



# Delegate Report – Planning Scheme Assessment

File Number: DA3804  
 Planning Application No. P030/23  
 Responsible Officer: Nicole Embling, Coordinator Statutory Planning

## Conflict of Interest

After reading the definitions of a general or material conflict of interest as defined by the *Local Government Act 2020*, do you have a conflict of interest?

Yes  No

<i>Application Details</i>	
<b>APPLICANT</b>	Mr Anthony Roussos
<b>PROPOSAL</b>	Use and development of land for a dwelling, two (2) outbuildings (Shipping Container and Gazebo), and an agricultural shed
<i>Property Details</i>	
<b>PROPERTY ADDRESS</b>	152 Davies Road Merrijig
<b>LAND DESCRIPTION</b>	Lot 11 PS 148582N

## Mansfield Planning Scheme and Context Assessment

Mansfield Planning Scheme seeks to ensure that the objectives of planning in Victoria (as set out in Section 4 of the *Planning and Environment Act 1987*) are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

### Municipal Planning Strategy (MPS)

#### Clause 02.03-2 – Environmental and Landscape Values (Landscapes)

*The scenic value of the mountains, foothills, valleys and cleared grazing country is characteristic of the municipality and of intrinsic importance to its landscape.*

*Rural areas are acknowledged as one of the Shire's and the region's greatest assets.*

*Significant for rural production as well as from a natural landscape perspective promoting*

*tourism and attracting visitors to the Shire, many of the rural valleys are recognised as having significant landscape qualities unique to the State and worthy of protection.*

*Significant landscape and natural features include Mounts Buller, Stirling, Terrible and the Great Dividing Range, and parts of the Eildon and Alpine National Parks. Mount Buller and Mount Stirling are in the Alpine National Park.*

*Development along ridgelines or highly visible slopes can impact the landscape character of the area. Approaches to the mountains also need to be protected for their significance and high visual amenity, particularly the state significant Mount Buller and Mount Stirling alpine vista.*

*Council's strategic directions for environmental and landscapes values are to:*

- Protect areas of remnant vegetation for their environmental, habitat and scenic values, including roadside vegetation, riparian environments, scattered trees and native grasslands.*
- Protect the landscape character of the Shire and significant landscape features including large old trees, visually significant ridges and view corridors.*
- Protect the environmental, landscape and visual significance of rural areas, mountain and environmental features and alpine approach areas.*

#### Comment

The subject land is identified as being within the significant landscape of the Alpine Approach and an assessment of the proposal has found that adequate attention is provided to the design and site layout. The proposal is of a scale that can respect and respond to the character of the surrounding area and be set into the landscape.

#### **Clause 02.03-4 – Natural Resource Management (Agriculture)**

*Rural land is under increasing pressure for residential use and development not associated with the rural use of the land. Productive agricultural land must be maintained to remain agriculturally viable and ensure the ongoing ability to farm is protected. To do so, it is important that only marginal rural land in areas with a minimal visual impact be developed for small scale rural or rural living style development.*

*Maintaining large rural allotments in the rural zones plays a vital role in maintaining agriculture and rural amenity. A legacy from past decisions is the large number of 'undersized' lots created in rural areas for the purpose of rural residential living without the appropriate zoning changes to reflect that purpose. As a result, landowners have an expectation that those lots can be developed for dwellings. A balance needs to be struck between this and the need to protect agricultural land for agricultural use.*

*Council's strategic directions for the management of agricultural land are to:*

- Protect productive agricultural land from land fragmentation and incompatible use and development.*
- Protecting the on-going viability of agricultural land for agricultural purposes particularly from amenity conflicts arising from dwellings.*
- Support diversifying the agricultural base to include the development of viticulture, horticulture, and more intensified agricultural pursuits.*

### Comment

The subject land is in an area of existing small lots in the Farming Zone which are mostly being used for rural-residential type development and ‘hobby farms’. There are some larger farming allotments in the surrounding vicinity with significant setbacks from the boundary of the subject land. The proposed use and development on the land is considered appropriate considering the context of existing and future potential land uses on nearby land. The proposal offers a low probability or cause for any land use conflicts in terms agricultural activities.

As the area has an existing precedent for dwellings on small lots, with approximately sixteen (16) nearby properties being under 40 hectares and already established with dwellings, this assessment finds it generally appropriate for this parcel of land to be developed in a similar way.

### **Clause 02.03-4 – Natural Resource Management (Water and Declared Special Water Supply Catchments)**

*Council’s strategic directions for catchment planning and management are to:*

- *Protect the environmental significance and visual amenity of local water sources and Special Water Supply Catchments.*
- *Avoid development in catchments that is detrimental to water quality.*
- *Minimise the cumulative impact of onsite wastewater treatment systems on the water quality of Declared Special Water Supply Catchments.*

### Comment

The proposed development lies within 100 m of a natural drainage line, but are more than minimum setbacks (40 m) required for the protection of water quality. The application was referred to GMW, who provided a written conditional consent. It is considered that the subject lot is capable of managing the wastewater and stormwater produced within the bounds of the site without detriment to the catchment’s water quality.

### **Planning Policy Framework (PPF)**

#### **Clause 12.05-2L – Significant Landscapes, Ridgelines and Alpine Approaches**

##### *Objective*

*To protect the environmental, landscape and visual significance of landscapes, alpine approaches and significant ridgelines, particularly in areas of high visual amenity.*

##### *Strategies*

*Minimise the environmental and visual impact of development including buildings, sheds, driveways and associated earthworks.*

*Site and design development to be responsive to the topography of the land and unobtrusive in the landscape.*

*Retain existing mature scattered native and exotic trees and encourage the use of substantial landscaping to further complement development and reduce the visual impact of buildings on the landscape.*

*Avoid development on visually exposed ridgelines, unless its visual impact can be minimised by using designs and colours that blend with or compliment the landscape.*

*Incorporate building setbacks from property boundaries, roads and waterways that are consistent with the scale of the building, site characteristics, and potential impact on the environment and rural activities conducted on the site.*

*Use building materials with external finishes that:*

- Blend with the natural surrounding environment whether this be in natural form or via a tailored paint scheme that reflects the colours and textures evident in the natural environment.*
- Have a low reflectivity to minimise glare and visual impact.*

*Policy Guidelines*

*Consider as relevant:*

- Designing buildings located on or close to a visually exposed ridgeline to not exceed 1 storey or 6 metres in height from natural ground level.*

### Comment

The subject land is identified as being within the significant landscape of the Alpine Approach and is formally recognised through the applicable Significant Landscape Overlay.

The subject land is set on an elevation approximately 150 metres below the ridgeline south of the property which is visible from the Alpine Approach being Mt Buller Road. The natural undulation of the land and vegetation provides for visual buffers which have meant the subject land is only visible from its immediate surroundings. The proposal for a single-storey dwelling and other infrastructure is to be sited near the highest point on the land, however the topography of the land continues to rise to the south. The proposed footprint of development is not located on a ridgeline.

The proposed dwelling, gazebo and agricultural shed are proposed to have some treated galvanised iron for the external cladding which would be suitably treated to reduce reflectivity. Aged and treated galvanised iron is considered compatible with the surrounding landscape and is in keeping with the character of the High Country.

The land is a battle-ax layout and therefore provides significant setbacks from any roads and is for the most part visually behind existing developments on neighbouring properties.

Landscaping would conditionally be required of any approval to ensure that buildings are softened to screen and blend in with the surrounding landscape.

### **Clause 13.02-1S – Bushfire Planning**

*Policy application*

*This policy must be applied to all planning and decision making under the Planning and Environment Act 1987 relating to land that is:*

- *Within a designated bushfire prone area;*
- *Subject to a Bushfire Management Overlay; or*
- *Proposed to be used or developed in a way that may create a bushfire hazard.*

*Objective*

- *To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.*

Relevant strategies are:

- *Give priority to the protection of human life by:*
  - *Prioritising the protection of human life over all other policy considerations.*
  - *Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.*
  - *Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision-making at all stages of the planning process.*
- *In a bushfire prone area designated in accordance with regulations made under the Building Act 1993, bushfire risk should be considered when assessing planning applications for the following uses and development:*
  - *Accommodation.*

Comment

The subject land is wholly within a Bushfire Prone Area and is not in the Bushfire Management Overlay (BMO). The BMO partially applies to the adjoining lands to the south-east and is approximately 200 metres from the subject land.

**Clause 13.02-1L – Bushfire Management**

Relevant strategy is:

- *Incorporate passive risk mitigation measures, including the siting, landscaping and layout of new development to enhance resilience to potentially vulnerable development in Bushfire Prone Areas.*

Comment

The emphasis of relevant bushfire policy at the State and local level is on the preservation of significant landscapes and character of towns like Mansfield and as the highest priority the preservation of human life in bushfire affected areas.

As the subject land is not within the BMO any bushfire requirements applicable to the construction standards of a dwelling on the land would be resolved during the Building Permit process under the *Building Act 1993*.

### **Clause 14.01-1S – Protection of Agricultural Land**

#### **Objective**

- *To protect the state's agricultural base by preserving productive farmland.*

Relevant strategies are:

- *Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.*
- *Protect productive farmland that is of strategic significance in the local or regional context.*
- *Protect productive agricultural land from unplanned loss due to permanent changes in land use.*
- *Prevent inappropriately dispersed urban activities in rural areas.*
- *Protect strategically important agricultural and primary production land from incompatible uses.*
- *Limit new housing development in rural areas by:*
  - *Directing housing growth into existing settlements.*
- *Identify areas of productive agricultural land by consulting with the Department of Energy, Environment and Climate Action and using available information.*
- *In considering a proposal to use, subdivide or develop agricultural land, consider the:*
  - *Desirability and impacts of removing the land from primary production, given its agricultural productivity.*
  - *Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.*
  - *Compatibility between the proposed or likely development and the existing use of the surrounding land.*
  - *The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.*
  - *Land capability.*
- *Balance the potential off-site effects of a use or development proposal (such as degradation of soil or water quality and land salinisation) against the benefits of the proposal.*

#### **Comment**

The application has been supported by a detailed Farm Management Plan, which was amended 18 March 2024. The Farm Management Plan provides for a staged Lavender Farm, including growing, harvesting and production of lavender products onsite, including dried lavender and



essential oils. Previously the land has been used for ad hoc grazing and fodder production but is currently vacant and not being utilised.

The Farm Management Plan details that the property has fair soil quality and some native grasses with no existing agricultural infrastructure. The proposal for a dwelling and Lavender Farm concurrently would enable the occupiers to more proactively respond to the current policy relating to the protection of Agricultural land.

## **Clause 14.01-1L – Dwellings and Subdivisions in Rural Areas**

### **Objective**

- *To protect productive agricultural land from competing and inappropriate land uses, including residential use not associated with agriculture.*
- *To prevent dwelling excisions and the development of existing small rural allotments from prejudicing any existing surrounding agricultural activities.*

Relevant strategies are:

- *Discourage dwellings and subdivision (including house lot excisions) unless:*
  - *It is required to support the agricultural use of the land.*
  - *Off-site impacts and land use conflicts can be minimised and it will not result in reduced agricultural capability of the land or long-term viability of rural production in the area.*
  - *It will result in no net loss of vegetation.*
  - *Any development is sited, designed and constructed to mitigate bushfire risks.*
  - *The provision of necessary infrastructure for the dwelling or lot created (such as access to potable water supply, effluent disposal and stormwater drainage systems) is consistent with the capability of the land.*
- *Site and design development to not adversely impact existing rural activities conducted on site and on adjoining land.*
- *Avoid development (including subdivision) that is likely to lead to a concentration of small lots or dwellings and change the use and development of an area or result in a loss of its rural character, unless the clustering of dwellings will not limit the productive use and development of adjacent agricultural land.*

### **Policy Guidelines**

Consider as relevant:

- *Using an agreement under Section 173 of the Act to:*
  - *Minimise land use conflict by affirming the understanding that the amenity of the dwelling may be subject to off-site impacts of adjoining or nearby agricultural activities, such as noise, dust and odour.*
  - *Prevent future subdivision and dwelling excision.*

## Comment

Key state and local policy relating to agriculture (Clauses 02.03-4, 14.01-1S and 14.01-1L) seeks to avoid impacts on and the removal of productive agricultural land. This application has responded appropriately through the design and siting of the dwelling, it has been appropriately sited to ensure a minimum amount of land is used for domestic purposes.

In undertaking an informed assessment of this proposal, consideration must be afforded to the land's capabilities. The application was supported by a Land Capability Assessment and Farm Management Plan (FMP), which have both undertaken significant testing on the land to determine soil quality and appropriate solutions. The LCA has determined there is suitable land available for the treatment and disposal of wastewater onsite, and the FMP has undertaken a detailed assessment of the existing and potential qualities of the land in relation to agriculture and sustainable land management.

The FMP provides a detailed plan of how the property will be able to be productively used for grazing sheep to support land management and the production of lavender which would be staged in its development and then be rotated around the property to ensure soil management and turnover of plants over their standard life cycle of 6-7 years.

Through a permanent residence onsite the owners will be able to implement the submitted FMP and enhance the quality of the land to ensure it is in its most productive form. The owners of the land will need to be proactive in their agricultural pursuits to enable successful production of lavender, with increased pasture quality and improvement to the soil. These actions will also eradicate any weed plant species to encourage further native growth and will restrict pest animals from harming the land. Through these actions the adjoining properties will benefit, particularly those on lower elevations and downstream of the natural waterways.

It is considered that whilst a dwelling is not essential to undertake the farming operations proposed, that a permanent residence will assist in ensuring good land management and an improved environment for the subject land and surrounds. Furthermore, the dwelling is appropriately located to not have detrimental impact to any current or future agricultural activities on adjoining land.

Additionally, considering the context of existing established properties in the immediate surroundings, it is unlikely that this property would be integrated with an adjoining parcel of land, as the adjoining properties are generally developed as 'hobby farms'.

Suitable conditions would be included in any permit issued to require a Section 173 Agreement to restrict subdivision, implement the Farm Management Plan and to ensure understanding of agricultural activities, as included in the Policy Guidelines of this policy.

### **Clause 14.02-1S Catchment planning and management**

Objective:

*To assist the protection and restoration of catchments, water bodies, groundwater, and the marine environment.*

Strategies to address this objective include to:

- *Ensure the continued availability of clean, high-quality drinking water by protecting water catchments and water supply facilities.*
- *Undertake measures to minimise the quantity and retard the flow of stormwater from developed areas.*



- *Ensure planning is coordinated with the activities of catchment management authorities.*
- *Ensure that water quality infrastructure is designed to minimise risk of harm to surface waters and groundwater.*

### Comment

It is considered that the proposal will not risk the protection and restoration of catchments, water bodies and ground water. The application has received a written consent from Goulburn Murray Water.

Additional stormwater will be managed through permit conditions by requiring the stormwater to be directed into water tanks and overland flow be minimised and directed appropriately.

### **Clause 14.02-11L – Catchment Planning and Management**

Policy application:

*This policy applies to land within a Declared Special Water Supply Catchment Area, as shown on the Mansfield Shire catchments map to this clause.*

Strategies:

- *Minimise adverse impacts from wastewater management systems (both individually and cumulatively) on catchment health and water quality.*
- *Discourage land uses that would contribute to the degradation of downstream water quality.*
- *Discourage further development, particularly new rural residential estates on the lakes' shores.*
- *Support new development only where connection to reticulated sewerage infrastructure can be provided or it will not have a cumulative impact on nutrient and pathogen loads.*
- *Support redevelopment and extensions of existing unsewered dwellings only if an incremental cumulative benefit will be gained by way of upgrading the existing system.*
- *Incorporate integrated Water Sensitive Urban Design (WSUD) techniques and mitigation measures to reduce overall wastewater volumes and level of nutrients, pathogens and pollutants entering the catchment from use and development, particularly in high risk areas as per Schedule 1 to the Environmental Significance Overlay.*
- *Ensure any drainage scheme is consistent with the capability of the land.*

### Comment

The subject land is in the area designated as the 'Upper Goulburn, Upper Delatite' Catchment Area and the application is supported by a Land Capability Assessment which has been appropriately assessed by GMW and Councils Environmental Health team.

### **Clause 15.01-6S – Design for rural areas**

Objective

*To ensure development respects valued areas of rural character.*

Strategies

- *Ensure that the siting, scale and appearance of development protects and enhances rural character.*
- *Protect the visual amenity of valued rural landscapes and character areas along*

*township approaches and sensitive tourist routes by ensuring new development is sympathetically located.*

- *Site and design development to minimise visual impacts on surrounding natural scenery and landscape features including ridgelines, hill tops, waterways, lakes and wetlands.*

### Comment

The proposed dwelling is typical of a rural living residence or farming property development. The proposed location has appropriate boundary setbacks, is softened by existing vegetation in the area and is not situated on any ridgeline or hilltop, which will not impede any views on the natural scenery of the area. Given these factors, the proposal is commensurate with the reasonable expectations of development forms in a rural landscape.

### Zoning

#### **Clause 35.07 – Farming Zone (FZ)**

##### *Purpose*

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*
- *To provide for the use and development of land for the specific purposes identified in a schedule to this zone.*

#### **Use of land for a dwelling (Clause 35.07-2)**

*A lot used for a dwelling must meet the following requirements:*

- *Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.*
- *Each dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available all wastewater from each dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017 for an on-site wastewater management system.*
- *The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for firefighting purposes.*
- *The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.*

## Decision Guidelines

*Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:*

### *General issues*

- The Municipal Planning Strategy and the Planning Policy Framework.*
- Any Regional Catchment Strategy and associated plan applying to the land.*
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.*
- How the use or development relates to sustainable land management.*
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.*
- How the use and development makes use of existing infrastructure and services.*

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

- Whether the use or development will support and enhance agricultural production.*
- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.*
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.*
- The capacity of the site to sustain the agricultural use.*
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.*

### *Accommodation issues*

- Whether the dwelling will result in the loss or fragmentation of productive agricultural land.*
- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.*
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.*
- The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.*

### *Environmental issues*

- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.*
- The impact of the use or development on the flora and fauna on the site and its surrounds.*

- *The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.*
- *The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.*

#### *Design and siting issues*

- *The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.*
- *The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.*
- *The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.*
- *The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.*
- *Whether the use and development will require traffic management measures.*

#### Comment:

The MPS and PPF have been addressed under separate headings in the body of the report. The proposal is considered to generally be accordant with the relevant policy.

The subject land is of an appropriate size to accommodate the proposed use and development. There are no notable site constraints in terms of landscape features or incompatible land uses, as referred to in the policy response of this report. The development would not impact on the potential for the subject land to be used for agricultural purposes as are proposed in the submitted FMP.

The site will utilise existing services available to the land, with a new effluent treatment system proposed and water storage systems, and connection to existing reticulated electricity, which satisfies the requirements of Clause 35.07-2.

#### *Agricultural issues*

It is acknowledged that the proposed development would remove a small portion of the subject land from potential agricultural production activities. That said, any development within the FZ would remove a portion of land from potential agricultural production activities.

The primary concern regarding the removal of land is the indirect removal of a parcel from agricultural production due to change in land use. The subject land is not currently used for agricultural production activities, largely owing to the land's limited productive capabilities in relation to low-maintenance typical agricultural activities. The proposal seeks to capitalise on the rural, agricultural and natural features of the site and surrounds. Noting that the land area to

which the development is proposed is minor in the total context of the site. There is no impact to land quality either directly on the building site or immediately surrounding same as a result of the works.

The location of the works will not impact on adjoining agricultural activities (or their potential), with the use and development appropriately setback from property boundaries. The nature of the use is not considered to unnecessarily impact agricultural expansions or economic viability of land owing to the existing development conditions on surrounding land.

The proposed limited agricultural activities as detailed in the submitted FMP will provide for some sheep grazing and lavender planting for production, with supporting infrastructure.

#### *Dwelling issues*

The intent of this decision guideline is to ensure accommodation land uses do not impact agriculture. The siting of the use and development will ensure that it is not adversely affected by agricultural activities on adjacent and nearby land (of which there is limited), and conversely that it will not affect such activities itself. The proposal will not lead to a concentration or proliferation of dwellings given the existing extent of dwellings and other non-agricultural uses in the area.

#### *Environmental issues*

The siting of the proposed dwelling is sufficiently setback from waterways and has no vegetation impacts (no vegetation removal is proposed). The application demonstrates that the proposal will facilitate the ecological reinvigoration and continual management of the site. The location of on-site effluent disposal has been informed by a Land Capability Assessment, which demonstrates that effluent can be treated and retained on site in accordance with the EPA Code of Practice, without adverse impact to the site.

#### *Design and siting issues*

The dwelling proposed is modest in size and would be constructed in colours and materials typical of a rural environment so that it would not be a dominant feature in the landscape. The works are appropriately separated from abutting properties and other dwellings. Built form presentation is harmonious with development currently found on the land and abutting land and will be screened from most public vantage points owing to existing vegetation and natural topography.

Overall, the proposed use and development is considered to be consistent with the purpose and decision guidelines of the zone.

### **Overlays**

#### **Clause 42.01 - Environmental Significance Overlay - Catchments at Medium Risk of Water Quality Impacts (ESO2)**

Purpose:

- *To identify areas where the development of land may be affected by environmental constraints.*
- *To ensure that development is compatible with identified environmental values.*
- *To discourage development and works that contribute to the degradation of water quality and quantity.*

Statement of Environmental Significance:

*The Upper Goulburn, Lake Eildon Environs, Upper Goulburn (Upper Delatite) and Lake Nillahcootie catchments supply irrigation and potable water to nearby townships and downstream communities. Lake Eildon and Lake Nillahcootie are both used for recreational purposes.*

*The Mansfield Shire Domestic Wastewater Management Plan 2014 (as amended) risk analysis identifies areas of the municipality that are at high, medium and low risk of causing adverse impacts on potable water quality, public health and the environment.*

*Development in the areas where this schedule applies has a medium risk of causing adverse impacts to potable water quality, public health and the environment through increased nutrients, pathogens and sediment in waterways and water storages.*

*It is important that development is carefully managed to ensure there is no detriment to the catchment and cumulative benefits can be gained over time through improved management of wastewater and stormwater. This can be achieved through careful design and siting of development and works, management of wastewater generated by development and adoption of integrated water cycle management principles. As a result there should be incremental and cumulative reductions in nutrient, pathogen and sediment loads in water storages and waterways.*

Comment

Pursuant to provision 3 of Schedule 2 to this Clause, a permit is required for a new dwelling which creates wastewater. As has been previously discussed in this report the proposal submits that onsite wastewater treatment and disposal can be achieved in accordance with the *Code of Practice – Onsite Wastewater Management, EPA*. The application has complied with the Application Requirements set out in provision 4 of the Schedule 2 to this Clause including a detailed Land Capability Assessment which addresses the Edis Algorithm. Additionally through the required referral to Goulburn Murray Water their consent to the application and proposal has been provided.

The Decision Guidelines of provision 5 of Schedule 2 to this Clause have been suitably addressed through the application and further assessed by Goulburn Murray Water and Councils Environmental Health team who are satisfied with the proposal and have provided conditional consent.

**Clause 42.03 – Significant Landscape Overlay – Schedule 1 (SLO1)**

Purpose:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*



- *To identify significant landscapes.*
- *To conserve and enhance the character of significant landscapes.*

Statement of nature and key elements of landscape:

*The alpine approach is characterised by a strong valley bordered by the alpine areas to the north, south and east. The views from the Mansfield – Mt Buller Road to surrounding mountains and ranges are impressive especially in the winter when there is spectacular snowy backdrop. The valley has a relatively flat floor with undulating pasture, ribbons of vegetation along roads, fences, the upper Delatite River (a Proclaimed Water Supply Catchment Area), creek lines and in scattered patches. The Crown Land boundary is an abrupt interface with the dense woodland, which visually helps define the unit. All these elements create an area that is a major asset for the Shire.*

Landscape character objectives to be achieved:

- *Identify and protect the visual values of the landscape of state significance on the approaches to mountains and ranges, including Mount Buller, Mount Stirling, Mount Timbertop and other significant mountains.*
- *Protect short and long distance views of Mount Buller from the Mt Buller Road, other approach roads and public viewpoints.*
- *Avoid the visual impact of buildings and works in the landscape.*
- *Minimise the visual impact of buildings and works by requiring setbacks from prominent visual areas, ridgelines and adjoining and nearby private land.*

Decision Guidelines:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The statement of the nature and key elements of the landscape and the landscape character objective contained in a schedule to this overlay.*
- *The conservation and enhancement of the landscape values of the area.*
- *The need to remove, destroy or lop vegetation to create a defensible space to reduce the risk of bushfire to life and property.*
- *The impact of the proposed buildings and works on the landscape due to height, bulk, colour, general appearance or the need to remove vegetation.*
- *The extent to which the buildings and works are designed to enhance or promote the landscape character objectives of the area.*
- *The impact of buildings and works on significant views.*
- *Any other matters specified in a schedule to this overlay.*
  - *The impact of the proposed buildings and works on the landscape including effect on landscape within and outside the land (due to siting, design, size, and colour and texture of external construction materials), flora and fauna, land form, heritage values, and views to the land from roads, other public viewpoints and private land.*
  - *The impact of buildings and works on views to the land from any road, public viewpoints and private land.*

- *Effluent disposal systems and measures to improve water quality.*

### Comment

The MPS and PPF have been addressed under separate headings in the body of the report.

The existing vegetation on the subject land would not be impacted through the proposed buildings and works. The proposed development has suitable setbacks from existing vegetation on the land and additional landscaping is proposed. The vegetation will be appropriately managed in relation to bushfire risk.

The design would ensure that significant views (if any) are not impacted upon. The type and scale of built form proposed is somewhat typical for the area, particularly given the inherent topographic characteristics of surrounding land.

Schedule 1 to Clause 42.03 prescribes that *all proposed buildings must be of muted tones and constructed in non-reflective materials, to the satisfaction of the Responsible Authority.* As such, a condition will be included on any permit issued to ensure that the development complies with this requirement in perpetuity. Specifically, to require that the proposed buildings with partial galvanised iron be suitably treated to reduce reflectivity. The design of the buildings incorporates some galvanised iron on the elevations with the least potential impact for glare and reflection.

The application is supported by a Land Capability Assessment which has determined that wastewater is able to be treated and retained onsite accordingly.

Given the above, the proposed development is considered to be consistent with the overlay purpose, the statement of nature and key elements of landscape, the landscape character objectives to be achieved and the relevant decision guidelines.

### General Provisions

#### **Clause 65.01 – Approval of An Application or Plan**

*Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:*

- *The matters set out in section 60 of the Act.*
- *Any significant effects the environment, including the contamination of land, may have on the use or development.*
- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the environment, human health and amenity of the area.*
- *The proximity of the land to any public land.*

- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*
- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*
- *The impact the use or development will have on the current and future development and operation of the transport system.*

### Comment:

The matters at section 60 of the Act have been considered.

The MPS and PPF have been addressed under separate headings in the body of the report. The proposal is considered to generally be accordant with the relevant policy.

The proposed use and development is considered to be generally consistent with the agricultural considerations of the Farming Zone and the catchment management considerations of the Environmental Significance Overlay – Schedule 1. That is, it is not anticipated to impact adversely on agricultural production or other land uses in the Farming Zone nor on the efficacy of the Lake Eildon Environs special water supply catchment area.

No vegetation removal, lopping or destruction is proposed.

The proposed use is not considered to adversely impact the current and future development and operation of the transport system, noting that the scale of use and development proposed is commensurate with the capacities of local road network.

The proposal is considered to result in an and appropriate and orderly outcome for the site and surrounds, which realises the limitations of the site and maximises on the locational and environmental attributes of the site.

Based on the matters discussed above and throughout this report, the proposed use and development is acceptable and is generally considered to be consistent with the Mansfield Planning Scheme. In this instance, the matters assessed tend in favour of approving the application for a planning permit.

## **Conclusions**

The proposal for a dwelling on the land with associated outbuildings and a farm shed to provide storage for agricultural equipment is generally in keeping with the existing rural character of the

area. The design is considered respectful of the development on adjoining properties and would not detract from the significant landscape and views to the alpine regions.

The concerns raised through submissions have been considered in relation to the relevant planning policies and suitable conditions are recommended to ensure the proposal is an acceptable land use outcome complimentary of the surrounding landscape.

The proposal is generally consistent with the relevant provisions of the Mansfield Planning Scheme, as discussed in this report. The application is therefore recommended for approval.