

5.3 T230589 PA - Use and Development of the land for a Dwelling, Construction of a Shed and Associated Earthworks at 215 Evans Road, Longwarry 3816

Responsible GM: Debbie Tyson
Author: Michael Stockigt

Recommendation(s)

- A. That Council resolve to issue a Notice of Decision to Refuse to Grant a Permit for Planning Permit Application T230589 for the *Use and Development of the land for a Dwelling, Construction of a Shed and Associated Earthworks* at 215 Evans Road, Longwarry on the following grounds:
1. The proposal is inconsistent with the objectives and strategies of the below Clauses of the Planning Policy Framework and Local Planning Policy Framework that seek to protect agricultural land and direct residential development into existing settlements, specifically:
 - a) Clause 11.01-1S – Settlement;
 - b) Clause 11.01-1R – Green Wedges – Metropolitan Melbourne;
 - c) Clause 13.07-1S – Land Use Compatibility;
 - d) Clause 14.01 – Agriculture;
 - e) Clause 16.01-3S – Rural Residential Development;
 - f) Clause 21.01 – Cardinia Shire Key Issues and Strategic Vision;
 - g) Clause 21.03-4 – Rural Townships;
 - h) Clause 21.03-5 – Rural Residential and Rural Living Development;
 - i) Clause 21.04-2 – Agriculture;
 - j) Clause 22.05 – Western Port Green Wedge Policy; and
 - k) Clause 51.02 – Metropolitan Green Wedge Land: Core Planning Provisions,as the proposal does not protect significant agricultural land, is an incompatible use with surrounding land uses and the desired strategic direction for surrounding land and seeks to provide for residential development outside existing settlement boundaries.
 2. The proposal is inconsistent with and does not respond to the objectives, policies and decision guidelines of Clause 22.05 (Western Port Green Wedge Policy), as:
 - a) The proposal does not achieve the vision for the Cardinia Western Port Green Wedge;
 - b) The proposal does not maintain and protect the highly productive agricultural land from incompatible uses.
 - c) The proposal does not accord with the precinct objective and future directions for the land, given the location within ‘Precinct 1 – Agriculture, horticulture and soil based food production’;
 - d) The proposal will permanently remove land from agricultural production; and

- e) The proposal will limit the establishment, operation and expansion of adjoining and nearby agricultural uses.
3. The proposal is inconsistent with and does not respond to the purposes and decision guidelines of Clause 35.04 (Green Wedge Zone), as it:
 - a) Will have a detrimental impact on the rural economy;
 - b) Does not enhance agricultural production;
 - c) Does not appropriately relate to rural land use; and
 - d) Does not protect and retain land for future sustainable agricultural activities; and
 - e) Would compromise the preservation, protection and enhancement of significant agricultural land, primarily by introducing a residential land use that is not compatible with adjoining and nearby agricultural land uses and may impact their future expansion.
4. The proposal does not respond to the considerations within Clause 65.01 as it does not achieve the purposes of the Zone and does not represent the orderly planning of the area.

AND

B. That Council authorise the Manager Planning and Design/Coordinator Statutory Planning to instruct Council's Statutory Planners and/or Council's advocates on any future application for review at the Victorian Civil and Administrative Tribunal.

Attachments

1. T230589 PA - Officer Report - Refusal [5.3.1 - 27 pages]
2. T230589 PA - 215 Evans Road, Longwarry - Locality Map [5.3.2 - 1 page]
3. T230589 PA - Council Meeting Decision Docs [5.3.3 - 24 pages]

Executive Summary

APPLICATION NO.:	T230589 PA
APPLICANT:	Ms Hannah Carney; JDesign Group
LAND:	CA 97 SEC Q Parish of Koo-Wee-Rup East, 215 Evans Road, Longwarry VIC 3816
PROPOSAL:	Use and Development of the land for a Dwelling, Construction of a Shed and Associated Earthworks
PLANNING CONTROLS:	Green Wedge Zone – Schedule 1 Land Subject to Inundation Overlay – Schedule
NOTIFICATION & OBJECTIONS:	Notice of the application was given pursuant to Section 52 of the <i>Planning and Environment Act 1987</i> , by

	placing a sign on the land and mailing notices to surrounding landowners. No objections were received.
KEY PLANNING CONSIDERATIONS:	<p>Protection of the Westernport Green Wedge land from incompatible land uses and development</p> <p>Protection and preservation the Westernport Green Wedge land for agricultural uses.</p> <p>Land use conflicts between sensitive use (Dwelling) and existing and future agricultural activities 'right to farm'.</p> <p>The proposal will inhibit the future use of land for sustainable agricultural activities, will have a detrimental impact on the rural economy and will permanently remove land from agricultural production.</p> <p>Inappropriate siting of dwelling.</p>
REASON FOR MEETING	Recommendation for refusal
RECOMMENDATION:	Notice of Decision to Refuse to Grant a Permit

The purpose of this report is to consider an application for the use and development of a dwelling, as well as construction of an agricultural building and associated earthworks.

The application is recommended for refusal due to no-compliance with the Green Wedge Zone and Clause 22.05 (Western Port Green Wedge Policy), as well as other policy throughout the Planning Policy Framework and Local Planning Policy Framework that seek to protect productive agricultural land for future sustainable use.

The proposal seeks to introduce a dwelling to the land for the first time, on land identified as of 'good' agricultural significance (the second highest designation under Clause 21.04-2 – Agriculture). The land is currently used for cattle grazing (Grazing Animal Production), with this proposed to continue. Documentation submitted with the application states a cattle breeding enterprise to be explored in future, however there is no timeline for this to occur.

Given the scale and nature of the agricultural operation as well as the close proximity to existing settlements (Bunyip, Longwarry and to a lesser extent Drouin), it is not considered a dwelling is necessary to facilitate, provide for, support or enhance the use of the land for Agriculture. Further, introduction of a dwelling to the land for the first time is considered likely to detrimentally impact the rural economy, and impact operation and/or establishment of agricultural uses on surrounding land.

The siting of the proposed dwelling (setback approximately 210 metres from front boundary) results in an inappropriate loss of agricultural land (approximately 13% of site area); land identified by policy throughout the Planning Scheme as of high value and significance.

Decisions of the Victorian Civil and Administrative Tribunal (VCAT) support the recommendation to refuse to grant a permit, both within Cardinia Shire and other valuable agricultural areas. *Marson v Cardinia SC (2024) VCAT 639* specifically considered the question of the need for a dwelling on the land to provide oversight for the grazing of approximately 30 animals. In refusing the application the Tribunal relevantly commented that:

79. To the extent that use of the land for a dwelling on the subject land will allow a greater presence on the subject land and better oversight of existing farming activities on the subject land and the applicants' other two separate land holdings to the north:

- *we are not persuaded that a dwelling is reasonably required for the operation of the rural activity being conducted on the subject land [– a decision guideline of SUZ1]. These existing activities involve cattle grazing and the production of hay and silage. While we accept that these are genuine agricultural activities, we find that they do not warrant a continuous on-site presence for their successful conduct;*
- *we find that any enhancement of on-site security is not contingent on permitting a dwelling on the subject land. There are many other ways of enhancing site security through for example, remote monitoring by electronic means or changes to the type, location and design of fencing..'*

As such, it is recommended Council support the Officers' recommendation and determine to refuse to grant a planning permit.

Relevance to Council Plan

4.1 We support our productive land and employment land to grow local industries

4.1.1 Facilitate better planning for our agricultural land to support industry, innovation, local food economy and local job growth.

5.1 We practise responsible leadership

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

APPLICATION FOR CONSIDERATION
RECOMMENDATION FOR REFUSAL
OFFICER REPORT

Application Details:

Proposal	Use and Development of the land for a Dwelling, Construction of a Shed and Associated Earthworks
Applicant	Ms Hannah Carney; JDesign Group
Date Received:	28 November 2023
Statutory Days:	101 (as of 11 November 2024)
Section 50 Amendment	<input checked="" type="checkbox"/> Yes: 16 July 2024 to include use of land for a dwelling as part of application
Application Number	T230589
Planner	Michael Stockigt
Land/Address	CA 97 SEC Q Parish of Koo-Wee-Rup East, 215 Evans Road, Longwarry VIC 3816
Property No.	4275400600
Zoning	Green Wedge Zone - Schedule 1
Overlay/s	Land Subject to Inundation Overlay – Schedule
Permit Trigger(s)	<ul style="list-style-type: none"> • Pursuant to Clause 35.04-1 (Green Wedge Zone) a permit is required to use land for a Dwelling. • Pursuant to Clause 35.04-5 (Green Wedge Zone) a permit is required to construct or carry out a building or works associated with a Section 2 use (Dwelling). • Pursuant to Clause 44.04-2 (Land Subject to Inundation Overlay) a permit is required to construct a building or construct or carry out works.
Aboriginal Cultural Sensitivity	<input checked="" type="checkbox"/> No
Section 55 Referrals	<input checked="" type="checkbox"/> Yes: <ul style="list-style-type: none"> ▪ Melbourne Water
Registered restrictions on Title	<input checked="" type="checkbox"/> None
Recommendation	<input checked="" type="checkbox"/> Refusal to Grant a Planning Permit

Ward Councillor communications	<input checked="" type="checkbox"/> None
Documents relied on	<ul style="list-style-type: none"> ▪ Development Plans prepared by <i>JD Design Group</i> ▪ Town Planning/Written Submission prepared by <i>JD Design Group</i> ▪ Farm Overview prepared by <i>JD Design Group</i> ▪ Land Capability Assessment prepared by <i>Soil Test Express</i> ▪ Title Documents <p>Additional supporting documents were provided by the permit applicant via email dated 30 October 2024, comprising:</p> <ul style="list-style-type: none"> ▪ Farm Management Plan prepared by <i>ONFARM Consulting</i> ▪ Town Planning Report prepared by <i>ABAN Planning</i> ▪ Letter concerning Animal Welfare prepared by Dr William Hume BVSc, Hume Veterinary Service <p>These documents did not materially alter the use and development proposed as part of the application, however provided greater clarity and explanation regarding the existing and proposed agricultural activities on the land. The documents were not considered to comprise a Section 57A Amendment, with further discussion provided regarding this below.</p>

Proposal

The applicant has proposed the use and development of land for a Dwelling, as well as construction of an agricultural shed and earthworks associated with both buildings. An outline of each component of the proposal is provided below.

Dwelling

The single-storey dwelling is proposed to be constructed in the approximate front 'third' of the subject site, setback a distance of approximately 210 metres from the front (southern) boundary. The setbacks from side boundaries are proposed as 66 metres (western) and 135 metres (eastern), while the setback from the rear boundary is dimensioned as 500 metres.

The dwelling is of a modest size – measuring approximately 187 square metres in gross floor area. The dwelling is centred around an open plan kitchen, living and dining room in the north-west corner, while the bathroom and laundry are located in the north-west corner. Three bedrooms are shown to be proposed, along the southern portion of the dwelling. Access is provided via a porch in the south-western corner. The finished floor level (FFL) of the dwelling is dimensioned as 900mm above the natural ground level (NGL) for all building elevations, with the dwelling constructed of a subfloor style (posts in ground) design.

Externally, a 'wrap around' style roofed verandah is proposed on the southern and eastern elevations, while a timber deck/alfresco is proposed adjacent to the north-western corner, accessed via a sliding glass door from the lounge/living room.

The dwelling is of a modest 'cottage' style design, featuring a traditional gable end roof (ends on the east and west elevations). The maximum height of the dwelling is dimensioned at 6.29m above natural ground level (NGL) on the south elevation. Three windows 'inside' the verandah are proposed on this elevation, as well as the aforementioned porch and front door. The verandah has a maximum height of approximately 3.6 metres above NGL, and a 'ceiling' height of 2.74 metres.

On the north elevation three windows are proposed, as well as a sliding glass door providing access to the living room, from the deck. The deck itself has a FFL 730mm above NGL. The wall material on this elevation is proposed to be brick veneer, of an unspecified colour.

On the east elevation, two glass doors are proposed 'within' the verandah, providing access to a hallway and the laundry. The maximum height on this elevation is dimensioned as 6.27m above NGL.

Lastly, on the west elevation one double-hung style window is proposed. The maximum height is dimensioned as 6.27m above NGL.

Aside from the north elevation, the dwelling is proposed to be clad in 'James Hardie Linea Cladding' (a fibre cement sheet weatherboard like material), finished in an unspecified colour. The roof (and associated components) is proposed with a 22.5 degree pitch, constructed with 'Colorbond' steel sheeting and finished in an unspecified colour.

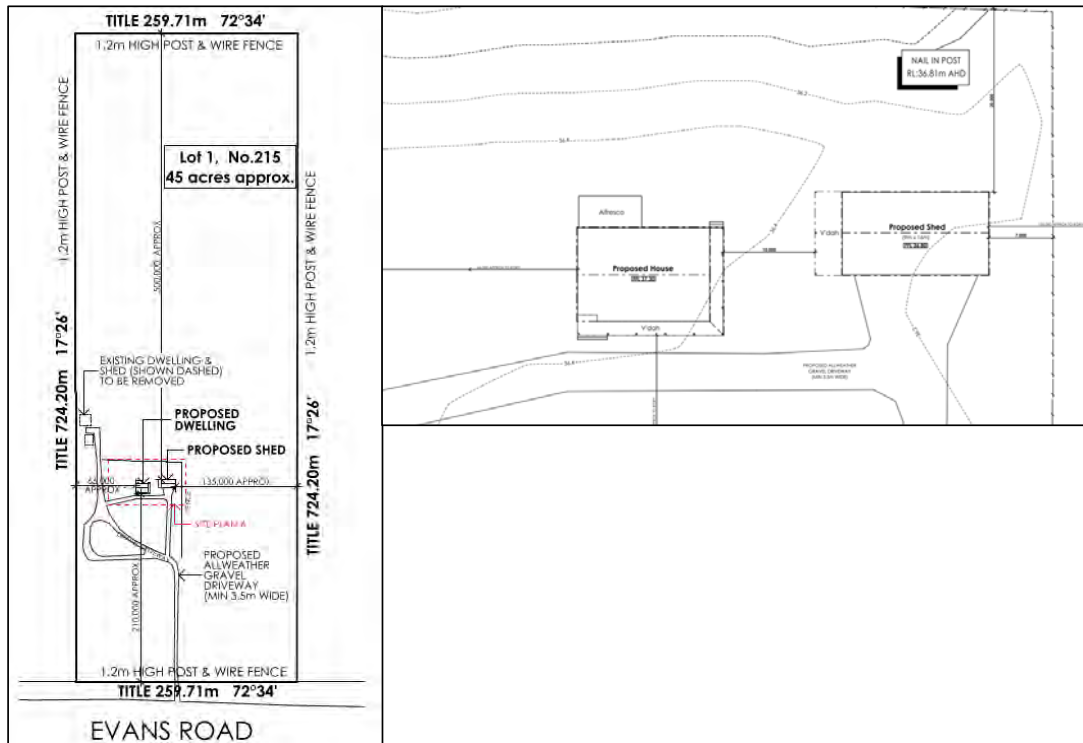


Figure 1: Site Plan (L) & Development Inset (R)

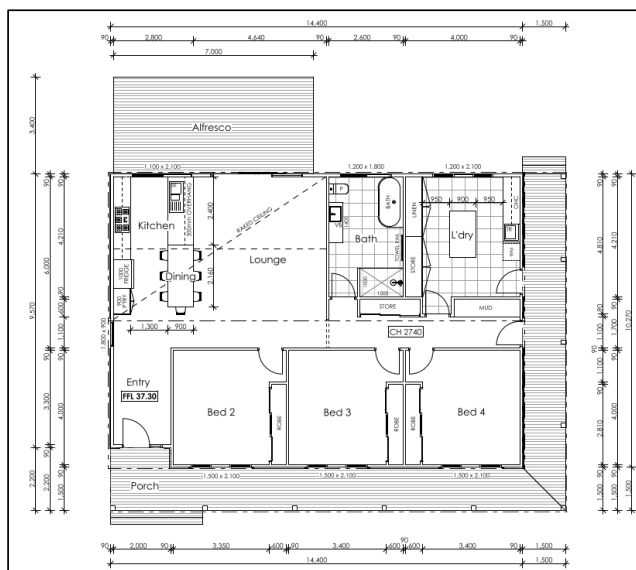


Figure 2: Dwelling Floor Plan

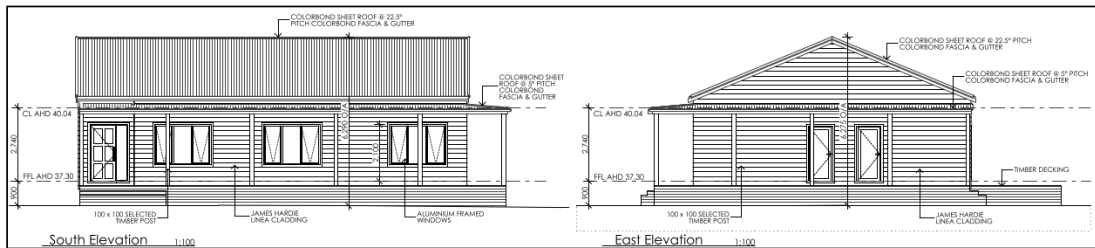


Figure 3: Dwelling South (L) & East (R) Elevations

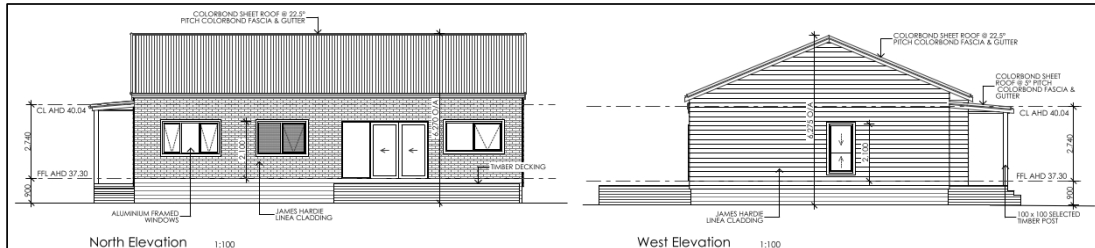


Figure 4: Dwelling North (L) & West (R) Elevations

Agricultural Shed

The shed is proposed approximately 10 metres west of the dwelling and measures 171 square metres in area. It is proposed to be constructed atop a 600mm earthen fill pad and has a maximum height of 5.488m above NGL (on all elevations). Vehicle access is proposed via three roller doors (measuring 3.5m in width and 3.4m in height) on the south elevation, while pedestrian access is a pedestrian door on the south elevation, as well as a sliding glass door and hinged pedestrian door on the north and east elevations. A verandah is proposed on the length of the west elevation, providing a depth of 3 metres with a maximum height of approximately 4.1 metres above NGL. All other elevations are to remain blank. The shed is to be constructed with 'Colorbond' steel cladding, finished in an unspecified colour.

The applicant has stated the shed is proposed to be used for storage of agricultural equipment.

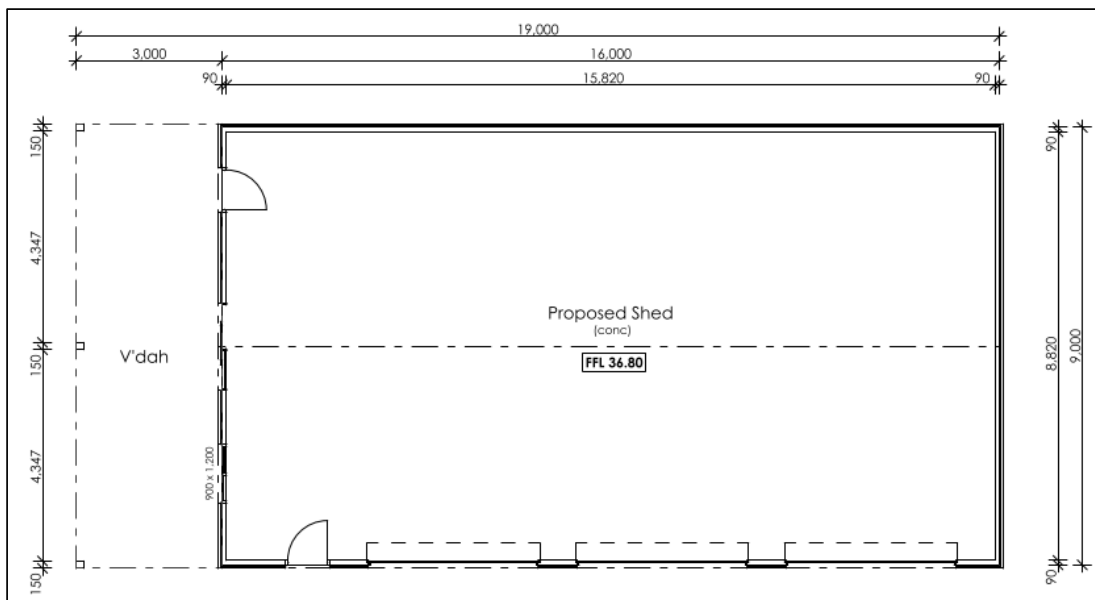


Figure 1: Shed Floor Plan

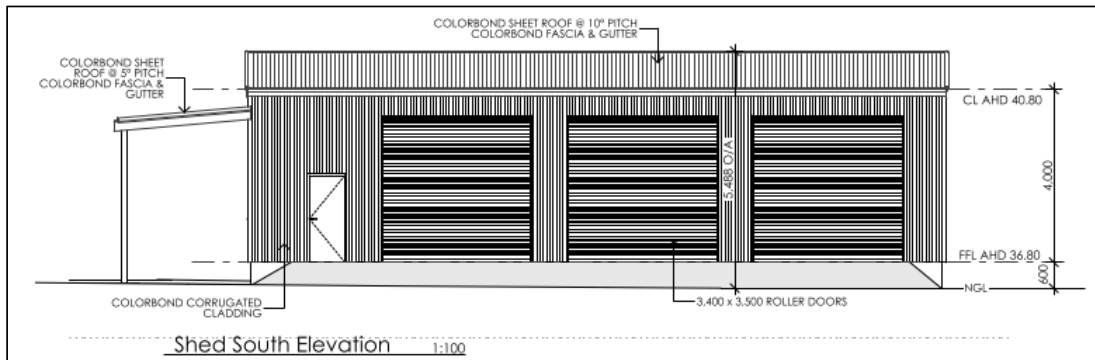


Figure 6: Shed South Elevation

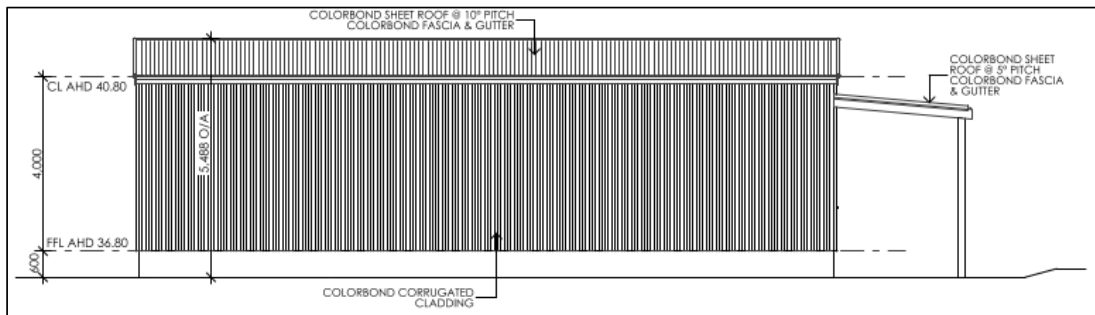


Figure 2: Shed North Elevation

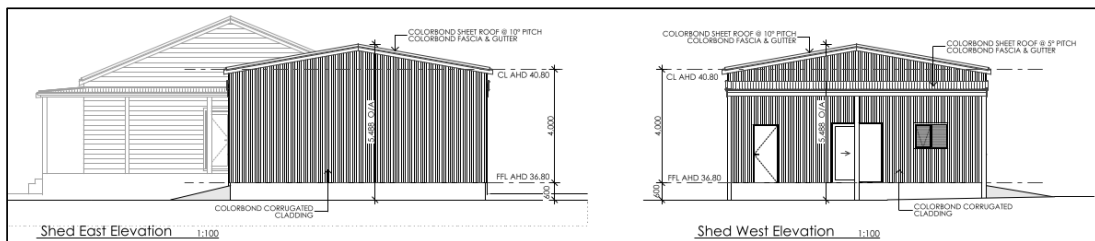


Figure 8: Shed East (L) & West (R) Elevations

Earthworks

Aside from the earthworks associated with the shed, retrospective approval is sought for earthworks associated with the existing accessway, as well as the relevant extensions to service the proposed dwelling and shed. This accessway is proposed in an irregular arrangement (see Figure 1 above) and is dimensioned to have a minimum width of 3.5 metres.

No vegetation is proposed to be removed as part of the proposal.

Agricultural Use

It is noted at the outset there is no dispute that a genuine agricultural activity is currently occurring on the land, and documents have been provided stating this is proposed to continue. As detailed in the submitted Farm Management Plan (FMP) the land currently carries 20 calf/cow units (40 cattle total), as well as four sheep and an alpaca. It is stated the sheep and alpaca are kept for non-commercial purposes, with the commercial farming operation relating only to the beef cattle. It is further stated within the FMP that the owners of the land lease a further two properties in the surrounding area (Warragul), stated to house 'non-breeding replacement animals and pregnant dry cows'.

Within the FMP, it is stated the owners of the land wish to expand the agricultural use to comprise an 'elite cattle breeding business'. This is to comprise 'more intensive elite breeding of Angus and Hereford Genetics'. While additional detail is provided within the FMP, it is eventually proposed to expand cattle numbers from 20 to 30 (cow/calf units – i.e. 60 individual animals).

Based on the information provided, both the current and proposed agricultural land uses are not considered to require a planning permit. They are considered to comprise 'Grazing Animal Production' – a use which pursuant to Clause 35.04-1 (Green Wedge Zone) is a Section 1 – no permit required land use on the site.

Subject site & locality

An inspection of the site and the surrounding area was undertaken on 28 May 2024 unaccompanied, where the site was viewed from Evans Road.

The site is located on the northern side of Evans Road, Longwarry and is rectangular in shape, measuring approximately 18.28 hectares in area. The land is not burdened by any easements.

Access is currently provided (and proposed to be maintained) via a gravel crossover in the approximate centre of the frontage (southern boundary), across a small concrete bridge (within the road reserve) over a deep roadside drain.

Presently, the land is developed with a portion of the proposed accessway, which leads to a number of structures centrally on the western boundary. One of these is used as a shed, while the other has been used as a Dwelling without the required permission. Further discussion regarding this is provided below.

There are a number of smaller storage structures adjacent to these buildings (including shipping containers), as well as a number of water tanks.

The broader site is fenced into a number of paddocks, with a small dam/water structure generally present within each. The land is currently used for cattle grazing, with a number of cattle present on the land both in aerial imaging and during the visit to the site.

The land is generally clear of vegetation, aside from along property boundaries and a number of scattered trees.

The land is located approximately 2.26 kilometres (as the crow flies) and 3.8 kilometres (via road) from the commercial core of the Longwarry Township (within Baw Baw Shire), and 2.76 kilometres (as the crow flies) and 4.6 kilometres (via road) from the commercial core of the Bunyip Township.

Surrounding the subject site, land is physically similar – flat, clear of vegetation and used for cattle grazing or other agricultural activities. Lot sizes generally increase (or are comparable), while many are significantly smaller (and subject to the Restructure Overlay – RO51) to the north-west. Surrounding lots appear to be largely used for relatively low-intensity agricultural uses (grazing, animal husbandry, horse husbandry, production of hay/silage and crop raising – or similar), while a number are used and developed with dwellings (see Figure 13 below).

Land directly adjoining the subject site is as follows:

North: Large (approx. 47ha) rural property, comprising a number of fenced paddocks that appear to be used for grazing. Undeveloped, aside from a number of small sheds and dams.

South: Similarly large (approx. 87ha) rural landholding, comprising a number of fenced paddocks that appear to be used for grazing and/or crop raising/horticulture. Developed with a dwelling, and a number of sheds and dams. The dwelling appears to have fallen into disrepair and does not appear to have been used for this purpose for over five years.

East: 235 Evans Road, Longwarry. Comparably sized rural property, used and developed with a dwelling. Other portions of this site are separated into fenced paddocks, used for cattle grazing. Land surrounding the dwelling is used for storage of goods and materials, largely uncovered.

West: Unmade government road reserve, that is made further north and is known as Murphy Lane. Further west the land directly adjoins two other properties, 185 Evans Road Bunyip and 45 Bastin Road Bunyip.

185 Evans Road comprises four individual crown parcels held in contiguous ownership. This lot is used and developed with a dwelling, as well as a horse arena, horse stables and a number of fenced paddocks. In addition to the dwelling use, appears to be used for Horse Husbandry.

45 Bastin Road similarly comprises six crown parcels held in contiguous ownership. This lot is used and developed with a dwelling and a number of sheds/outbuildings, as well as a dam. Appears to be used for cattle grazing.



Figure 9: Subject Site - North Left of Page



Figure 10: Surrounding Area



Figure 11: Subject Site - From Evans Rd, Looking North-West



Figure 12: Subject Site - From Evans Rd, Looking North



Figure 13: Dwellings (Blue & Yellow Dots) within 1km radius of site

Existing Use & Development

It is noted the documentation submitted with the application considers that a dwelling exists on the land. This comprises the 'top' building shown in Figure 14 (below). Notably, this building was constructed without the required building or planning approval, and despite the contentions put forth within the submitted documentation, the dwelling proposed as part of the permit application is not a 'replacement dwelling'. Council records indicate no planning permit has ever been issued for the land allowing use for a 'dwelling' 'accommodation' or 'residential building'. Given this, the application is considered on the basis that it seeks permission to use the subject land for a dwelling, for the first time.

As first established by the Planning Appeals Board in [Van Egmond v Knox CC & Bassett & Ors \[1985\] Vic PABR \(1998\) 3 PABR 249](#), it is common practice to neither reward nor punish an applicant for undertaking a use and/or development before obtaining the relevant permission. This assessment is undertaken on this basis.



Figure 14: Existing Development - Dwelling (Top) & Shed (Bottom)

Permit/Site History

The planning history of the site includes:

- Planning Permit T220487 was issued on 12 September 2022 to allow for *'Development of the land for one (1) agricultural building'*. This building was proposed adjacent to the crossover on the southern boundary and appears to have never been constructed. As such, this Permit is considered to have expired on 12 September 2024 as the development did not commence by this date.
- A [written directive](#) (ref. CR-21227115) was issued on 9 April 2021 by Council's Compliance Services (Planning Enforcement) Department, relating to use and development of the land for a Dwelling without a planning permit. This letter required the (now former) owner of the land to cease using the subject land for a dwelling within 28 days of the letter.
 - As discussed above, the land continues to be used for a dwelling in contravention of this directive. While no further planning enforcement has been taken to Council to date, the building is the subject of ongoing enforcement action by Council's Building Department.

Planning Scheme Provisions

Zones & Overlays

The land is within the Green Wedge Zone – Schedule 1 and the Land Subject to Inundation Overlay – Schedule under the Cardinia Planning Scheme.

Planning Policy Framework (PPF)

The relevant clauses of the PPF are:

- Clause 11 – Settlement
 - Clause 11.01 – Victoria
 - Clause 11.01-1S – Settlement
 - Clause 11.01-1R – Green Wedges – Metropolitan Melbourne
- Clause 12 – Environmental and Landscape Values
 - Clause 12.01 – Biodiversity
 - Clause 12.01-1S – Protection of Biodiversity

- Clause 12.01-2S – Native Vegetation Management
 - Clause 12.03 – Water Bodies and Wetlands
 - Clause 12.05 – Significant Environments and Landscapes
- Clause 13 – Environmental Risks and Amenity
 - Clause 13.02 – Bushfire
 - Clause 13.03 – Floodplains
 - Clause 13.07-1S – Land Use Compatibility
- Clause 14 – Natural Resource Management
 - Clause 14.01 – Agriculture
 - 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 14.02 – Water
- Clause 15 – Built Environment and Heritage
 - Clause 15.01 – Built Environment
 - Clause 15.01-2S – Building Design
 - Clause 15.01-6S – Design for Rural Areas
- Clause 16 – Housing
 - Clause 16.01 – Residential Development
 - Clause 16.01-3S – Rural Residential Development

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21 – Municipal Strategic Statement
 - Clause 21.01 – Cardinia Shire Key Issues and Strategic Vision
 - Clause 21.02 – Environment
 - Clause 21.02-1 – Catchment and Coastal Management
 - Clause 21.02-2 – Landscape
 - Clause 21.02-3 – Biodiversity
 - Clause 21.02-4 – Bushfire Management
 - Clause 21.03 – Settlement and Housing
 - Clause 21.03-4 – Rural Townships
 - Clause 21.03-5 – Rural Residential and Rural Living Development
 - Clause 21.04 – Economic Development
 - Clause 21.04-2 – Agriculture
 - Clause 21.06 – Particular Uses and Development
 - Clause 21.06-1 – Urban Design
- Clause 22 – Local Planning Policies
 - 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 53.03 – Residential Reticulated Gas Connection
- Clause 65 – Decision Guidelines
- Clause 66 – Referral and Notice Provisions
 - Clause 66.03 – Referral of Permit Applications Under Other State Standard Provisions
- Clause 70 – Operational Provisions
 - Clause 71 – Operation of this Planning Scheme
 - Clause 71.03 – Operation of Zones
- *Land Capability Study for the Cardinia Shire (February 1997)*
- *Cardinia Western Port Green Wedge Management Plan (May 2017)*
- *Guidelines for Development within the Koo Wee Rup and Longwarry Flood Protection District, Melbourne Water (July 2019)*
- [Muley Investments Pty Ltd v Cardinia SC \[2023\] VCAT 1268 \(15 November 2023\)](#)
- [Kenny v Cardinia SC \[2024\] VCAT 415 \(6 May 2024\)](#)
- [Marson v Cardinia SC \[2024\] VCAT 639 \(11 July 2024\)](#)
- [Shetland Heights West Pty Ltd v Bass Coast SC \[2024\] VCAT 1 \(5 January 2024\)](#)
- [Wood v Mornington Peninsula SC \[2024\] VCAT 87 \(2 February 2024\)](#)

Planning Permit Triggers

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

- Pursuant to Clause 35.04-1 (Green Wedge Zone) a permit is required to use land for a Dwelling.
- Pursuant to Clause 35.04-5 (Green Wedge Zone) a permit is required to construct or carry out a building or works associated with a Section 2 use (Dwelling).
- Pursuant to Clause 44.04-2 (Land Subject to Inundation Overlay) a permit is required to construct a building or construct or carry out works.

Public Notification

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

- Sending notices to the owners and occupiers of adjoining land.
- Placing one (1) sign on site.

The notification was carried out by Council on behalf of the applicant, and no (0) objections have been received to date.

As noted above, three additional documents were provided by the applicant following the conclusion of notice. These documents did not materially alter the use and development proposed as part of the application, and did not comprise any of the matters listed in Section 57A (2) of the *Planning and Environment Act 1987*. Rather, they provided additional detail regarding the proposal and accompanying agricultural use. As such, it was not considered necessary to formalise these documents via a Section 57A Amendment, or re-advertise (or re-refer) these documents.

Referrals

External Referrals/Notices:

Referrals/ Notice	Referral Authority	Summary of Response
Section 55 Referrals	Melbourne Water	No objection, subject to conditions.
Section 52 Notices	N/A	N/A

Internal Referrals:

Internal Council Referral	Summary of Response
Strategic Planning	Objected to grant of a permit, on the basis that the proposed use and development is inconsistent with objectives of relevant Settlement, Green Wedge (in particular Western Port Green Wedge) and Agriculture policy, is not reasonably required to facilitate productive agricultural use of the land and is likely to lead to a proliferation of dwellings in the area.
Engineering	No objection, subject to conditions.
Environment	No objection, subject to conditions.
Environmental Health	No objection, subject to conditions.

Assessment

Key matters to be considered as part of determination of the application include:

- Response to the Planning Policy Framework and Local Planning Policy Framework;
- Response to Clause 22.05 (Western Port Green Wedge Policy) and associated documents;
- Response to Clause 35.04 (Green Wedge Zone);
- Response to recent decisions of the Victorian Civil and Administrative Tribunal (VCAT);
- Nature of the existing and proposed agricultural use; &
- Response to floodplain and flooding policy, including:
 - Policy within the PPF and LPPF;
 - Clause 44.04 (Land Subject to Inundation Overlay); &
 - *Guidelines for Development within the Koo Wee Rup and Longwarry Flood Protection District, Melbourne Water (July 2019)*

Following assessment of these matters, it has been determined the proposal does not achieve an acceptable response to all above considerations, aside from those relating to flooding. The proposal seeks to introduce residential development outside of an existing settlement and within an area of highly productive agricultural land, is considered likely to bring about land use conflicts in future, and hinder productivity of surrounding agricultural operations.

While noted an agricultural operation currently occurs on the land and is proposed to continue, it is not considered to be one of a scale or nature that requires a permanent, on-site dwelling – particularly

given the proximity of the land to established settlements. As such, it is recommended Council refuse to grant a permit, on the basis of the assessment is provided below.

Planning Policy Framework (PPF) and Local Planning Policy Framework (LPPF)

The proposal is considered to be inconsistent with the below strategic objectives and purposes of key considerations within both the PPF and LPPF.

The subject site is located outside of the Urban Growth Boundary (UGB) surrounding Bunyip and outside of the urban area of Longwarry (both established settlements), in a location designated for Agriculture and other rural activities (Cl. 11.01-1S & 21.01-1). Further, the subject site has a designated 'Agricultural Significance' (by Clause 21.04-2 - Agriculture) of 'Good' - the second highest designation (see Figure 15 below).

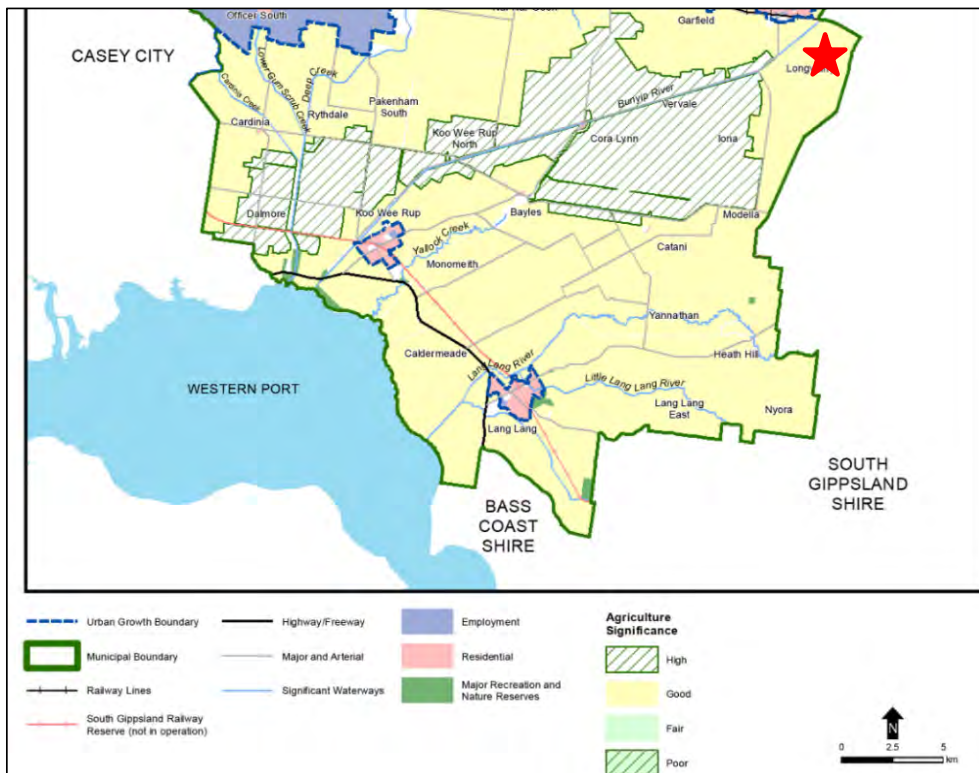


Figure 15: Agricultural Significance - Subject Site Red Star (Approx.)

The location of the subject site outside established settlements and within an area of good agricultural significance indicates it is not one in which new residential development should be encouraged. New residential development of land is considered to be inconsistent with green wedge values, sought to be protected by Clauses 11.01-1R, 21.01-3 & 21.04-2 (among others). Further, the use and development of the land for a dwelling is considered to be particularly inconsistent with the objectives and strategies of Clause 12.05-2S, which seek to protect significant green wedge landscapes.

Elsewhere in the Scheme, the subject site and surrounding Western Port Green Wedge is identified as one of high agricultural value, significance and productivity (Cl. 21.01-1 & 21.04-2). The application seeks to provide new housing development in an established rural area and seeks to use a productive agricultural lot for a dwelling, contrary to the objectives and strategies of Clauses 14.01-1S & 21.04-2. Further, this Clause expressly directs residential development to existing settlements - a strategy the proposal is at clear odds with as it seeks to introduce an inappropriately dispersed urban activity to a rural area (Cl. 14.01-1S).

While noted an existing Agricultural land use (cattle grazing and calving) is occurring on the subject land (and this is proposed to continue), it is not considered this use is of a scale or type that necessitates an on-site dwelling. Use (and development) of the land for a Dwelling is considered likely to create land use

conflicts with agricultural land uses surrounding the site; uses that are consistent with the purposes of the Zone and other policy (Cl. 13.07-1S, 14.01-1S). Further, introduction of a new dwelling to the land in an area where these are not commonplace is likely to place pressure on settlement boundaries, and lead to a proliferation of dwellings – both of which are propositions likely to increase land values and hinder continuation of primary production on surrounding land – discouraged by Clauses 14.01-1S & 21.04-2.

While noted the existing agricultural operation on the land is supported by on-site accommodation (albeit unlawfully), numerous surrounding lots are used for comparable agricultural purposes without the presence of an on-site dwelling. As mentioned above, the agricultural use is not considered to be one of a scale that requires a permanent on-site dwelling – particularly given the close proximity to Longwarry and Bunyip; two established settlements. Given this, it is considered the agricultural operation can reasonably continue on the land without the presence of a dwelling – a course of action significantly more consistent with the strategies and objectives of Clauses 14.01-1R, 21.03-5 & 21.04-2.

While larger in size than a number of surrounding lots (at approximately 18.3 hectares), the site is significantly smaller than the minimum subdivision area designated in Schedule 1 to the Green Wedge Zone – 40 hectares. This effectively designates the land as a ‘small lot’ – a type of lot where rural residential/rural living development is expressly discouraged by Clauses 16.01-3S and 21.03-5. As detailed in Clause 21.03-5 (Rural Residential and Rural Living Development):

‘The Land Capability Study of the Cardinia Shire, 1997...recognises that the indiscriminate development of land for small lot rural and rural residential purposes may result in extensive land and water degradation, loss of high quality agricultural land and unnecessarily high development and maintenance costs.’

The proposed use and development are considered to comprise ‘rural living development’, and given the agricultural significance of the land, the proposal is considered likely to have a significant impact on surrounding agricultural land – again as discouraged by Clause 21.03-5.

While the above assessment is largely centred around the use of land for a dwelling, the siting of the proposed development is also not considered to achieve an acceptable outcome. As mentioned above, the dwelling is proposed to be setback a distance of 210 metres from the front (southern) title boundary. This location is considered to be inconsistent with the objectives and strategies of Clause 14.01-1S, 14.01-1R and 21.04-2. The average setback of the eight legacy/existing dwellings along Evans Road (between Murray Road and KWR-Longwarry Road) measures approximately 61 metres – the proposed 210 metre setback is considered inconsistent with this feature of the rural character of the area, sought to be protected by Clause 15.01-6S.

In addition, and as outlined in depth below, the area surrounding the dwelling (currently used as a paddock) is likely to be used for domestic activities associated with the proposed dwelling; and therefore ‘lost’ from use for agricultural purposes. This area measures approximately 2.5 hectares, or 13% of the subject site. Given the good agricultural capability of the land, this figure is considered unacceptable with regard to the objectives and strategies of Clauses 14.01-1S & 21.04-2.

Given the above assessment, the proposed use and development is considered to afford little support, if not strong opposition from policy and key considerations within the PPF and LPPF.

Clause 22.05 (Western Port Green Wedge Policy) & Cardinia Western Port Green Wedge Management Plan (May 2017)

Informed by the above reference document, Clause 22.05 outlines a strategic vision for the Western Port Green Wedge, which as above the subject site lies within. The objectives of this Clause are:

- *‘To give effect to Council’s vision for the Cardinia Western Port Green Wedge.*
- *To ensure that land uses are carefully located and managed to be consistent with the vision for the Cardinia Western Port Green Wedge.*
- *To provide clear guidance on appropriate tourism industries and their location.*
- *To provide guidance and clear direction for preferred land uses for each of the 3 precincts.’*

All proposals must align with the following (Land Use) policy, at Clause 22.05-3 which seeks to:

- *'Ensure that green wedge soils and their versatility are recognised as a finite resource and are protected accordingly.*
- *Maintain and protect the highly productive agricultural land from incompatible uses including non-soil based farming.*
- *Provide for the restructuring of lots in agricultural areas to reduce the impact of old and inappropriate subdivisions on the economic agricultural viability of the area.*
- *Minimise the risk of flooding which impacts on agricultural activities in the Koo Wee Rup Flood Protection District'.*

The proposal is not considered to achieve an acceptable outcome with regard to the above considerations. The proposed use and development of the land for a dwelling is inconsistent with the above strategies that seek to protect highly productive agricultural land from inappropriate uses. Introduction of a dwelling to the site in an area where they are uncommon is considered likely to lead to land use conflicts (with agricultural uses) and is considered to erode green wedge values – sought to be protected by the above policy.

Further, given the close proximity of the site to the existing settlements of Bunyip and Longwarry, use and development of the land for a dwelling is considered likely to place pressure on the established settlement boundaries of these townships – leading to expectations regarding rural residential development, increasing the risk of a proliferation of dwellings in the area and affecting the 'right to farm' surrounding land. Encroachment of urban development into the Western Port Green Wedge is expressly discouraged by the 'Rural Townships' policy at Clause 22.05-3.

Although an agricultural use is currently occurring (and proposed to continue) on the land, the proposed use and development of a dwelling on the land (as sought by the application) is considered to comprise the 'dominant' use of the land, a proposition that does not actively protect the valuable, high value and versatile soils of the Western Port Green Wedge as desired by the 'Land use' policies of Clause 22.05-3.

An assessment of the relevant decision guidelines at Clause 22.05-5 is provided in the Table below.

Decision Guideline	Response
<i>The vision and local policy for the Cardinia Western Port Green Wedge.</i>	<u>Not met</u> The vision and local policy for the Western Port Green Wedge are clear and unambiguous; Green Wedge Land, particularly that in close proximity to townships should be protected from encroachment from urban development. Further, these documents acknowledge green wedge soils as a finite resource which should be protected; something the proposal is considered to be at odds with, given it seeks to allow the land to be used for a dwelling for the first time.
<i>The precinct objective and the future directions/ preferred land uses for the site.</i>	<u>Not met</u> The subject site is located within 'Precinct 1' – designated for 'Agriculture, horticulture and soil based food production'. Objectives, future directions/land uses for this Precinct are silent on Dwellings. Rather, the objectives seek to maintain and protect use of this land for agriculture, horticulture and soil based food production. Non-rural uses are expressly discouraged from locating within Precinct 1, with these preferred to be located to be located within townships or adjoining the UGB. Given this, the proposed use and development for a dwelling is considered to be inconsistent with the Precinct 1 objectives and future directions/preferred land uses for the site.
<i>Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.</i>	<u>Not met</u> It is considered the proposed use and development are likely to remove a substantial portion of the land from Agricultural production. As discussed above, the dwelling is proposed to be setback approximately 210 metres from the front (southern) title boundary. While the physical proposed dwelling itself is modest in size (approx. 187m ²), documentation submitted with the application indicates the land is to be divided into five paddocks, with an area surrounding the proposed dwelling not stated to be used as part of the cattle operation (see Figure 16 below). The area of this portion measures

	<p>approximately 2.5 hectares. This equates to approximately 13.6% of the site area being devoted to non-agricultural purposes; a figure considered unacceptable given the good agricultural capability and high significance of the land.</p> <p>Additionally, and as noted above and further below, the introduction of a lawful dwelling to the land is considered likely to significantly increase the value of the land. As any permit issued runs with the land (not the specific owner), this is considered likely to restrict the ability for the land to be used for economically viable agricultural pursuits in its entirety. Rather, the proposal is considered to primarily seek use and development of the land for a rural lifestyle purpose – something that affords no support from Clause 22.09.</p>
<p><i>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</i></p>	<p><u>Not met</u></p> <p>As discussed above, dwellings on comparably sized lots are not commonplace in the area. As such and owing to the designation (within Precinct 1) of the land as highly suitable for agriculture and horticulture, it is considered such uses (agriculture and horticulture) would be strongly encouraged on surrounding land.</p> <p>Given these agricultural uses are known to generate adverse amenity impacts, it is considered likely approval of a dwelling on the land would lead to, and likely facilitate land use conflicts in future.</p>
<p><i>The capacity of the site to sustain the agricultural use.</i></p>	<p><u>Not met</u></p> <p>As detailed in the submitted documentation, the land is currently used for 'Grazing Animal Production', comprising raising and sale (for meat) of 20 calf/cow units (40 cows). There is strong strategic support for this use of the land, and the land is considered to be more than suitably capable of sustaining an agricultural activity of this scale.</p> <p>In addition, the owners of the land:</p> <p><i>'...continue to breed the cows to maintain/increase their herd size.'</i></p> <p>While stated within the FMP that the owners propose to expand their herd size from 20 to 30 cow/calf units, there is no timeline for this to be undertaken, and no assurance as to whether it will occur.</p> <p>However, despite the land being capable for this use, it is not considered that a dwelling is required to facilitate or enhance this agricultural use. As discussed further below, grazing of 40 cows is not considered to be an agricultural use that requires ongoing 24-hour supervision (including for animal welfare reasons), and as such the dwelling is unjustified for this purpose.</p> <p>While noted the FMP states a more intensive breeding/rearing (embryo transfer) operation is proposed to commence (subject to approval of the dwelling), the FMP does not provide sufficient justification that a dwelling is required for this to occur. As detailed in Section 3.1 of the FMP:</p> <p><i>'The optimum facilities for such a program include holding yards, race and crush.'</i></p> <p>It is further noted at Section 3.6:</p> <p><i>'A dwelling needs to be present for the [owners] to be able to provide adequate husbandry and meet the welfare requirements of the animals. The location of the dwelling, the yards and given that the entire farm area and yards can be viewed from the proposed dwelling site make it a suitable location for the proposed enterprise, thereby lifting the likely success rate of the embryo transfer program and the subsequent profitability of the enterprise.'</i></p> <p>The FMP is not considered to advance genuine reasons for the establishment of a dwelling on the land. Rather, it is largely focussed on facilitating 'convenience' of the proposed agricultural operation.</p> <p>While noted calving, rearing and embryo transfer operations require on-site presence for <u>certain periods</u>, the land is in close proximity to the established townships of Longwarry (4-minute drive) and Bunyip (7-minute drive), as well as the larger town of Drouin (13-minute drive). Given this location, it is not considered that the subject site is one of such an isolated nature to require an on-site dwelling, to facilitate the agricultural operation.</p>

Given the above assessment, the proposed use and development is considered to be inconsistent with the objectives and vision for the site, as well as the decision guidelines within Clause 22.09 and the *Cardinia Western Port Green Wedge Management Plan*.



*the red lines annotate the existing fences and show the five existing paddocks.

Figure 16: Approx. Domestic Area - Written Statement (L) & NearMap Measurement (R)

Green Wedge Zone – Schedule 1

Aside from implementing the PPF and MSS, the purposes of the Green Wedge Zone are:

- ‘To provide for the use of land for agriculture.*
- To recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources.*
- To encourage use and development that is consistent with sustainable land management practices.*
- To encourage sustainable farming activities and provide opportunity for a variety of productive agricultural uses.*
- To protect, conserve and enhance the cultural heritage significance and the character of open rural and scenic non-urban landscapes.*
- To protect and enhance the biodiversity of the area’.*

Clause 35.04-2 identifies that land used for a dwelling must meet the following requirements:

Dwelling Requirement	Assessment and Response
<p><i>Access to the dwelling or small second dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.</i></p>	<p>Access to the land is currently provided via a crossover centrally on the southern boundary, with this arrangement proposed to be utilised for the dwelling.</p> <p>Internal to the site, retrospective approval is sought of an existing gravel accessway to the proposed dwelling. Notations are included on the submitted plans that this accessway is to be all-weather and a minimum of 3.5 metres in width. No detail is provided within the Scheme as to what ‘suitable dimensions to accommodate emergency vehicles’ comprises, however Table 5 to Clause 53.02-5 (Bushfire Planning) specifies access requirements for applications under the Bushfire Management Overlay. Given this Table references ‘a minimum trafficable width of</p>

	3.5 metres', the proposed accessway is considered to meet the requirement of the Green Wedge Zone.
<i>The dwelling or small second dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from the dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017 for an on-site wastewater management system.</i>	Reticulated sewerage is not available to the subject site. The applicant has submitted a Land Capability Assessment (LCA) (prepared by <i>Soil Test Express</i> , dated 23 February 2024). The document contends that wastewater can be treated and retained within the lot, in accordance with relevant requirements (including the EPA Act). Further, this document was referred to Council's Environmental Health team, who have not objected to grant of a permit.
<i>The dwelling or small second dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.</i>	Reticulated potable water supply is not understood to be available to the subject land. As stated in the submitted documentation, water tanks are proposed to be provided to service the potable water needs of the dwelling. While capacity of these tanks is unknown, it is considered that refilling (via water delivery) opportunities are readily available given the proximity of the land to existing settlements.
<i>The dwelling or small second dwelling must be connected to a reticulated electricity supply or have an alternative energy source.</i>	Documentation submitted with the application states the dwelling is proposed to be connected to reticulated electricity supply. Data available from the relevant electricity supply/distribution authority (AusNet Services) indicate there are 22kV distribution lines along Evans Road, and as such it is considered the proposed dwelling is able to be connected to reticulated electricity.

Given the above, it is considered all requirements of Clause 35.04-2 are met by the proposed dwelling. Should the application be recommended for approval, this would be ensured via permit condition requiring the above (prior to occupation), however as the application is recommended for refusal this is not necessary. An assessment of the proposal against the remainder of the Green Wedge Zone is provided below.

The proposed use and development are not considered to achieve an acceptable response to the above purposes. Primarily, this is due to the fact the proposed dwelling is not considered necessary to provide for or enhance the use of land for agriculture. Although an agricultural use (Grazing Animal Production, involving 40 cows) is currently occurring (and is proposed to continue), as already discussed, it is not considered to be one of a scale that requires presence of an on-site dwelling to sustain. This is particularly the case given the close proximity of the land to established urban areas, from which the agricultural operation is considered able to be managed.

While further noted a calving/breeding operation is stated to be proposed, the submitted documentation does not advance reasons why a dwelling is required for this to occur. As detailed in the FMP, the infrastructure required to establish such an operation largely comprises secure paddocks, holding yards and a race and crush. Infrastructure necessary for the 'embryo transfer' operation is stated to comprise 'a shed or area at the house to store and handle the embryos...', with this storage facility comprising a liquid nitrogen tank. It is not however justified why a Dwelling is required, preferred or encouraged to undertake the embryo transfer operation. The submitted letter prepared by a veterinarian explains that:

'For a farmer to check calving cows regularly, they should be nearby the cows and able to check them 2-3 times per day and during the night, and more so during bad weather.'

Given this frequency (2-3 times per day) preferred by the veterinarian, and proximity of the site to existing settlements, it is considered appropriate husbandry and animal welfare care can be provided to cows on the land, even during the night without the requirement for an on-site dwelling as is common practice on many cattle farms.

As such, it is considered the introduction of a dwelling (use and development) to the land does not represent a positive response to the above purpose of the Zone; to recognise, protect and conserve

green wedge land for its agricultural values. Rather, it seeks to facilitate use of the land for a 'rural residential' type purpose.

An assessment of the proposal against the relevant decision guidelines of the Green Wedge Zone is provided in the table below. Many considerations are echoed elsewhere in the Scheme and assessed elsewhere in this report – a response to these guidelines is not repeated.

Decision Guideline	Assessment
General Issues	
<i>How the use or development relates to rural land use, rural diversification, natural resource management, natural or cultural heritage management, recreation or tourism.</i>	<p><u>Not met</u></p> <p>The proposed dwelling use and development is not considered to sufficiently relate to the rural use occurring (and proposed to continue) on the subject land – Grazing Animal Production.</p> <p>As mentioned above, while 40 Hereford cows are currently kept on the land, this is considered to be an agricultural land use of low scale and intensity. While a FMP has been provided with the application outlining future expansion of the agricultural activity (to calving/breeding), there is no timeframe for this to occur, and aside from convenience, insufficient reasoning has been advanced as to why a Dwelling is necessary to undertake this operation.</p> <p>As such, it is not considered the future agricultural operation is one of a scale that requires the presence of an ongoing farm managers residence (Dwelling). Rather, the extent to which the proposed Dwelling will relate to rural land use is considered to be limited to convenience only.</p> <p>As such, it is not considered the proposal appropriately relates to rural land use (Agriculture). Rather, it seeks to use and develop the land for 'rural living' type purposes, a proposition expressly discouraged throughout the Scheme.</p>
<i>Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses.</i>	<p><u>Not met</u></p> <p>Given the land is identified as being of high agricultural significance throughout the Scheme (but most notably at Clause 22.05), the site is not considered to be suitable for residential development. While in some cases, it may be possible to appropriately demonstrate that residential development (such as a Dwelling) is directly related to or needed to support/enhance an agricultural operation, or otherwise will assist in advancing and achieving the purposes of the GWZ – this is not considered to be the case in this circumstance.</p> <p>The agricultural operation (keeping of 40 cows, with breeding/calving to be explored in future) is not considered to be one of a scale that requires an on-site Dwelling. Rather, and as discussed further below it is considered accommodation can be provided in established urban areas (nearby townships), and the entirety of the site maintained for sustainable agricultural use.</p> <p>Similarly, the proposal is not considered to be compatible with adjoining and surrounding land uses. While two adjoining lots are used and developed with dwellings, a further two are not. In addition, policy strongly encourages land adjoining and surrounding the site to be used for productive agricultural purposes, including uses known to create adverse amenity impacts. As such, it is not considered the use and development of land for a dwelling has appropriate regard to the desired strategic direction for the surrounding area (productive agriculture) – rather it is considered likely to lead to future land use conflicts and adversely impact the 'right to farm' of the surrounding area.</p>
Rural Issues	
<i>The maintenance of agricultural production and the impact on the rural economy.</i>	<p><u>Not met</u></p> <p>As discussed above, the proposed dwelling is not considered to be necessary to support, maintain or enhance agricultural production on the land. Further, it is considered the introduction of a dwelling to the land is likely to dramatically increase the value of the</p>

	<p>land and create expectations for use and development of surrounding land, for residential development.</p> <p>This is considered likely to have a high detrimental impact on the rural economy by raising land prices (both of the site and in the surrounding area), limiting the ability for productive, economically viable agricultural land uses to establish on the site and surrounding area in future. As explained by Member Templar in <i>Wood v Mornington Peninsula SC [2024] VCAT 87 (2 February 2024)</i>:</p> <p><i>'47. The establishment of a dwelling on land that is identified as productive agricultural land effectively removes the site from being a transferable commodity at agricultural values, rather, assigns residential land values which inherently raises the value of the land beyond that which is ascertainable for agricultural production.'</i></p>
<p><i>The potential for the future expansion of the use or development and the impact of this on adjoining and nearby agriculture and other land uses.</i></p>	<p><u>Not met</u></p> <p>It is considered likely the proposed dwelling will lead to a proliferation of urban activities on the lot. As mentioned above, the permission sought (use of land for a dwelling) runs with the land in perpetuity, and for this reason it is considered likely this use (and associated development) could incrementally increase/intensify in size into the future.</p> <p>For this reason (as well as those discussed above), it is considered the establishment of a Dwelling use on the land has significant potential to detrimentally impact adjoining and nearby agriculture. Dwellings are noted to be accompanied by expectations regarding amenity – while the purposes of the zone (affecting the land and surrounding area) seek to encourage agricultural uses, known to generate amenity impacts. Further, and as discussed directly above, expansion of a dwelling use and development on the site is considered likely to inflate land prices, placing further pressure and constraints on establishment of agricultural uses.</p>
<p><i>The protection and retention of land for future sustainable agricultural activities.</i></p>	<p><u>Not met</u></p> <p>By nature, the proposed use and development seeks to remove a portion of the land from use for sustainable agricultural activities. As discussed above (and shown in Figure 16 above) the physical area of the site proposed to be 'lost' from the agricultural base and used for domestic purposes equates to approximately 2.5 hectares (or 13% of the site area). Given the high agricultural significance of the land, this is considered to be an unacceptable figure, and given the modest physical size of the dwelling, the area 'lost' could not realistically be smaller (if the dwelling was relocated). As such, it is not considered the proposal appropriately protects and retains land for future sustainable agricultural purposes. Rather it seeks the opposite; and would result in the removal of approximately 2.5 hectares of highly valuable, productive agricultural land – as well as hindering use of surrounding land for future sustainable agricultural activities.</p>

Given the above assessment, the proposal is not considered to achieve an acceptable response to, or outcome with regard to the Green Wedge Zone. The proposed dwelling is not considered to be necessary or justified to support or enhance the agricultural use (Grazing Animal Production); or any other use/activity aligned with the purpose of the Zone. In addition, the use and development is considered likely to inflate land values, 'pushing out' productive agricultural uses or preventing them from establishing, and is considered likely to place pressure on the established settlement boundaries of Bunyip and Longwarry.

As detailed in Clause 71.03-2 (Operation of Zones):

'Because a use is in Section 2 does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes...'

Assessment of the application has occurred, and the proposed use (as well as associated development) is not considered to achieve an acceptable outcome.

Response to Flooding Policy & the Land Subject to Inundation Overlay – Schedule

As noted above, a permit is required to construct a building or construct or carry out works pursuant to Clause 44.04-2 (Land Subject to Inundation Overlay). This designation, as well as the location of the subject site within the *Koo Wee Rup Longwarry Flood Protection District* indicate it is at high risk of flooding, primarily from mainstream flooding associated with open drains.

Policy in both the PPF and LPPF seek to assist in the protection of human life and property from flood risk, as well as maintaining floor storage functions of floodplains (Cl. 13.03-1S). This policy (as well as Clause 21.02-1) seeks to minimise development in floodplains, unless demonstrated that the applicable flood risk is mitigated and/or minimised to an appropriate level.

Pursuant to Clause 44.04-7 (Land Subject to Inundation Overlay) and Section 55 of the *Planning and Environment Act 1987*, the application was referred to Melbourne Water for consideration. Within the response received from Melbourne Water, the applicable flood level for the land is stated as 300mm above NGL. In the referral response, Melbourne Water stated they do not object to the grant of a permit, subject to conditions – including those requiring the submission of amended plans. This includes the requirement for a fill pad to be provided beneath the shed, extending five metres in all directions.

Further requirements are detailed in permit conditions, and subject to these revisions the development is expected to mitigate the flood risk to an acceptable level, without detrimentally impacting flood storage capacity or waterway/catchment health. As such, there is considered to be no reason to refuse to grant a permit based on flood risk, or under the Land Subject to Inundation Overlay. However as is well established, if a permit is required under multiple provisions of the Scheme, an acceptable outcome must be achieved with regard to all provisions, for a permit to be granted.

Consideration of Other Aspects of the Proposal – Buildings and Works (Agricultural Building and Earthworks)

While the proposal holistically is not considered to achieve an acceptable outcome as a result of the dwelling, assessment of the other components of the application is provided below.

Agricultural Building (Shed)

The proposal shed is broadly considered to achieve an acceptable outcome. Sheds and agricultural buildings similar to the proposed are commonplace in the area, and are considered a ‘necessary component’ of use of land for agriculture. The design and size of the shed are considered to achieve an acceptable outcome, however the siting is undesirable. Should the shed be proposed in isolation, it would be required to be located significantly close to side boundary, in a location similar to the existing buildings on the land. Subject to this revision it is considered the shed would achieve an acceptable outcome, if considered in isolation.

Earthworks

Similar to the above, the earthworks associated with the proposed outbuilding and accessway are considered largely acceptable in isolation. The southern portion of the accessway ‘bisects’ fenced paddocks, as do the northern portions. The circular component (south-west of the proposed dwelling) is not considered necessary, as it results in the unnecessary loss of agricultural land.

The fill pad associated with the shed is considered to be acceptable, as it is a necessary component of this development to meet flood level and flood mitigation requirements specified by the floodplain management authority. This remains applicable with the indicative required siting (discussed above).

Notwithstanding the above, the fill pad associated with the dwelling is not considered acceptable. While it is a necessary component of the dwelling (should it theoretically be approved), it results in a further loss of significant agricultural land to domestic activities. Provision of an earthen fill pad 5 metres from the dwelling in all directions substantially increases the footprint of the dwelling.

As such, subject to the revisions discussed above, the proposed agricultural building, earthworks both associated with it and the accessway would be considered acceptable, if proposed in isolation (without the dwelling).

Recent Decisions of the Victorian Civil and Administrative Tribunal

A number of recent decisions of the Victorian Civil and Administrative Tribunal (‘VCAT’ or ‘the Tribunal’) are of relevance to the proposal, either given their location on Green Wedge land within Cardinia Shire or similarities concerning the proposal or associated Agricultural use. While these Tribunal decisions are not binding on Council and decision made should ‘turn on the facts before it’, they provide a useful framework for consideration of the application.

Muley Investments Pty Ltd v Cardinia SC [2023] VCAT 1268

This decision concerned appeal of Council's refusal to grant a permit for use and development of land for a contractors depot, also within an area of 'good' agricultural significance (as designated by Cl. 21.04-2) and also a non-agricultural use. As outlined by Member Gaschk:

'66. I have also not been persuaded that the loss of some 2.0ha of 'good' agricultural land is justified or necessary on this land to provide for the large scale non-agricultural land use as proposed. This is particularly so given the context and physical agricultural character of surrounding land.

'67. I also agree with council that any loss of 'good' agricultural land in this location, must be considered and assessed in the context of 'cumulative impacts' that may arise on surrounding GWZ1 land. It is this potential incremental 'urban' creep of non-agricultural land uses into the Green Wedge areas that the GWZ1 purposes and associated policy seek to avoid.'

Given the proposal in the above decision also concerned a non-agricultural use and development, the 'loss' of valuable agricultural land to urban activities (particularly in close proximity to a rural township) was considered inappropriate, and Council's decision ultimately affirmed. The comments provided regarding 'cumulative impacts' are of particular relevance, as it is contended that approval of one non-agricultural use is likely to lead to expectations regarding approval of similar uses in future.

Kenny v Cardinia SC [2024] VCAT 415

In *Kenny*, the permit applicant sought review of Council's failure to grant a permit for use and development of land for a dwelling, within the Green Wedge Zone and Land Subject to Inundation Overlay – in Nar Nar Goon. The subject site in this decision was materially smaller 215 Evans Rd, and no agricultural activities were proposed to occur. Notwithstanding these differences, Member Harty outlined a number of useful considerations for applications seeking to use and develop Green Wedge land for a dwelling. As outlined below:

'44. I also find that policy support for residential use and development of land in the Green Wedge and in these areas of good agricultural significance is either silent or at best, tempered.

'45. The purposes of the GWZ1 do not extend to encouraging the use and development of land for a dwelling, or for rural residential or rural living purposes.'

These statements echo the contention of this report that the Green Wedge Zone is not a residential zone, and policy support elsewhere within the Scheme for residential development in the Green Wedge Zone is minimal at best. Rather, considerations within the Scheme encourage Green Wedge land to be used in a manner that acknowledges the valuable characteristics of Green Wedge land, including:

'...agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources.'

Proposals that do not directly involve these characteristics must be demonstrated to support these characteristics more broadly – with this where the subject application fails. While an Agricultural use is occurring (and proposed to continue) that aligns with the purpose and objectives of the Zone (and other policy), it is not considered the Dwelling is necessary for this the agricultural use to occur.

Marson v Cardinia SC [2024] VCAT 639

In *Marson*, the permit applicant sought review of Council's refusal to grant a permit for use and development of land for a Dwelling, within the Special Use Zone – Schedule 1; land designated for horticultural production, within Catani.

As part of this application, use and development of the land for a dwelling was proposed, and was stated to be in support of 'Grazing Animal Production' comprising approximately 30 animals. The permit applicant sought a dwelling on the land largely for convenience purposes, as well as providing greater oversight and security for the cattle operation. In affirming Council's decision to refuse to grant a permit, the Tribunal relevantly stated:

'79. To the extent that use of the land for a dwelling on the subject land will allow a greater presence on the subject land and better oversight of existing farming activities on the subject land and the applicants' other two separate land holdings to the north:

- *we are not persuaded that a dwelling is reasonably required for the operation of the rural activity being conducted on the subject land [- a decision guideline of SUZ1].*

These existing activities involve cattle grazing and the production of hay and silage. While we accept that these are genuine agricultural activities, we find that they do not warrant a continuous on-site presence for their successful conduct;

- *we find that any enhancement of on-site security is not contingent on permitting a dwelling on the subject land. There are many other ways of enhancing site security through for example, remote monitoring by electronic means or changes to the type, location and design of fencing...*

As evidenced above, despite the different zoning of the land, there are a number of relevant similarities between *Marson* and the subject application. A similar agricultural operation was found to not require a continuous on-site presence, with particular regard to site security. As explained by the Tribunal, there are other means by which site security can be maintained – without the requirement for an on-site dwelling. Further, at paragraph 80:

'...The land's area is also below the 25 hectare minimum for subdivision albeit larger than some other lots containing a dwelling in the surrounding area. We do not however consider that these other examples of dwellings on smaller lots usefully support the grant of a permit on this site. Many of these pre-date current planning scheme policies and controls that now seek to avoid residential use of agricultural land and its fragmentation. Consolidation of such lots is also a contemporary strategic policy outcome.'

Similar to the circumstances in *Marson*, while noted above there are examples of dwellings on lots surrounding the subject site, the majority of these pre-date current planning controls. Since construction of these dwellings, the policy narrative has shifted dramatically, and now encourages dwellings to be located within established settlements, and (with regard to the PPF and LPPF), expressly discourages dwellings being located on productive agricultural land.

As shown in Figure 17 (below), there are 18 dwellings on land within an approximate 1 kilometre radius of the subject site. Of these 18 dwellings, only three have been approved via a planning permit issued since 1995. The remaining 15 dwellings were either approved under vastly different controls, or do not appear to have the required approval.

Further, a number of lots (particularly west of the site) are affected by the Restructure Overlay – and therefore cannot reasonably be developed with dwellings in their current form.



Figure 17: Permits issued for use of land for a dwelling (blue) & other legacy dwellings (yellow)

Map Ref:	Address	Developed with:	Permit Issued to Use land for a Dwelling:
	85 Martin Rd Longwarry	Dwelling	N/A
	315 Evans Rd Longwarry	Dwelling	N/A
	295 Evans Rd Longwarry	Dwelling	N/A
1	270 Evans Rd Longwarry	Dwelling	N/A – A permit (T180557) was issued in 2018 for development of land for a replacement dwelling.
2	235 Evans Rd Longwarry	Dwelling	T190442 – issued 8 April 2020.
	130 Evans Road Bunyip	Dwelling	N/A
	100 Evans Road Bunyip	Dwelling	N/A
	185 Evans Road Bunyip	Dwelling	N/A
	115 Evans Road Bunyip	Dwelling	N/A
	1300 Murray Rd Bunyip	Dwelling	N/A
	35 Bastin Rd Bunyip	Dwelling	N/A
	50 Enticott Rd Bunyip	Dwelling	N/A
3	40 Enticott Rd Bunyip	Dependent Person's Unit	T960598 – issued 6 January 1997.
4	67 Enticott Rd Bunyip	Dwelling	T040518 – issued 12 October 2004.
	135 Martin Rd Longwarry	Dwelling	N/A
	110 Murphy Lane Bunyip	Dwelling	N/A
	1230 Murray Rd Bunyip	Dwelling	N/A

Lastly, with regard to land values:

'90. While we accept that the applicants have a genuine desire to live on the land they have farmed for many years, a dwelling use would result in a permanent change of land use and inevitably inflate the market value of the subject land. Economic benefits to the applicants upon sale of the land come with a broader long term economic disbenefit. For future purchasers of land seeking high quality soils of the kind found in this area, permitting a dwelling would diminish rather than enhance the ability to sustain genuine and economically viable agricultural pursuits, particularly for horticultural purposes. Its utility for rural lifestyle type purposes would in turn become a more attractive proposition than a lot without a dwelling.'

The contention put forth by the Tribunal above is one of greatest significance to the current application. Establishment of a dwelling on the subject site (Longwarry) would represent a dramatic change in the condition of the land, and therefore the value of the land. While the current applicant may desire a dwelling on the land to simplify their proposed agricultural operation, any permit issued would run with the land, with the presence of the dwelling dramatically increasing the value of the land – hindering ability for future agricultural uses to establish on the land, in a viable manner.

Shetland Heights West Pty Ltd v Bass Coast SC [2024]

In *Shetland*, the applicant sought review of Council's decision to refuse to grant a permit for use and development of land for a dwelling, in the Farming Zone (FZ). While the FZ differs (at times markedly) from the GWZ affecting the subject site, it is the nature of the agricultural operation that is most similar to the proposal at hand. In *Shetland*, the FMP submitted with the application:

'26. ...outlines measures for the grazing, breeding and rearing of Black Angus cattle on the review site. The FMP indicates that 13 paddocks of about 2.5 hectares each are proposed, 11 of which would be most intensively used on a rotational grazing basis...

28. Stocking rates of 30-35 lactating cows and 30-35 calves is suggested.'

As noted, there are significant similarities between the agricultural operation in *Shetland*, and that of the subject application. Further, the subject site (in San Remo) was located in close proximity to existing settlements. After hearing expert evidence from both parties, the Tribunal ultimately affirmed Council's decision. Despite acknowledging that the grazing, breeding and rearing of Angus cattle was a legitimate agricultural enterprise, the Tribunal found:

'168... this is not a situation where the site is in such a remote location and where accommodation options so limited as to make travel distances to and from the site unreasonably burdensome. Moreover, I accept Ms McGuinness's [Agricultural Expert Witness] evidence that there are other legitimate management techniques that enable remote monitoring of stock and the site without reliance upon the establishment of a dwelling on the site, and that the amount of time required for effective day to day management does not otherwise warrant a 24 hour presence on the review site by a farm manager. Nor do land management and rehabilitation works...'

Further, with regard to the need for a dwelling to support calving:

'169. While I agree that greater management oversight is required during the birthing season, I find that in the particular circumstances, the nexus between the use of the review site for a dwelling and how this would support and enhance the intended agricultural activities is not strong.

170. I therefore prefer the opinions expressed by Ms McGuinness including those related to the sustainable commercial viability of the intended agricultural uses and that the use of the land for a dwelling would make only a limited contribution to sustainable land management and its productive capability.'

In concluding, Member Taranto stated:

'172...I am persuaded by the submissions and evidence advanced for the council that the grant of permission for a dwelling, would in the circumstances, create market expectations of similar approvals on rural land in the FZ. This would have the potential to 'lead to a concentration or proliferation of dwellings in the area'. It is a situation that is contrary to decision guidelines in the FZ and the strategic directions of the planning scheme that seek to limit the establishment of dwellings in rural areas outside settlements and to protect and enhance the productive capability of agricultural land.

173. On balance, I find that while there are some the benefits to be gained by allowing a dwelling use on the review site, these are limited and would be considerably outweighed by the dwelling's broad ranging and longer lasting disbenefits...on agricultural values.

174. I am therefore not persuaded that the use of the review site for a dwelling would be an acceptable outcome in the circumstances.'

This decision provides a useful 'assessment' of a similar agricultural operation. In affirming Council's decision, the Tribunal found that while provision of a dwelling on the land would simplify and offer greater convenience for a similar calving/breeding operation, the circumstances were not one where a dwelling enhanced agricultural production. This was particularly the case given the proximity of the *Shetland* subject site to established settlements; something considered to be materially similar in the current application.

Conclusion

As evidenced by the above Tribunal decisions (as well as *Wood v Mornington Peninsula SC [2024] VCAT 87* – cited above in response to the GWZ), agricultural land of high significance is staunchly protected by planning policy throughout the Scheme. Establishment of a dwelling on such land is discouraged, due to the wide ranging impacts it can have on the subject site and surrounding area. Unless it can be demonstrated that dwellings on agricultural land are being established to directly enhance agricultural production, such applications should not be supported.

Clause 51.02 – Metropolitan Green Wedge Land: Core Planning Provisions

The purposes and provisions within Clause 51.02 echo those within the Green Wedge Zone, as well as elsewhere in the Scheme. No additional permit requirements arise under this provision, and as such the assessment of the proposal with regard to Clause 35.04 (Green Wedge Zone) is considered to apply comparably to this provision.

Clause 65 – Decision Guidelines & Section 60 of the *Planning and Environment Act (1987)*

Considerations within Clause 65 – Decision Guidelines and Section 60 of the *Planning and Environment Act 1987* have been referenced throughout this report. Consistent with the above assessment, the proposal is not considered to achieve an acceptable outcome with regard to these considerations.

Conclusion

The proposal has been assessed against the ‘suite’ of State and Local Planning Policy, as well as the Green Wedge Zone. The proposed use and development of land for a dwelling is not considered to support or enhance the use of land for agriculture, despite an agricultural operation being present (and proposed to continue) on the land. Rather, the use and development is considered to result in the land becoming a ‘rural lifestyle’ type property, an outcome expressly discouraged by the Scheme.

As cited above, Clause 71.03-2 (Operation of Zones) states that just because a use is in Section 2 and a permit could be granted, it is not implied that a permit should be granted. Council must decide whether the proposal will produce acceptable outcomes as desired by the Scheme. Given the above assessment, the proposed use and development are not considered to achieve an acceptable outcome. The introduction of a dwelling to the land (as sought by the application) is likely to detrimentally impact the good agricultural significance of the land, and permanently remove it from the ‘agricultural base’. As such, it is recommended the application not be supported, and a notice of refusal to grant a permit issued.

Recommendation
Refusal to Grant a Planning Permit

- A. It is recommended that Council having caused notice of Planning Application No. T230589 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 CA 97 SEC Q Parish of Koo-Wee-Rup East, 215 Evans Road, Longwarry VIC 3816 for the Use and Development of the land for a Dwelling, Construction of a Shed and Associated Earthworks on the following grounds:
1. The proposal is inconsistent with the objectives and strategies of the below Clauses of the Planning Policy Framework and Local Planning Policy Framework that seek to protect agricultural land and direct residential development into existing settlements, specifically:
 - a) Clause 11.01-1S – Settlement;
 - b) Clause 11.01-1R – Green Wedges – Metropolitan Melbourne;
 - c) Clause 13.07-1S – Land Use Compatibility;
 - d) Clause 14.01 – Agriculture;
 - e) Clause 16.01-3S – Rural Residential Development;
 - f) Clause 21.01 – Cardinia Shire Key Issues and Strategic Vision;
 - g) Clause 21.03-4 – Rural Townships;
 - h) Clause 21.03-5 – Rural Residential and Rural Living Development;
 - i) Clause 21.04-2 – Agriculture;
 - j) Clause 22.05 – Western Port Green Wedge Policy; and

- k) Clause 51.02 – Metropolitan Green Wedge Land: Core Planning Provisions, as the proposal does not protect significant agricultural land, is an incompatible use with surrounding land uses and the desired strategic direction for surrounding land and seeks to provide for residential development outside existing settlement boundaries.
2. The proposal is inconsistent with and does not respond to the objectives, policies and decision guidelines of Clause 22.05 (Western Port Green Wedge Policy), as:
- a) The proposal does not achieve the vision for the Cardinia Western Port Green Wedge;
 - b) The proposal does not maintain and protect the highly productive agricultural land from incompatible uses.
 - c) The proposal does not accord with the precinct objective and future directions for the land, given the location within 'Precinct 1 – Agriculture, horticulture and soil based food production';
 - d) The proposal will permanently remove land from agricultural production; and
 - e) The proposal will limit the establishment, operation and expansion of adjoining and nearby agricultural uses.
3. The proposal is inconsistent with and does not respond to the purposes and decision guidelines of Clause 35.04 (Green Wedge Zone), as it:
- a) Will have a detrimental impact on the rural economy;
 - b) Does not enhance agricultural production;
 - c) Does not appropriately relate to rural land use; and
 - d) Does not protect and retain land for future sustainable agricultural activities; and
 - e) Would compromise the preservation, protection and enhancement of significant agricultural land, primarily by introducing a residential land use that is not compatible with adjoining and nearby agricultural land uses and may impact their future expansion.
4. The proposal does not respond to the considerations within Clause 65.01 as it does not achieve the purposes of the Zone and does not represent the orderly planning of the area.

AND

- B. That Council authorise the Manager Planning and Design/Coordinator Statutory Planning to instruct Council's Statutory Planners and/or Council's Solicitors on any future application for review at the Victorian Civil and Administrative Tribunal.



T230589 PA - 215 Evans Road, Longwarry - Locality Map

Disclaimer: This content is provided "as is" without warranty of any kind. 12-Nov-2024

[View map online](#)

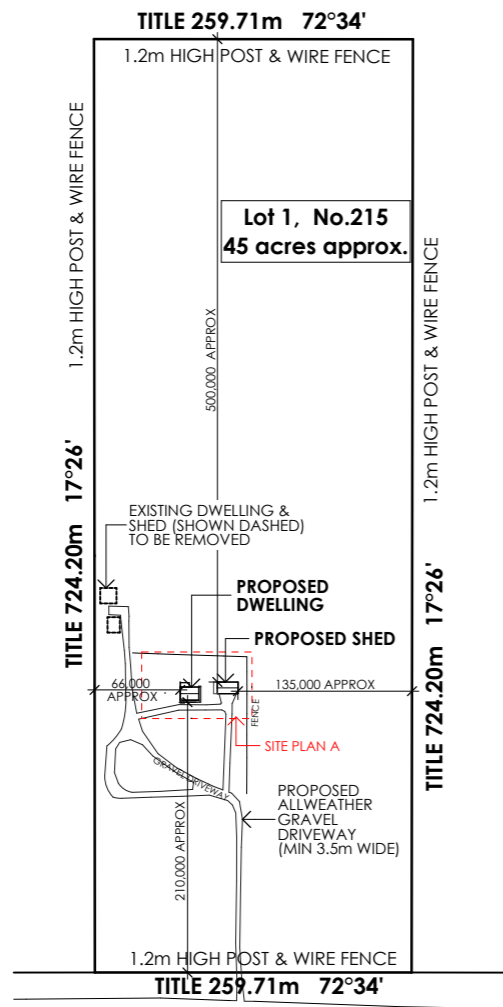


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Concept Design - B

Sheet Index

- 1 Cover Sheet
- 2 Site Plans
- 3 Floor Plan
- 4 Elevations
- 5 Shed Plan
- 6 Shed Elevations



EVANS ROAD

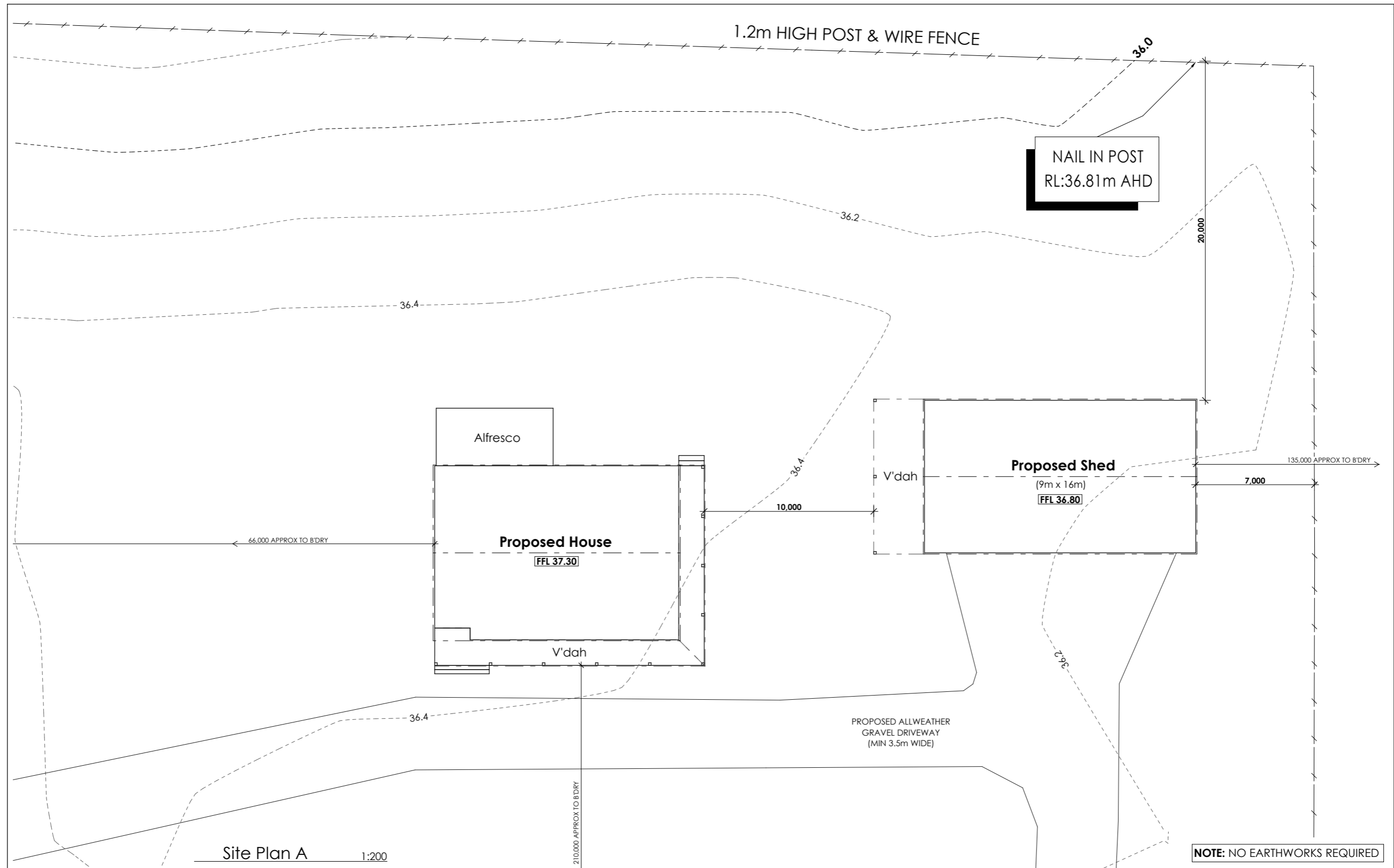
Site Plan 1:5000




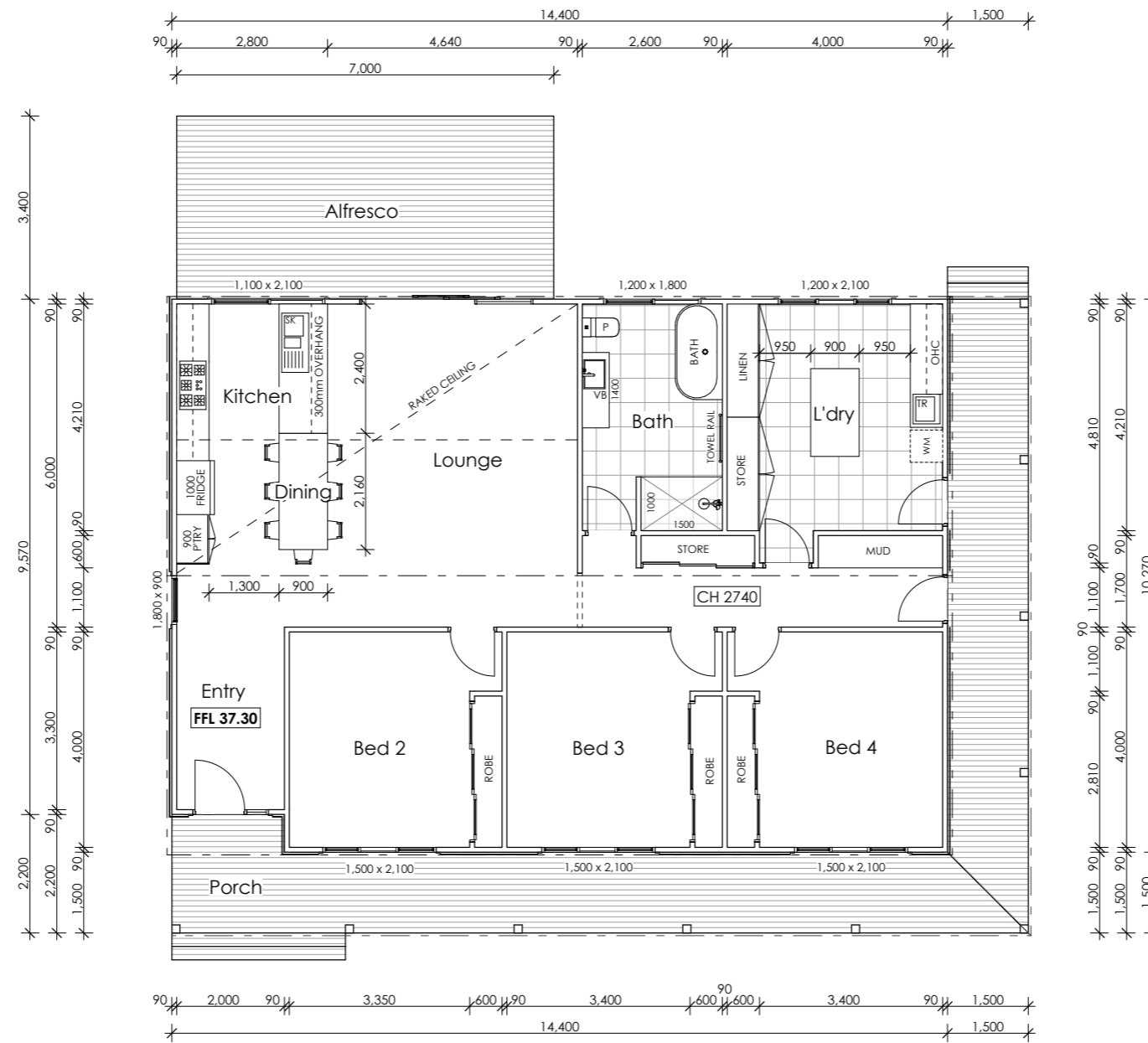
NOTES:
Images Are Diagrammatic Only
Refer To Elevations For Details




DRAWING NAME: Cover Sheet	PROJECT: Proposed New Dwelling	Areas: Residence: 146.42 sqm (15.76 sqs) V'dah 40.72 sqm (4.38 sqs) Alfresco: 23.12 sqm (2.49 sqs) Shed 144.01 sqm (15.50 sqs) Total: 354.27 sqm (38.13 sqs)	SCALE 1:5000		JDESIGN Group M: Po Box 539, Inverloch A: 2 Hopetoun Street, Inverloch E: admin@jdesigngroup.com.au Ph: 5674 2506 DP-AD 37915 Registered Builder DB-M 36849
	CLIENT: Danny & Felicity Payne		SIZE: A3	DRAWN: HC	
DESIGN TYPE: Custom Design	AT: Lot 1, No.215 Evans Rd, Longwarry		SHEET: 1 of 6	DATE: March 2024	
			ISS: DATE: AMENDMENTS:		



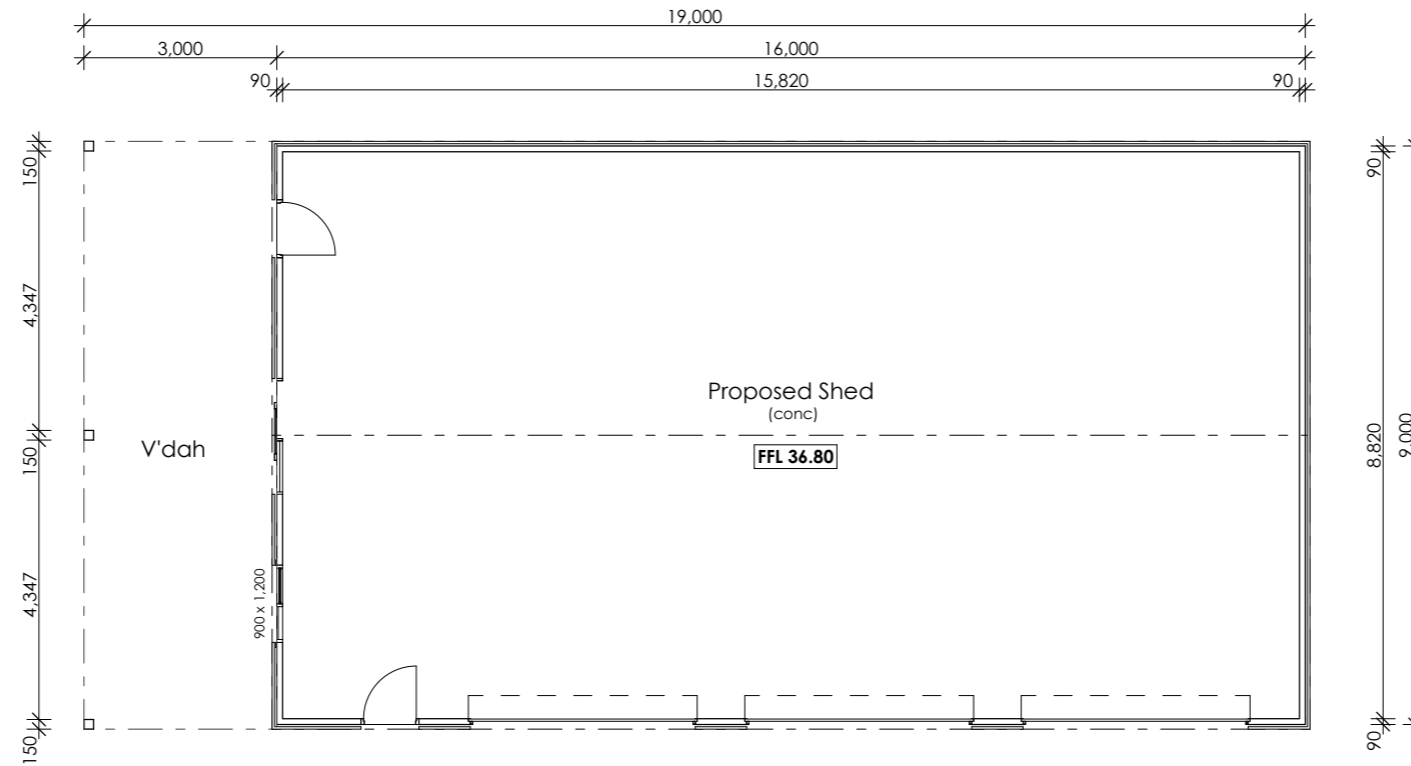
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DESIGN TYPE: Custom Design	CLIENT: Danny & Felicity Payne	AT: Lot 1, No.215 Evans Rd, Longwarry		SIZE: A3 DRAWN: HC REV: TP_B SHEET: 2 of 6 DATE: March 2024	
			B Feb '24 Town Planning RFI Changes A Nov '23 Town Planning Submission ISS: DATE: AMENDMENTS:		



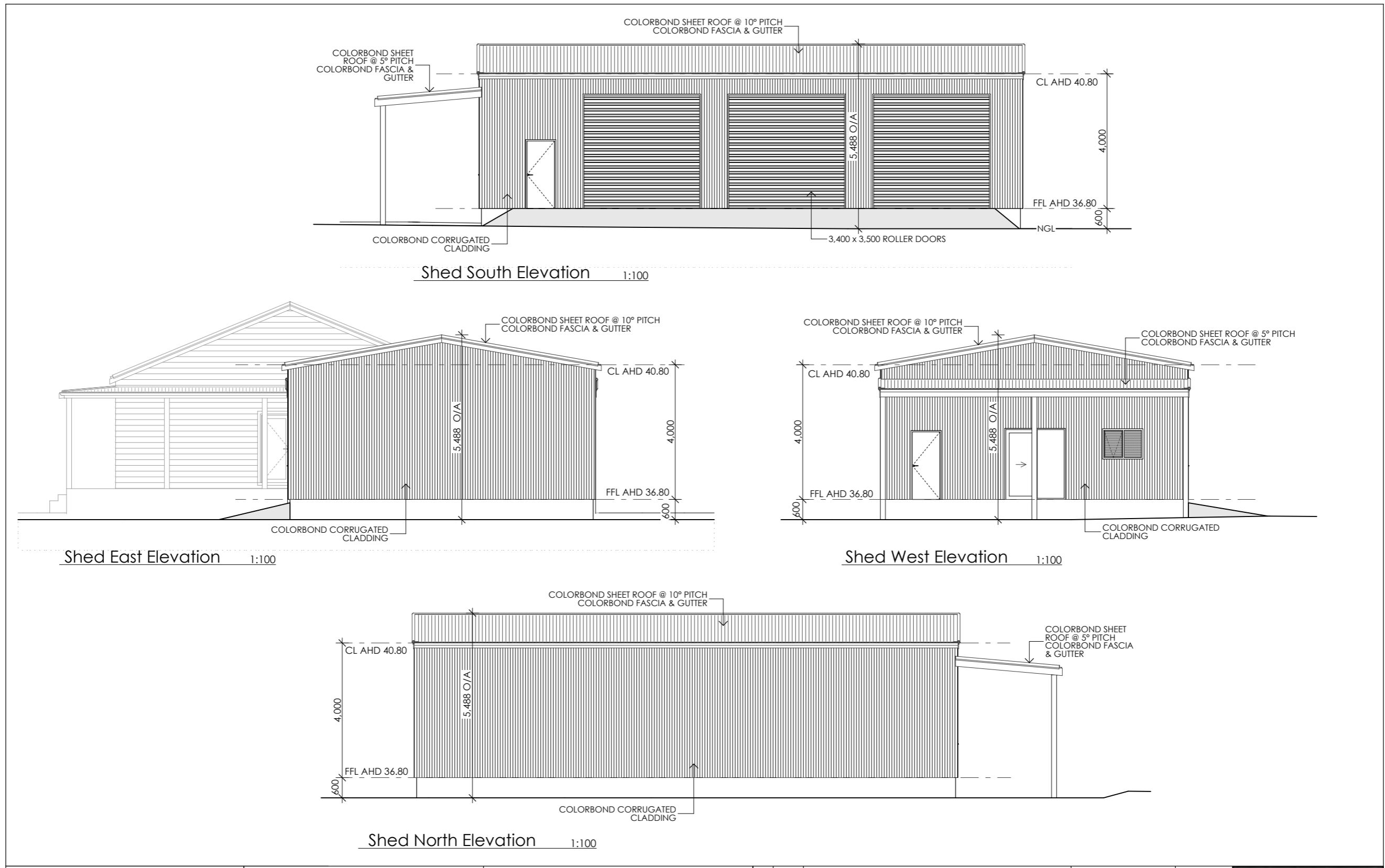
DRAWING NAME: Floor Plan	PROJECT: Proposed New Dwelling	Areas: Residence: 146.42 sqm (15.76 sqs) V'dah: 40.72 sqm (4.38 sqs) Alfresco: 23.12 sqm (2.49 sqs) Shed: 144.01 sqm (15.50 sqs) Total: 354.27 sqm (38.13 sqs)	SCALE 1:100	 JDESIGN Group M: Po Box 539, Inverloch A: 2 Hopetoun Street, Inverloch E: admin@jdesigngroup.com.au Ph: 5674 2506 DP-AD 37915 Registered Builder DB-M 36849
	CLIENT: Danny & Felicity Payne		SIZE: A3	
DESIGN TYPE: Custom Design	AT: Lot 1, No.215 Evans Rd, Longwarry		SHEET: 3 of 6	DATE: March 2024
			ISS: DATE: AMENDMENTS:	



DRAWING NAME: Elevations	PROJECT: Proposed New Dwelling	Areas: Residence: 146.42 sqm (15.76 sqs) V'dah: 40.72 sqm (4.38 sqs) Alfresco: 23.12 sqm (2.49 sqs) Shed: 144.01 sqm (15.50 sqs) Total: 354.27 sqm (38.13 sqs)	SCALE 1:100		JDESIGN Group M: Po Box 539, Inverloch A: 2 Hopetoun Street, Inverloch E: admin@jdesigngroup.com.au Ph: 5674 2506 DP-AD 37915 Registered Builder DB-M 36849
	CLIENT: Danny & Felicity Payne		DESIGN TYPE: Custom Design	AT: Lot 1, No.215 Evans Rd, Longwarry	
B Feb '24 Town Planning RFI Changes A Nov '23 Town Planning Submission ISS: DATE: AMENDMENTS:					



DRAWING NAME: Shed Plan	PROJECT: Proposed New Dwelling	Areas: Residence: 146.42 sqm (15.76 sqs) V'dah: 40.72 sqm (4.38 sqs) Alfresco: 23.12 sqm (2.49 sqs) Shed: 144.01 sqm (15.50 sqs) Total: 354.27 sqm (38.13 sqs)	SCALE 1:100		JDESIGN Group M: Po Box 539, Inverloch A: 2 Hopetoun Street, Inverloch E: admin@jdesigngroup.com.au Ph: 5674 2506 DP-AD 37915 Registered Builder DB-M 36849
	CLIENT: Danny & Felicity Payne		SIZE: A3	DRAWN: HC	
DESIGN TYPE: Custom Design	AT: Lot 1, No.215 Evans Rd, Longwarry		SHEET: 5 of 6	DATE: March 2024	
			ISS: DATE: AMENDMENTS:		



DRAWING NAME: Shed Elevations	PROJECT: Proposed New Dwelling	Areas: Residence: 146.42 sqm (15.76 sqs) V'dah: 40.72 sqm (4.38 sqs) Alfresco: 23.12 sqm (2.49 sqs) Shed: 144.01 sqm (15.50 sqs) Total: 354.27 sqm (38.13 sqs)	SCALE 1:100		JDESIGN Group M: Po Box 539, Inverloch A: 2 Hopetoun Street, Inverloch E: admin@jdesigngroup.com.au Ph: 5674 2506 DP-AD 37915 Registered Builder DB-M 36849
	CLIENT: Danny & Felicity Payne		DESIGN TYPE: Custom Design	AT: Lot 1, No.215 Evans Rd, Longwarry	
			B Feb '24 Town Planning RFI Changes A Nov '23 Town Planning Submission ISS: DATE: AMENDMENTS:		



Farm Management Plan

1. Overview:

Property Owner: Danny and Felicity Payne

Property Address: 215 Evans Rd Longwarry

Description: to construct a dwelling and associated shedding on 45 acres and subsequent removal of existing dwelling and shed.

The property is 45 acres/18 ha in size.

The property is owned by Danny and Felicity Payne and they have resided on, and farmed the property for over three years. They operate this as a farming property in conjunction with two leased farming properties near Warragul, each of around 30ha.

They purchased the property in 2021 and have resided in a temporary dwelling on site, which will be removed from the property on completion of the proposed permanent dwelling, should a permit be granted. A dwelling is required for the Owners to successfully and appropriately manage their current and proposed cattle breeding business.

Danny and Felicity operate a cattle cartage business, which has been in Danny's family for 80 years. They are entrenched in the agricultural industry and associate with many farmers operating businesses of commercial scale, as well as smaller 'hobby' farming businesses. They operate this business as a commercial farming operation, with turnover across the three properties under management significant enough in size to generate a commercial income. This is not a 'hobby farm' operation.

2. Property Description:

2.1 Overview:

The property is flat, consists of seven paddocks, track and laneway system, bore and windmill with water troughs fed by a reticulation system, one medium shed and workshop. Two shipping containers are used for lock-up storage of requisites for the farm business.

There is no mains power and no mains water supply to the property. All activities are 'off-grid'.

2.2 Current stocking rate and production:

The farm at 215 Evans Rd Longwarry currently carries 20 cow/calf units, as well as four sheep and an alpaca. The farming operation is only concerned with beef cattle breeding and finishing. Sheep are only for non-commercial purposes.

D and F Payne Farm Management Plan

The effective grazing area on the property, with area discounted for tracks, yards, house site and the like is 16ha. This sees an effective year-round stocking rate of 1.25 cow/calf units per effective hectare. The Dry Sheep Equivalent (DSE) carrying capacity of the property is therefore 25 DSE/ha. Required pasture dry matter consumption is estimated at 5tDM/ha, and is verified by the current carrying capacity.



Photos 1&2: The Paynes run Angus and Hereford cows and calves on this property, and weaned and dry stock at the other two leased properties.

2.3 Vegetation:

There is currently limited native vegetation on the property in the form of planted tree breaks and shelter belts. An aged indigenous and non-indigenous tree break is on the western boundary alongside Batchelor Drain. A significant semi-mature indigenous tree break is along the northern boundary providing significant shade and shelter for stock.

There are several aged mature eucalypt trees interspersed on the property, in moderate to poor condition. There is no other remnant vegetation on the site.

There is considerable indigenous roadside vegetation along Evans Rd on the southern boundary of the property. This provides shelter and protection for stock on the southern side of the property.

D and F Payne Farm Management Plan



Photo 3: planted native vegetation tree breaks along the boundary.



Photos 4&5: remnant aged eucalypt and northern boundary plantation.

The Owners of the property have plans to plant a significant amount of vegetation on the property for the purpose of creating shade and shelter for the stock, wind protection, aesthetic value and wildlife corridors between the southern roadside and the northern tree line.

The species list and recommended planting densities are included with this report.

D and F Payne Farm Management Plan

2.4 Rainfall:

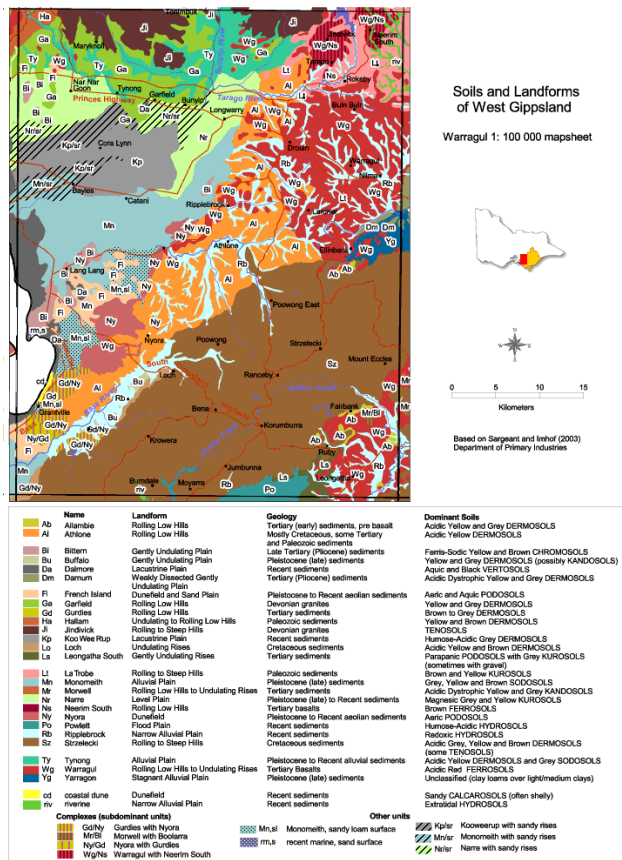
Average annual rainfall for the Longwarry area is around 1000mm, with the closest official weather station at Pound Creek, Frankston or Noojee too far away and varied to be a reliable indicator of official annual rainfall.

Growth of pasture and/or plants benefit from this high reliability rainfall and a climate that has a good natural growing season with rainfall providing sufficient soil moisture for most of the year, with lower rainfall generally limiting pasture growth only between January and March.

The rainfall and distribution would indicate a potential pasture growth and consumption of double the current pasture consumption, being 1tDM/100mm rainfall compared to the current 0.5tDM/100mm rainfall, but this potential is limited by pasture species, soil fertility, stock numbers, and grazing management.

2.5 Soil Type:

Soils on the property are classed as Narre clay loams on a level plain, sedimentary type, magnesian grey and yellow Kurosols. Soils of this type have moderate inherent fertility but can be mildly to moderately acidic. These soils support perennial pastures for grazing and are known for allowing a high level of pasture production when fertilised and managed well. They are not suited to cultivation.



D and F Payne Farm Management Plan

Source: https://vro.agriculture.vic.gov.au/dpi/vro/wgregn.nsf/pages/wg_warragul_soils_map

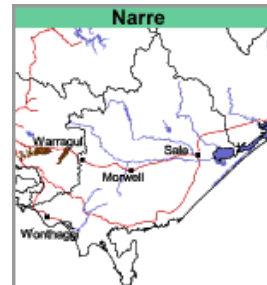
The Agvic website states the following in reference to the soil type on the property and in the area:

Geology

Recent alluvium.

Landform

Alluvial plain.



Land Use

Generally grazing of beef or dairy cattle. External drainage is generally poor on these soils and in many situations surface ponding occurs after rain. These soils are rarely cultivated and are mainly used for grazing cattle.

Soils

Most of the soils are dark brownish grey *clay loams*. At about 25 cm, this overlies a brownish grey (mottled with rusty brown) *clay loams* to *light clays*. This horizon is generally but not always bleached. Mottled grey and yellow-brown *medium to heavy clays* occur from about 40 cm and extend to at least 1 metre depth. Some of the soils have significant quantities of coarse sand.

Source: https://vro.agriculture.vic.gov.au/dpi/vro/wgregn.nsf/pages/wg_soil_detailed_narre

This property has a moderate level of fertility, as evidenced by the type of vegetative pasture species growing on the property.

There is minimal risk of erosion, landslips, or damage to the environment on this property.

There is no evidence of salinity or acid-sulphate soils on the property.

The owners are managing the property and operating an enterprise type suited to the soil type and characteristics of the property. Alternative enterprises are limited to grazing of cattle and sheep, dry dairy cows or replacement stock, harvest of fodder and similar activities. Horticulture or intensive agricultural pursuits are not suited to this site.

2.6 Pasture and weeds:

The productive capacity of the property in its current state is limited by the pasture species present. There is currently approximately 40% perennial ryegrass cover, with clover content at around 20% and the remaining up to 40% of species present are lower productivity species such as bent grass, fog grass, sweet vernal grass, cocksfoot, paspalum and weed species such as capeweed, flatweed and other broadleaf weeds such as docks.

There is scope for an improved level of pasture production and subsequent increase in stocking rate through increased fertiliser applications and pasture renovation and improvement.

D and F Payne Farm Management Plan

The productivity potential of the property can be considered moderate in its current form and is considered to be operating at 50% or more of its' maximum productive capacity.

The Owners can further lift the productive capacity of the property through lime application to reduce soil acidity, further paddock subdivision to enhance rotational grazing and therefore aid pasture regeneration, fertilisation of paddocks to support further pasture productivity and increase stocking rate to increase the consumption of the extra pasture grown.



Photo 6: pasture on the property.

On inspection, the property has low levels of noxious weeds with the exception of some blackberries (*Rubus fruticosus*) and spear thistles (*Cirsium vulgare*) in limited areas on the property. There are some areas of tussock infestation, a native species indicating wet soil conditions. These limit pasture production but are harmless to stock and are non-invasive.

Control of noxious and woody weeds, and broadleaf pasture weeds is highlighted in section 6.7.

2.7 Infrastructure:

The property consists of the temporary machinery shed/workshop, well-constructed yards, crush and race handling and loading/unloading facilities as well as smaller holding yards.

Boundary fencing is permanent and in very good condition, consisting of pine posts and five barbed wires. Internal fencing is appropriate for the management of grazing beef cows, being five and six-strand barbed wire fencing and pine or steel posts.

D and F Payne Farm Management Plan

There are seven paddocks of approximately 2.5ha in size. This allows for rotational grazing to aid pasture management. Further paddock subdivision is possible and recommended.

The laneway system for the movement of cows and plant and equipment runs through the middle of the property.



Photo 7: laneway showing high standard of fencing

The current water supply is of very good standard being from a sub-surface bore with windmill, pumped to a holding tank and then reticulated to troughs in each paddock. Photo 8 below.



D and F Payne Farm Management Plan



Photos 9,10,11&12: Yards and cattle handling facilities, and holding pen.

D and F Payne Farm Management Plan

2.8 Machinery and equipment:

The Paynes have all the required small equipment to adequately manage a small cattle breeding enterprise, including a Kioti tractor, motorbike, spray unit for weed control, mulcher for pasture management, silage grabs for moving silage bales, small hand tools, hay and silage feeders and calving equipment.

2.9 Surrounding land use:

The properties surrounding the Payne farm are small-scale hobby farms, beef grazing properties or support blocks for commercial dairy farms where replacement stock are grazed, fodder harvested, or dry cows grazed. There are some properties with horse training enterprises.

A title search reveals large numbers of small titles surrounding the property. Many of the properties in the immediate vicinity contain a dwelling.

The property being managed and enterprises run by the Paynes are not out of character with properties in the immediate vicinity nor with others in the greater Longwarry area.

3. Proposal:

3.1 Proposal to expand the activity on the property:

The Paynes have plans to establish an elite cattle breeding business. They have extensive cattle breeding experience, and with advice and input from friend and associate Pat Joyce from Kelly Angus in Yea, will expand into more intensive elite breeding of Angus and Hereford genetics. This will allow for the sale of young bulls for breeding and retention of elite females for breeding and herd improvement. Non-elite animals will be sold as commercial weaner cattle.

The business proposal centres on embryo transfer work and artificial breeding, where-by high value elite embryos are implanted into recipient cows. These embryos will be provided by donor cows of high genetic merit, as well as purchased from other elite herds such as Kelly Angus. These offspring are of superior genetic merit, and become breeding stock for other enterprises. The resulting income from these animals is considerably higher than commercial values achieved by the sale of naturally bred animals.

The optimum facilities for such a program include holding yards, race and crush. The property contains the required yards and handling facilities, as well as small holding paddocks to hold stock in a calm manner before and after insemination and implantation. Inadequate handling facilities can result in additional stress to the animals, as well as trauma to the uterus and ineffective flushing. Reduced stress on the animal results in better embryo implantation results.

Storage and handling of the embryos is important. It is required that there be a shed or area at the house to store and handle the embryos, with ideal working temperatures between 15°C and 30°C. Storage of the embryos is in a liquid nitrogen tank, which are frequently stored on farms in sheds. Sunlight, UV and dust can kill or contaminate the embryo. Part of a purpose-built shed or store room at the proposed dwelling will be required for adequate storage and handling as well as for security purposes.

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The process of embryo transfer involves using a series of hormone injections to promote superovulation in the cow. A cow is 'flushed' up to four times per year and the average yield is six viable embryos per flush although at times many more can be yielded. The cow is then best to remain in calf for the following season and can be re-submitted for embryo harvest the following year.

3.2 An Example of a Donor Program

PG is injected at the precise time in the cycle. A CIDR is implanted on day five and 14 days later FSH is injected am and pm for 4 days. The donor cow is then brought onto heat with a further injection of PG on day 16. When she comes on heat, she is Artificially Inseminated (AI). The success of the program depends on the successful identification of standing heat in the cow, and then subsequent AI 10-12 hours later, followed by a second AI 12 hours after that. Embryo collection takes place 7 days later.

3.3 An Example of a Recipient Program

Under a recipient program where embryos are implanted into non-pregnant cattle, the program commences with an injection of PG, and on day 8 implantation of a CIDR. At day 15 in the am, an injection of PG is required. Day 16 the CIDRs are removed. Day 17, 18 and 19 involve intense heat detection, then on day 25 the embryo is implanted.

As you can see from the above timetable, the process is intensive and success is determined by the correct timing and successful observation of standing heat and subsequent artificial insemination. It is only successful if the observer can be constantly in close proximity to the cattle to make the required observations. Danny is a self-employed cattle carrier and is based from home, so he has an easy ability to centre his work schedule on the need to treat and observe cattle at the right times for optimum outcomes in the ET program.

An intensive ET program requires the practitioner to be present in order for good results to be obtained through correct and timely hormonal treatments and the adequate observation of heats in the cattle. A dwelling on the property is the best means of being able to adequately manage this enterprise.

If a permit for a dwelling and associated shedding and infrastructure is granted on the Evans Rd property, an ET enterprise will be established on the property and the foundations of a successful agricultural enterprise producing animals of superior genetic merit will have been built on a property that currently produces beef weaners in lower numbers.

3.4 Agricultural significance of the existing business, proposed business and alternatives should no dwelling be allowed:

The feed requirements of a traditional cow and calf raising enterprise are such that 20 cow/calf units can be grazed comfortably, assuming 5t DM/ha pasture is being consumed. The margin analysis for such an enterprise is provided below, with alternative enterprises should the Owners not reside on the property.

Assumptions:

Farm area 18ha.
Loss of effective area for yards, fences and tracks 10%.
Total effective area= 16ha

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Estimated current pasture growth 5t DM/ha.

Income	Current cow/calf self-replacing enterprise*	Proposed embryo transfer enterprise with 10 best animals annually-balance commercials	Alternative beef fattening#	Alternative agistment and fodder
Sale of vealers/weaners	\$15,000	\$5,000		
Sale of cull cows	\$2,800	\$2,800		
Sale of cull bulls (1 bull per 5 years)	\$500	\$500		
Sale of steers/heifers/surplus embryos			\$47,500	
Sale of stud bulls/heifers from embryo program		\$37,500 bulls		
Agistment income				\$5,460
Fodder income				\$4,800
Total income	\$18,300	\$45,800	\$47,500	\$10,260
Expenditure				
Vet/drenching/vaccines	\$1200	\$1200	\$600	
ET costs		\$14,600		
Fertiliser	\$2,400	\$2,400	\$2,400	\$2,400
Commission/freight	\$1,830	\$3,300	\$4,750	
Stock purchases	\$1000	\$5,000	\$30,000	
Fuel	\$330	\$330	\$330	
Labour/drafting				
Fodder	\$1,250	\$1,250		
Total expenditure	\$8,010	\$28,080	\$38,080	\$2,400
Gross Margin total	\$10,290	\$17,720	\$9,420	\$7,860
Gross Margin per effective ha	\$643	\$1108	\$589	\$491

*Assumes 10% replacement rate and 10% empty rate, resulting in annual sales of 15 animals per year.
 #Assumes steers purchased for \$1000/head and sold for \$1900/head 12 months later
 @Assumes agistment of dry dairy cows for 6 months per year and fodder sold 'standing' at \$120/t DM and yielding 2.5t DM/ha.

The analysis above shows that the current and alternative enterprises available for the property return a gross margin below a 6% return on asset value (\$900), assuming the asset is valued at \$675,000 as an agricultural property, or \$15,000/acre. This analysis assumes that the fixed costs of any alternative business are borne by the existing business, that is, this property represents marginal income to an existing business, in this case the cattle carrying business.

The outcome of this program is through the purchase of around 20 elite genetics animals, ten per year can be submitted for this program, and the profitability of the property can be lifted beyond what is possible with commercial animals on a small property. The proposed income and expenditure of this business, albeit conservative in early stages, produces a return close to double that of more traditional agricultural pursuits possible on this site. The business proposal also allows for the ongoing development of this business to further increase the sales of genetically elite animals and breeding stock, as well as increasing the profitability of a small rural holding, by the planned pasture development and improvement program.

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3.5 The proposed program of farm improvement and lifting of carrying capacity via pasture renovation and improvement should see the following gross margin:

Income	Embryo transfer enterprise with 15 best animals annually-balance commercials assuming 7.5tDM/ha pasture consumed
Sale of vealers/weaners	\$10,000
Sale of cull cows	\$7,000
Sale of cull bulls (2 bulls per 5 years)	\$960
Sale of steers/heifers/surplus embryos	\$3,000
Sale of stud bulls/heifers from embryo program	\$56,250 bulls
Total income	\$77,210
Expenditure	
Vet/drenching/vaccines	\$1,800
ET costs	\$21,900
Fertiliser and pasture improvement (fertiliser, lime, renovation 20% per annum)	\$7,972
Commission/freight	\$6,721
Stock purchases (1 bull)	\$10,000
Fuel	\$330
Fodder	\$1,875
Total expenditure	\$50,598
Gross Margin total	\$26,612
Gross Margin per effective ha	\$1,663

3.6 Justification for a dwelling:

This property with the paddock layout, laneway and associated yarding and handling infrastructure is ideally suited as an elite beef cattle breeding block and a property on which to manage the proposed AI and ET breeding enterprise. A dwelling needs to be present for the Paynes to be able to provide adequate husbandry and meet the welfare requirements of the animals. The location of the dwelling, the yards and given that the entire farm area and yards can be viewed from the proposed dwelling site make it a suitable location for the proposed enterprise, thereby lifting the likely success rate of the embryo transfer program and the subsequent profitability of the enterprise.

This elite breeding business will become a significant local business and contribute considerably to the local economy, returning an annual net income of up to \$18,000 in its early stages and, with an estimated \$28,000 being spent on direct production costs, input costs and services at local businesses. As the enterprise intensifies with pasture improvements and stock numbers lifting, it is likely that a net return of \$26,600 can be achieved on the property with some \$50,000 being spent on products, services and the like.

This business could only be established on the Evans Rd property should there be a dwelling and associated infrastructure on the property.

The proposed business would involve animals of elite genetic merit worth in the order of \$10,000 per head, and therefore security and welfare of the animals is paramount. Assistance during calving may be required. Whilst the surrounding area is populated, the security, safety and animal welfare could be jeopardised without the owners being located on the premises.

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The owners of the business will reside on the property and therefore contribute socially and economically to the local area.

The proposal represents a protection of agricultural land within the shire. The Owners are intent on maintaining the property as an efficient beef breeding business. Their leasing two additional properties at near-by Warragul allows for non-breeding replacement animals and pregnant dry cows to be run at the external blocks, and joining/artificial breeding as well as calving to take place at the Longwarry property. Danny's cattle cartage business means that movement of cattle can be regular and low-cost.

Farm viability, sustainability and financial resilience are not linked to farm size. The beef industry contains many large farms that are unviable and financially unsustainable. Equally there are many small farm businesses that are profitable, sustainable and viable entities. The proposal represents a plan for a beef cattle breeding business that will be more efficient and viable in the short, medium and longer term, through operating efficiently and utilising the land and other resources in a more efficient manner than would be the case under a property managed externally as a low-intensity beef cattle operation.

Considerable amounts of farm requisites will be required to run the breeding enterprise, as well as in the initial stages of pasture renovation and improvement. These supplies will be purchased locally and see a moderate injection of capital into the local economy. A low-intensity beef growing enterprise requires very few requisites and so contribution to the economy on this scale is low to negligible.

In the absence of an approved dwelling and the Owners not being able to reside on the site, the land use options will be limited to far lower productivity activities as highlighted above, resulting in lower agricultural output and lower productivity on the site.

4. The proposal and meeting the provisions of the Green Wedge Zone-Westernport:

4.1 How the proposal meets the requirements of the Green Wedge Zone and the Victorian Planning Provisions:

The Victorian Planning Provisions (<https://www.planning.vic.gov.au/guides-and-resources/guides/all-guides/green-wedges>) states the following General Issues (amongst other things) in relation to Green Wedge Zones:

- Protecting Melbourne's Food Bowl;
- Planning for future farming;
- Securing the Right to Farm;
- Stronger protections of Green Wedge land;

Agricultural issues and the impacts from non-agricultural uses:

- 4.1.1 Protecting Melbourne's food bowl: this proposal sees agricultural land remain in productive agriculture, and sees the enhancement of agricultural production through improved pasture base, increased soil fertility, increased stocking rate and carrying capacity and greater agricultural output, as highlighted in section 3.5 above.
- 4.1.2 **Planning for Future Farming:** land is retained in agricultural production in line with the stated aims of the Green Wedge policy. No agricultural land is lost under this proposal.

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- 4.1.3 **Securing Right to Farm:** the land management plan highlights the activities to be undertaken on the site, and are commensurate with surrounding land use. There should be no Right to Farm issues as a result of the proposal.
- 4.1.4 **Stronger protections of Green Wedge land:** the land use is agricultural in nature and is in line with land use in the immediate vicinity and wider Green Wedge Zone area on the eastern flank of the Westernport Green Wedge Zone. No inappropriate development is proposed. The proposed dwelling and shed would replace the existing dwelling and shed.

4.2 In addition, the proposal meets common requirements of development in agricultural areas:

- 4.2.1 **The potential for the development to limit the operation and expansion of adjoining and nearby agricultural uses:** the proposed dwelling site is close to Evans Rd and existing infrastructure and therefore will impact minimally on neighbouring operations. There will be no impact on neighbouring properties and no impact to agricultural production on this property, adjoining properties and neighbouring properties.
- 4.2.2 **The capacity of the site to sustain agricultural use:** The proposed construction of a new dwelling on the site will see the continuation of the beef farm land in commercial, productive agriculture. There will be no loss of agricultural capacity as a result of this proposal. There will be no loss of agricultural land as a result of this proposal. There will be no loss of productivity as a result of this proposal. The proposal sees an increase in agricultural activity on the site that would not otherwise take place should the owners not be able to reside on the property. An inability to reside on the site will result in a considerably lower level of agricultural activity and productivity, as highlighted in section 3.4 above.
- 4.2.3 **The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure:** the proposed new dwelling site and overall proposal will enhance soil quality through vegetation plantings and pasture improvements.
- 4.2.4 **Any integrated land management plan prepared for the site:** the proposed dwelling site aligns with the Owner's farm business plan. It allows the Owners, Danny and Felicity to increase cow numbers and farm's productive capacity to ensure greater productivity and profitability over time.

5. Environmental planting and enhancement:

There is currently little native vegetation on the property, other than along the roadside verge and boundary fences.

5.1 There will be a significant amount of vegetation planted on the subject property by Danny and Felicity Payne, which will be a mix of locally indigenous species. This mix of species will provide an important source of shade and shelter for the stock. This will enhance the health and growth of the animals, reducing the risk of heat stress throughout the summer, and exposure to the cold temperatures in the winter. This protection from the harsher climatic extremes will help to maximize animal production.

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5.2 Suggested species list:

Eucalyptus ovata -Swamp Gum (Medium tree to 30 m)
 Eucalyptus obliqua -Messmate (Large tree to 60 metres)
 Eucalyptus radiata -Peppermint (Medium tree to 30 m)
 Eucalyptus cypellocarpa -Mountain Grey Gum (Large tree to 65 metres)
 Eucalyptus consideniana -Yertchuk (Medium tree to 15 m)
 Eucalyptus globulus ssp.pseudoglobulus -Gippsland Blue Gum (Medium Tree to 30 m)

All the above in varying amounts totalling approximately 100/ha

Acacia melanoxylon -Blackwood (Variable tree to 30 m)
 Acacia mucronata -Narrow-leaf Wattle or Sallow Wattle (Shrub 2 - 6 metres)
 Acacia verniciflua Varnish Wattle Variable (shrub to 4 m)
 Acacia verticillata Prickly Moses (Shrub to 5 metres)
 Acacia stricta Hop Wattle (Erect shrub to 3 metres)
 Ozothamnus ferrugineus Tree Everlasting (Shrub to 3 metres)
 Goodenia ovata Hop Goodenia (Shrub 1 -2.5 metres)
 Leptospermum continentale Prickly Tea-tree (Variable shrub to 2 m)
 Coprosma quadrifida Prickly Currant Bush (Medium to large shrub)
 Olearia lirata Snowy Daisy Bush (Large shrub)

All the above in varying amounts totalling approximately 200/ha

Lomandra longifolia Spiny Mat-rush (Dense clump to 1 metre)
 Pultenaea gunnii Golden Bush-pea (Small shrub to 1.5 m)
 Pultenaea daphnoides Large leaf Bush Pea (Erect shrub 1 - 3 m)
 Davesia latifolia Hop Bitter Pea (Shrub 1 - 3 metres*)
 Cassinia aculeata Dog Wood (Medium shrub)
 Cassinia longifolia Shiny Cassinia (Shrub 1 - 2.5 metres)
 Cassinia aculeata Common Cassinia (Erect shrub to 4 metres)
 Goodia lotifolia Golden Tip (Shrub to 4 metres)
 Bauera rubioides Wiry Bauera (Shrub 1 - 1.5 metres)
 Kunzea ericoides Burgan
 (Large shrub to 6 metres)
 Dillwynia cinerascens Grey Parrot Pea (Small shrub to 1.5 m)
 Dianella tasmanica Tasman Flax Lily (Herb to 80cm *)
 Clematis aristata Mountain Clematis (climber to 15 m)

6. Operation and Management Plan:

6.1 Below is the plan for the development works:

Time frame	Activity	Task	Operation and management plan
	planning permit application for a dwelling on the 18ha title	Farm Management Plan developed and submitted with proposal developed by ABAN Planning	Completed by ONFARM Consulting November 2024
	Fencing of approximately 0.5acre house site	Fencing works to be done by Danny Payne	Commence soon after approval obtained.
	Dwelling construction commences on approval by Shire	Dwelling plans and construction process formalized	Expected to take a 12-month period from approval, completed spring 2025
	Pasture improvement program to allow lift in pasture production and subsequent stock numbers	Pasture renovation on two paddocks per year.	Late summer spray with Roundup, lime application at 2.5t/ha, shallow cultivation with discs, powerharrow and sow perennial pasture species at 25kg/ha, roll

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	Lifting soil fertility	Fertiliser applications with decisions based on bi-annual soil tests.	Application in autumn and spring of 150kg/ha 2in1 or equivalent nutrient.
	Expansion of cow numbers from 20 to 30 on Longwarry property	Increase stock numbers to ensure full utilization of available pasture	Retention of stud Angus and Hereford heifers as core breeding stock

6.2 Soil erosion issues:

There are no identified soil erosion problems on this property. Gully erosion, sheet erosion and riparian degradation is low on the site with no watercourses on the land. Surface movement of water is low due to flat topography.

6.3 Salinity amelioration:

There are no identified soil salinity issues identified on this property as per my knowledge of the property.

6.4 Soil acidity:

Lime will be applied at 2.5t/ha as part of a rotational and pasture renovation program. It is recommended that 5t/ha lime be applied to grazing areas, split as two applications over a five-year period. This will help to lift soil pH (reduce soil acidity) and increase nutrient availability over time.

6.5 Pest Animal control:

There is no evidence of infestation of pest animal species (foxes and/or rabbits) on the property.

6.6 Biosecurity:

As part of MLA LPA requirements, the Paynes are aware of and adhere to biosecurity measures, including:

Risk	Control/risk minimization strategies
Livestock biosecurity	Implement and commence a biosecurity program in accordance with LPA guidelines. Refer to LPA document. In particular, develop a property risk assessment; livestock entering the property have a livestock health statement/declaration; inspection of all animals entering the property for ill health and kept in isolation for a period of time; minimize or prevent access by unauthorized people and vehicles, and recording of all people and vehicle movements on to areas containing stock and birds; livestock transaction and movement documentation kept; follow animal welfare guideline. www.mla.com.au/integrity

6.7 Weed management program- control program timing for weeds in the area:

Weed	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Thistles	√			√	√					√	√	√
Blackberry	√									√	√	√
Ragwort				√	√					√	√	√
Broadleaf pasture weeds incorporating capeweed, flatweed, ranunculus, dock etc				√	√	√			√	√	√	

Weed control via conventional practices involves the use of suitable agricultural chemicals and adherence to label directions, wind speed and weather conditions throughout application.

6.8 Revegetation:

The owners have plans to plant a significant amount of vegetation on the property for the purpose of creating a visually appealing property, creating habitat for wildlife (birds and mammals), and providing a source of shelter to stock on the property.

Proposed revegetation with locally indigenous species (all planted with tubestock):

- Tree breaks to be of appropriate width (5-10m) to provide wind protection but also to support a range of plant species.
- Species selection will be such that they are indigenous to the location.
- Plantings will create wind protection without funneling winds

7. Summary:

7.1 The Payne’s property is currently operating at a moderate level of agricultural activity, generating a return that is higher than alternative land uses on the site in its current state.

7.2 They have plans to develop further their Angus and Hereford breeding program, to incorporate Artificial Breeding techniques, embryo transfer and the breeding of elite genetic animals of both breeds to sell in the stud and commercial markets.

Danny has associates and friends involved with the Stud Angus breeding business and his cattle cartage business and their two leased properties at Warragul all will work in conjunction with the expanded breeding enterprise.

7.3 Infrastructure on the property is suited to the current and proposed enterprise. No additional infrastructure would be required other than a lock-up shed for the storage of requisites such as animal health requirements, drugs for the fertility programs, AI tank storage and the like.

7.4 The proposed siting of the house allows visibility across the entire farm but in particular the yards where the program work will take place.

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7.5 A dwelling is required on the property to safely, securely and appropriately undertake the proposed activities, as well as to undertake the current activity of calving cows and monitoring these animals and the calves to ensure their safety and security. The other two properties managed by the Paynes are not owned and do not have a dwelling and so calving activities need to take place at the Evans Rd property.

7.6 Being located on site for calving time is considered to be industry best-practice and good animal husbandry. It dramatically improves productive outcomes but also lowers the risk of death of cows and calves.

7.7 The proposal meets the aims and intentions of the Victorian Planning Scheme for the Green Wedge Zone and the Shire's aims of the Cardinia Westernport Green Wedge Management Plan and is not detrimental to the desired outcomes of the Scheme.

7.8 The proposal is in line with surrounding land use and activity on adjoining and surrounding properties, which contain dwellings with lower levels of agricultural output and activity. Should a dwelling not be permitted, a lower level of agricultural output will result and low intensity land use options will be the outcome.



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