground surface level, or at 20.6 m to AHD, whichever is greater.</li> <li>4. The fill pad associated with the dwelling must extend at least 5 metres beyond the dwelling.</li> </ol>

Section 52 Notices		n/a
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Internal Referrals:

Internal Council Referral	Advice/ Response/ Conditions
Health	No response received as of November 2023.
Engineering	No objection (subject to conditions) 88 – rural stormwater 92 – stormwater overflows 72 – rural vehicle crossing 401 – vehicle crossings 117 – minimal soil erosion 85 – stormwater sediment control during construction 119- batters

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**Assessment**Response to Planning Policy Framework (PPF) and Local Planning Policy Framework (LPPF)

The application for a planning permit has been assessed against the decision guidelines of all relevant Clauses of the Cardinia Planning Scheme, including Planning Policy Framework, where the proposed use application has been determined to be inconsistent with these requirements.

Special Use Zone - Schedule 1

The subject site is on land, zoned Special Use Zone - Schedule 1.

The zone was specifically established within an area of the Koo Wee Rup Swamp that contains soil recognised as being of high quality, making it agricultural land of state significance. This highly productive agricultural and horticultural area provides much of Victoria's asparagus, celery, leeks, herbs, silver beet and beef production and thus plays a vital role in providing food for Victoria's population and food security.

Its purpose is:

- *To preserve land of high agricultural quality for horticulture and other farming activities.*
- *To discourage non-agricultural and non-soil based uses establishing on soil of high agricultural value.*
- *To protect the area from the encroachment of urban and rural residential type development.*
- *To minimise the potential for conflict between residents and normal farming practices that are related to the conduct of agricultural activities.*
- *To encourage sustainable farming activities based on whole farm and catchment planning principles on an individual and community basis.*

The following decision guidelines of the Special Use Zone - Schedule 1 have also been considered:

- *The Land Capability Study for the Cardinia Shire (February 1997).*
- *Whether the land is liable to flooding and any advice received from Melbourne Water.*
- *Whether the use, building, works or subdivision will be detrimental to the horticultural significance of the area.*

- *Whether the dwelling is reasonably required for the operation of the rural activity being conducted on the land.*
- *Whether the use utilises the high quality soils for horticultural or agricultural pursuits.*
- *The impact of the use, building, works or subdivision on the character and appearance of the area.*
- *Whether the site is suitable for the use, building, works or subdivision and the compatibility of the proposal with adjoining and nearby farming and other land uses*

Under this zone, a 'dwelling' is a Section 2- permit required discretionary land use, therefore the burden is on applicants to justify the dwelling is reasonably required and directly associated with supporting an agricultural or horticultural activity/enterprise that will not cause any material detriment to any surrounding, established farming practices. This burden is placed on applicants to prevent the incremental loss of agricultural land by the encroachment of rural residential development and other incompatible uses.

There are many VCAT cases which find that this type of use does not justify a dwelling, including in *Noonan v Mount Alexander SC* [2017] VCAT 412 (22 March 2017), where the Tribunal Member summarised "*the planning scheme is clear in that new dwellings that require permission for use on lots that are distant from settlements and associated facilities in the FZ are to be discouraged, particularly if they are not tapping into arrangements that can clearly support, enhance or facilitate the expansion of productive agricultural land use. Furthermore, the presence of other existing dwellings in the area whether historical or newly erected does not indicate that allowing another one is orderly planning.*"

To summarize the application package, the applicant seeks to manage 80 head of beef cattle, including supervision and rotation of beef cattle, breeding for eventual market sale and management of fencing to ensure livestock safety. The applicant also intends to undertake fodder conservation in the form of hay and silage as another business venture. It is contended that the dwelling is required to enable more appropriate management of the onsite beef cattle, hay and silage production.

The importance of utilizing high-quality soils cannot be understated, given the integral role of productive agricultural and horticultural areas in providing food for Victoria's population and food security. Notably, a large proportion of Cardinia's Western Port Green Wedge has some of the best agricultural soil in Melbourne, providing much of Victoria's asparagus, celery, leeks, herbs and silver beet. This is reiterated in Clause 22.05, Western Port Green Wedge Policy, a vital reference document that recognises Western Port's key attributes, including its environment, established agriculture industry and, rich agricultural soils.

In assessing the provided application information, it is concluded that the anticipated land use *does not* utilise the high-quality soils to their highest capacity i.e., growing crops in the ground, which is vastly inconsistent with the intent of the Special Use Zone – Schedule 1. The proposed dwelling does not support agricultural production and would result in the loss and fragmentation of productive agricultural land. As such, it is concluded that the proposed dwelling is not reasonably required for the operation of the agricultural activity on the site. As stated in *Noonan v Mount Alexander SC* [2017] VCAT 412, "*The plans do not reveal how agricultural use of the site would be enhanced. There was no indication of whether or where stock yards, for example would be constructed or what would actually change in terms of agricultural outputs that are in addition or different from what currently occurs on the site.*"

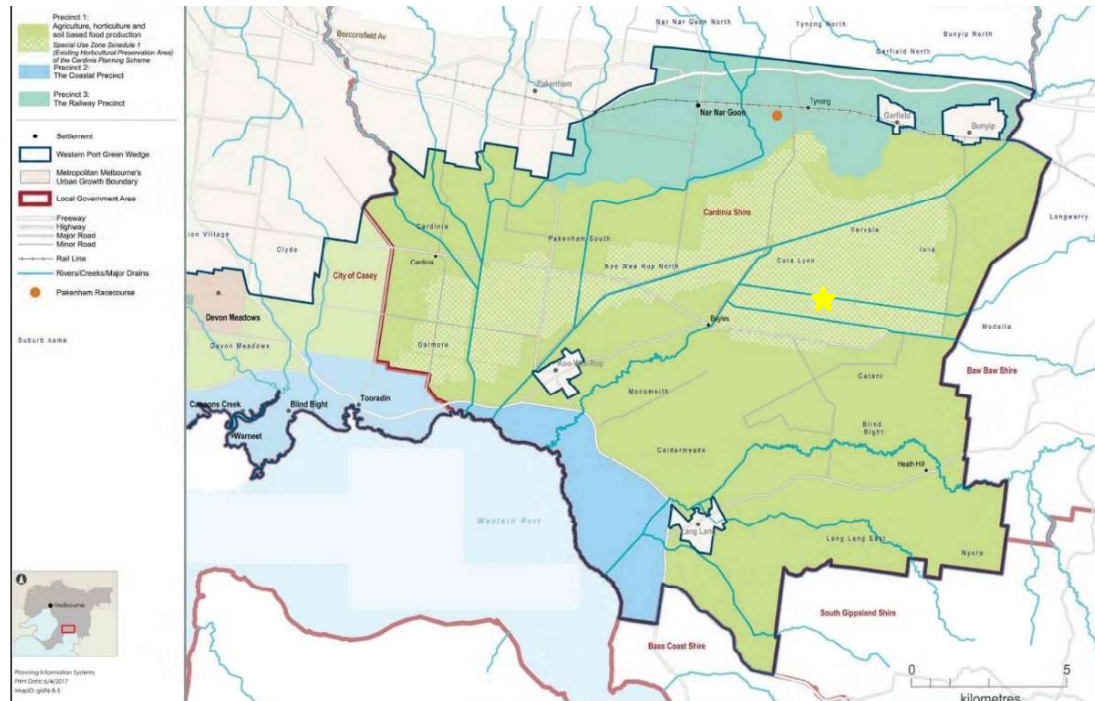
Lastly, the approval of a dwelling in the proposed location may create future land use and 'right to farm' conflicts between potentially conflicting land uses and developments and therefore, its siting must be carefully considered. The applicant proposes the dwelling to the north-east corner of the site, setback 44 metres from the south boundary. The presence of dwellings can impact the viability of farming on adjoining land due to offsite amenity impacts associated with agriculture such as noise and drifting of agricultural sprays and fertilisers. This contention was also summarized in *Noonan v Mount Alexander SC* [2017] VCAT 412, "*the presence of a new dwelling reinforces the potential for difficulties and inhibiting the future expansion or conduct of agricultural activities on the site and surrounding the site. Such an effect would be detrimental to achieving the outcomes sought by the FZ and policy framework.*"

Given the above it is not considered that the dwelling is reasonably required for the existing and proposed use of the land. On balance, the proposal does not comply with the purpose of the Special Use Zone – Schedule 1.



### Response to Western Port Green Wedge Policy (Clause 22.05)

As marked with the yellow star, the subject site is located within Council's Western Port Green Wedge area, Precinct 1: Agriculture, horticulture and soil-based food production.



Cardinia Green Wedge Precinct with site identified via yellow star.

Precinct 1 vision is as follows: *Precinct 1 will be the hub of, agriculture, horticulture and soil-based food production within the Cardinia Western Port Green Wedge, taking advantage of its highly versatile soils, vegetable production (in particular asparagus), dairy and beef farming, other agricultural pursuits, potential access to Class A recycled water and the important role this precinct plays in food security. Land within the SUZ1 part of the precinct will be prioritised for soil-based agricultural and horticultural use and soil based food production with a focus on the consolidation of lots to support the economic viability of the agricultural and horticultural industry.*

Future directions and land uses are also stipulated, including:

- *Soil-based agriculture to be the primary activity within the Special Use Zone – Schedule 1*
- *Discourage the use of non-soil-based agriculture (e.g. poultry farms, animal husbandry, horse riding schools etc.) being located on soils within the Special Use Zone – Schedule 1.*
- *Encourage non-soil based agricultural uses (e.g. animal husbandry, beef and dairy farming etc.) to the land surrounding the Special Use Zone - Schedule 1.*

In summarizing the above, the precinct has a particular focus on horticultural activities including crop raising, together with a focus on discouraging non-soil-based uses (including animal husbandry) and development from the area to aid in promoting and enhancing the significant soil and landscape qualities in the local area.

In this instance, the applicant wishes to expand his primary business, being cattle (animal husbandry) that is to be bred and eventually sold to market. As part of this expansion, the cattle will graze and be rotated between lots. To a lesser extent, the business also seeks to undertake fodder conservation in the form of hay and silage.

The does not constitute soil-based agriculture, while notably, cattle grazing underutilises the high-quality soils which can be better used for soil-based food production. Any non-soil-based agriculture, which the proposal references as part of their land management, is strongly discouraged.

As such, the proposal is inconsistent with the Westernport Green Wedge Management Plan in supporting sustainable farming production.

#### Response to Winter 2023 Soil, Health and Crop Nutrition Plan

The application package included a brief soil analysis report with the report identifying opportunities to improve the land for higher pasture production. An argument put forward by the applicant was that due to insufficient water allocation, any viable soil-based agriculture was limited. Council notes that no bore water testing has been undertaken or provided and therefore the legitimacy of this argument is questioned. No reference was made pertaining to prior discussions with Southern Rural Water.

Council mapping also confirms that site is subject to flooding.

#### Protection of agricultural land: State and local policies

Rapid population growth has increasingly threatened agricultural land in the Shire, in response, both the State Government and Council have adopted and strengthened policies relating to the preservation of agricultural land.

Notably, Clauses 14.01-1S (Protection of agricultural land) and 14.01-1R (Protection of agricultural land – Metropolitan Melbourne) have objectives and strategies that seek to protect and support areas of agricultural production. In particular, a key objective, being:

- *Protect strategically important agricultural and primary production land from incompatible uses.*
- *Protect productive agricultural land from unplanned loss due to permanent changes in land use.*

Additionally, Clause 14.01-1R aims to protect agricultural land in Metropolitan Melbourne's green wedges and peri-urban areas to avoid the permanent loss of agricultural land in those locations.

In response, the proposal is deemed contrary to policies related to agriculture as it seeks to use the land for cattle on a large site, instead of utilising the high-quality soils.

#### Clause 21.01-3: Cardinia Shire Key Issues & Strategic Vision

Clause 21.01 Cardinia Shire Key Issues and Strategic Vision identifies Western Port as a major landscape feature and that a key influence within the Shire is urban growth, including urban pressures on the rural hinterland and management of green wedge areas.

The following relevant key issues are identified:

- *The protection of the Koo Wee Rup swamp area which contains important groundwater reserves and horticultural soils in the Western Port basin.*
- *The management of urban growth, including urban pressures on the rural hinterland.*
- *The protection and sustainable use of agricultural land.*

On balance, the proposed use and development raises conflict with these key issues because it will result in the degradation and loss of agricultural land in the Koo Wee Rup Swamp area.

#### Clause 21.04-2: Agriculture

Clause 21.04-2 (Agriculture) provides local content to support Clause 14.01 of the Planning Policy Framework, with a key objective of the Clause to maintain agriculture as a strong and sustainable economic activity within the municipality.

A number of strategies give effect to the policy's objective:

- *Protect agricultural land, particularly areas of high quality soils, from the intrusion of urban uses, inappropriate development and fragmentation which would lead to a reduction in agricultural viability, the erosion of the right of farmers to farm land, and ultimately the loss of land from agricultural production.*
- *Recognise the growing demand for food, both domestically and internationally, and capitalise on opportunities to export fresh produce and processed food products.*
- *Provide for the restructuring of lots in agricultural areas to reduce the impact of old and inappropriate subdivisions on the agricultural viability of the area.*
- *Ensure the use or development, including subdivision, of agricultural land takes into consideration land capability.*

The proposed use and development are unconnected to any soil-based agricultural activity on the site and will further fragment crucial agricultural land, which will lead to a reduction in agricultural viability on the subject site and within the surrounding Iona / Catani area.

Establishing a residential use will remove this land from the Shire's agricultural base, which is recognised as an important asset State-wide.

#### Other relevant considerations

##### Clause 13.03-1S: Floodplain management

The objective of Clause 13.03-1S is to assist the protection of:

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

A key strategy is to avoid intensifying the impact of flooding through inappropriately located use and development. In considering the key strategy, the property is located within the Koo Wee Rup Flood Protection District and is subject to flooding.

In accordance with the Land Subject to Inundation Overlay, the susceptibility of the development to flooding and flood damage has been considered. With adequate construction measures implemented, the proposed development can appropriately address these concerns.

##### Clause 44.04: Land Subject to Inundation Overlay (LSIO)

The Land Subject to Inundation Overlay (LSIO) identifies areas where a 1 in 100 Year flood or floodplain area determined by a floodplain management authority warrants protection from flood hazards. These measures ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.

The application was referred to Determining Authority Melbourne Water, which had no objection subject to conditions.

The proposal is concluded to be consistent with the provisions of the Land Subject to Inundation Overlay.

##### Clause 51.02: Metropolitan Green Wedge Land: Core Provisions

Clause 51.02 seeks to protect metropolitan green wedge land from uses and development that would diminish its agricultural, environmental, cultural heritage, conservation, landscape natural resource or recreation values. It ensures that the scale of the proposed use is compatible with the non-urban characteristics of metropolitan green wedge land. The Clause applies to the application as the subject site is within land within Metropolitan Melbourne outside an Urban Growth Boundary and within the Special Use Zone - Schedule 1.

The proposal has determined to be contrary to the purposes of Clause 51.02 (Metropolitan Green Wedge Land: Core Planning Provisions) through the provision of a dwelling resulting in the net loss of prime agricultural land. Further, the proposed dwelling, positioned near the north-east corner of the lot may also induce amenity concerns with nearby farming enterprises. As previously stated, the presence of dwellings can impact the viability of farming on adjoining land due to offsite amenity impacts associated with agriculture such as noise and drifting of agricultural sprays and fertilisers.

#### Clause 65 Decision Guidelines

It is important to consider that just because the planning scheme identifies that a permit can be issued for a certain land use, it does not mean that it should. The proposal must have regard for the purpose of the relevant policy and Zone and demonstrate that by allowing it by way of a permit, that it does not inhibit or adversely impact established and 'as of right' uses in the surrounding area.

In assessing the application with the information provided by the applicant, the use and development of the land for a dwelling is not considered appropriate, failing to address the objectives of the Special Use Zone Category 1 and the Western Port Green Wedge Policy, and as such, should be refused.

The Western Policy Green Wedge summarizes a large portion of Cardinia's has some of the best agricultural soil in Melbourne. The subject site, located in Iona, comprises over 101 acres of highly productive agricultural land, is within Precinct 1 of the Western Port Green Wedge Policy. The policy preferred land use is clear – that of soil-based agriculture to be *primary activity*, coupled with the *discouragement* of non-soil based agriculture. The proposal, in its current form is in stark contrast to the preferred land use.

The proposed dwelling, located near the north-east corner of the site would not enhance the agricultural production on the land. The proposed dwelling creates both a fragmentation of otherwise productive agricultural land and a permanent loss of agricultural land. The proposed dwelling will not contribute to the orderly planning of the area.

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## Conclusion

The application seeks the use and development of a dwelling near the north-east corner of an agricultural lot, to support the day-to-day management of cattle.

Notably, a 'dwelling' is a Section 2- permit required discretionary land use, therefore the burden is on applicants to justify the dwelling is reasonably required. It is contended that the dwelling in this instance is not required.

In reviewing the application package, inclusive of farm management plan, the proposal, within a recognised important agricultural locality is considered contrary to the purposes of the Special Use Zone and Western Port Green Wedge Plan, in particular the discouragement of non-agricultural and non-soil-based uses and to protect areas from rural residential development.

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## Recommendation

### Refusal to Grant a Planning Permit

That Council having caused notice of Planning Application No. T220833 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Refuse to Grant a Permit in respect of the land known and described as 245 Simpson Road Iona (L1 TP611732 V8208 F242) for the Use and development of the land for a dwelling under the following grounds:

#### Grounds of Refusal

1. The proposal is inconsistent with Planning Policy Framework and Local Planning Policy Framework, that seeks to discourage non-agricultural and non-soil-based uses that are established on soil of high agricultural valued land, specifically:



- a. Clause 14.01-1S - Protection of Agricultural Land;
    - b. Clause 14.01-1R - Protection of Agricultural Land – Metropolitan Melbourne;
    - c. Clause 14.01-2S - Sustainable Agricultural Land Use;
    - d. Clause 21.04-2 – Agriculture; and
    - e. Clause 22.05 – Western Port Green Wedge, and particularly Precinct 1.
  2. The proposal is inconsistent with the purposes and decision guidelines of the Special Use Zone – Schedule 1.
  3. The proposal is contrary to Clause 51.02 - Metropolitan Green Wedge Land: Core Planning Provisions.
  4. The proposal does not comply with the relevant considerations of Clause 65 and the orderly planning of the area.
-