

REGIONAL PLANNING
SERVICES

TOWN PLANNING SUBMISSION

Use and Development of the Land for a
Dwelling and Outbuilding

At Lot 1, TP389476, 90 Moor Street, Barmah

Contents

1.	INTRODUCTION.....	3
2.	SUBJECT SITE & SURROUNDS	3
3.	PROPOSAL.....	4
4.	PLANNING PERMIT TRIGGERS	6
5.	ZONE.....	6
5.1	FARMING ZONE.....	6
6.	OVERLAYS	7
6.1	ENVIRONMENTAL SIGNIFICANCE OVERLAY (SCHEDULE 2)	7
6.2	BUSHFIRE MANAGEMENT OVERLAY	8
6.3	FLOODWAY OVERLAY	9
6.2	AREAS OF ABORIGINAL CULTURAL HERITAGE SENSITIVITY	10
7.	PLANNING POLICY FRAMEWORK.....	11
	CLAUSE 02.01 CONTEXT	11
	CLAUSE 02.03-2 ENVIRONMENTAL AND LANDSCAPE VALUES - RIVER CORRIDORS, WATERWAYS, LAKES AND WETLANDS	11
	CLAUSE 02.03-3 ENVIRONMENTAL RISK AND AMENITY	12
	CLAUSE 02.03-4 NATURAL RESOURCE MANAGEMENT.....	12
	CLAUSE 11 SETTLEMENT.....	13
	CLAUSE 13.02-1S BUSHFIRE PLANNING.....	14
	CLAUSE 13.03-1S FLOODPLAIN MANAGEMENT	14
	CLAUSE 13.03-1L FLOODPLAIN MANAGEMENT IN MOIRA	14
	CLAUSE 14.01-1S PROTECTION OF AGRICULTURAL LAND	14
	CLAUSE 14.01-1L.01 DWELLINGS IN THE FARMING ZONE	14
	CLAUSE 14.02-1S CATCHMENT PLANNING AND MANAGEMENT	15
	CLAUSE 14.02-2S WATER QUALITY	15
	CLAUSE 15.01-6S DESIGN FOR RURAL AREAS.....	15
	16.01-3S RURAL RESIDENTIAL DEVELOPMENT.....	15
8.	GENERAL PROVISIONS.....	15
8.1	CLAUSE 65.01 DECISION GUIDELINES – APPROVAL OF AN APPLICATION OR PLAN	15
9.	PLANNING ASSESSMENT	16
9.1	AGRICULTURAL POLICY ASSESSMENT INCLUDING FARMING ZONE	16
9.2	DECISION GUIDELINES OF ENVIRONMENTAL SIGNIFICANCE OVERLAY (SCHEDULE 2)	18
9.3	DECISION GUIDELINES OF FLOODWAY OVERLAY	20
9.4	BUSHFIRE.....	20
10.	CONCLUSION	21

1. INTRODUCTION

This application proposes use and development of the land for a dwelling and outbuilding.

The address of the land is Lot 1, TP389476 - 90 Moor Street, Barmah. The area of the land is approximately 1.03 hectares. The lot is not encumbered on title with any covenants or agreements.

The planning application is accompanied by various documents, including:

- Application form
- Development Plans
- Planning Report
- Bushfire Management Plan and Statement
- Title and Title Plan

2. SUBJECT SITE & SURROUNDS

The subject site is regular in shape and is located on the west side of Moor Street having an area of approximately 1.03 hectares. It is currently developed with a couple of sheds which are used to maintain the property. One shed is located within the approximate centre of the land and the other is located adjacent to the northern boundary.

The site comprises significant amount of native vegetation scattered within the entire site with greater density in the centre of the lot. The land is not currently used for agriculture and has access from Moor Street via an existing crossover.

Surrounding allotments to the immediate south and east comprises varied size vacant lots within Farming Zone having native vegetation. The western boundary of the site adjoins Crown land which is zoned Public Conservation and Resource containing significant amount of native vegetation. Murray River is located further west of the site. Township of Barmah is located further to the north with majority of land being within Township Zone comprising single dwellings with associated outbuildings.





Figure 1: Aerial of Subject Site

3. PROPOSAL

The application seeks permission for the use and development of a dwelling and outbuilding.

The dwelling will be single storey comprising a bedroom, bathroom, kitchen and living. It will be setback 9.5m from Moor Street and 12m from the southern boundary and with a finished floor level of 700mm to satisfy the Flood Overlay. The walls of the dwelling will be made from weatherboard in "Dover" with colorbond "Basalt" roof. It will have an overall area of 28.32m².

The proposal also involves construction of an outbuilding in association with the dwelling. The outbuilding will be 24m long and 12m wide. It will be setback 11.5m from the front boundary and 5m from the northern boundary. It will be used for storage purposes and for parking of vehicles in association with the use of the dwelling. The outbuilding will be made from colorbond steel in the colour of "Shale Grey".

The development of both the dwelling and the outbuilding has been sited where there is no impact to native vegetation and no native vegetation is required for removal to create defendable space.

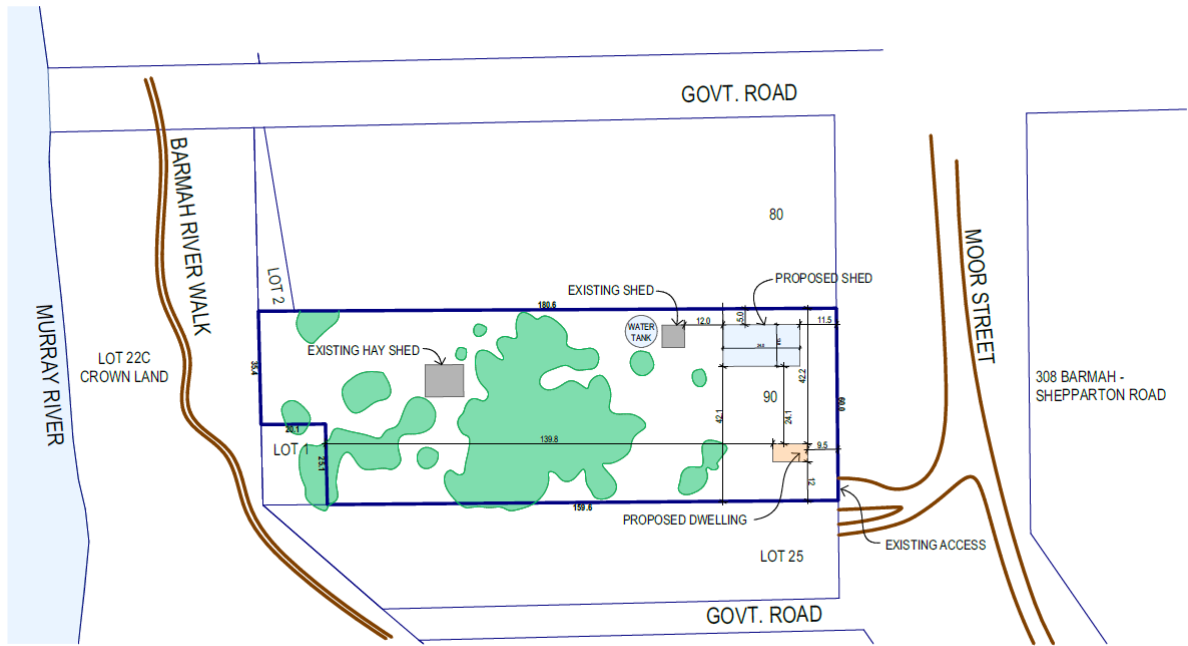
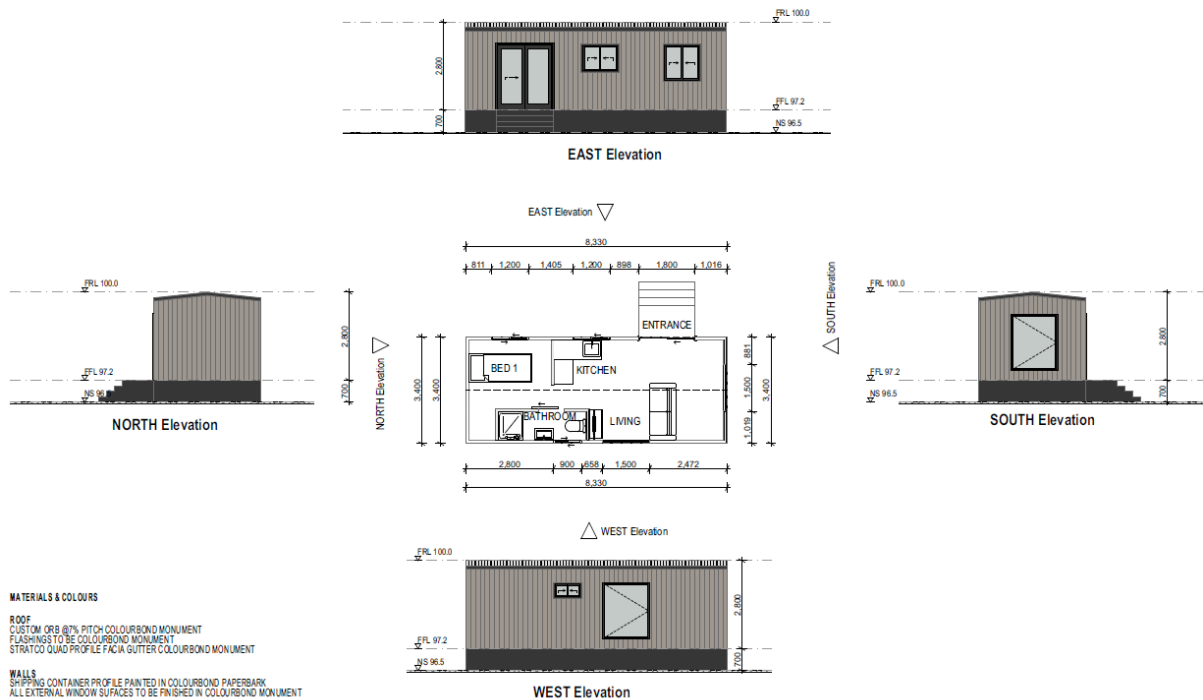


Figure 2: Site Plan



LEGEND

1:000 2D/3D

PLANNING PERMIT APPLICATION - PROPOSED DWELLING

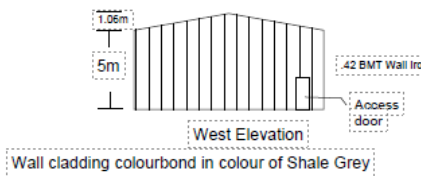
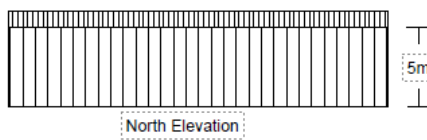
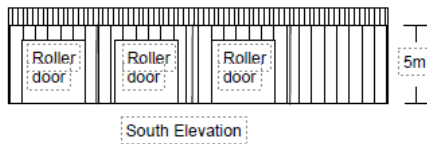
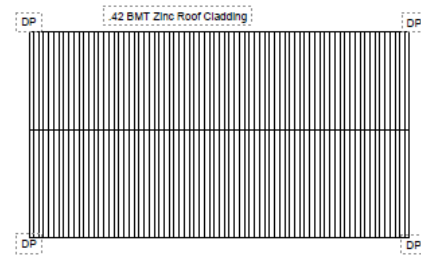
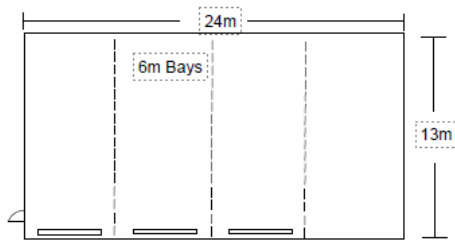


Figure 2: Floor Plan and Elevations (Dwelling and Outbuilding)

4. PLANNING PERMIT TRIGGERS

Clause 35.07-1 – Farming Zone – Use Section 2 (Dwelling)

Clause 35.07-4 – Farming Zone – Buildings and works Section 2

Clause 42.01-2 – Environmental Significance Overlay (Schedule 2) - Buildings and Works

Clause 44.03-2 – Floodway Overlay - Buildings and Works

Clause 44.06-2 – Bushfire Management Overlay – Buildings and Works

5. ZONE

5.1 FARMING ZONE

The purpose of the Farming Zone is:

- 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.

FARMING ZONE (FZ)

FARMING ZONE - SCHEDULE 1 (FZ1)

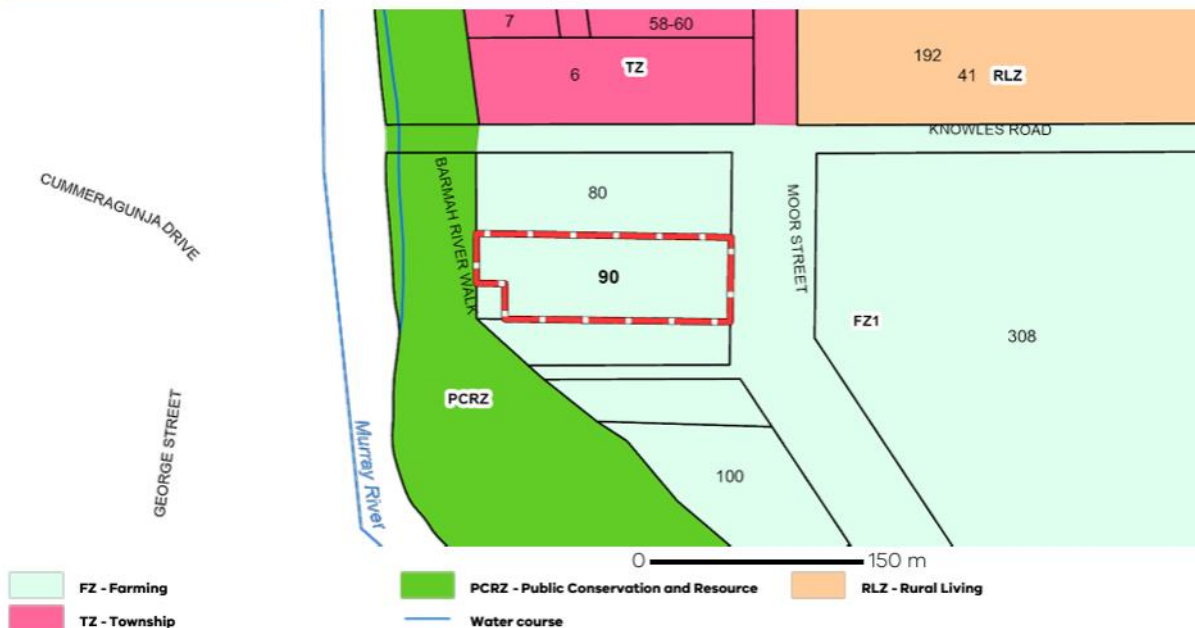


Figure 4: Zoning Map

6. OVERLAYS

6.1 ENVIRONMENTAL SIGNIFICANCE OVERLAY (SCHEDULE 2)

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas where the development of land may be affected by environmental constraints.
- To ensure that development is compatible with identified environmental values.

Schedule 2 of the Environmental Significance Overlay – Statement of Environmental Significance

Clause 21.04 of the MPS and the NSW Murray Regional Environment Plan No. 2 – Riverine Land and the Murray Shire Local Environment Plan 1989 all identify the Murray River as an asset of National and State significance. The Murray River, its tributaries and its environs serves a variety of environmental, economic, social, and recreational and tourist functions. It is a common strategy, at all levels of government, that the Murray River and its environs be maintained and enhanced. All waterways in the municipality form a vital part of the Murray Darling Basin.

Principles of ecologically, economically and socially sustainable development are particularly important along the Murray River corridor. These principles include the management of domestic and other effluent and stormwater to protect and enhance water quality as well as the maintenance and improvement of the landscape values on both sides of the River. The

corridor of the river also performs an important role in maintaining habitat and provides opportunities for the flow of genetic material, both flora and fauna.

Threatening processes occur at various locations along the river system. These processes include erosion, changed hydrological regimes, native vegetation decline, pollution of ground and surface water, groundwater accession and salinisation and soil acidity, and subsequently adversely affect the quality of land and water habitats.

The remaining native riverine forests, woodlands and wetlands that adjoin the waterway of the Murray River are critically important for the maintenance of water quality, biodiversity, wildlife habitat and scenic beauty. It is the visual and landscape qualities of this environment that are the basis for the demand for tourist and recreation development as well as the expansion of rural, residential and urban areas.

The river corridor has become an increasingly important tourist destination for local, interstate and international travellers. The intensity of development on riparian and riverfront land can result in increased flood hazards. The prevention of inappropriate development in the Murray River floodplain is important for the protection of natural flooding regimes and for reducing the social and economic impacts that flooding imposes.

Human activities have altered the character of the Murray River corridor and have left an important legacy of Aboriginal and European sites and precincts of cultural, heritage and tourism significance which should be protected and enhanced.



Figure 5: Environmental Significance Overlay – Map

6.2 BUSHFIRE MANAGEMENT OVERLAY

Purpose

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

- To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.
- To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.
- To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

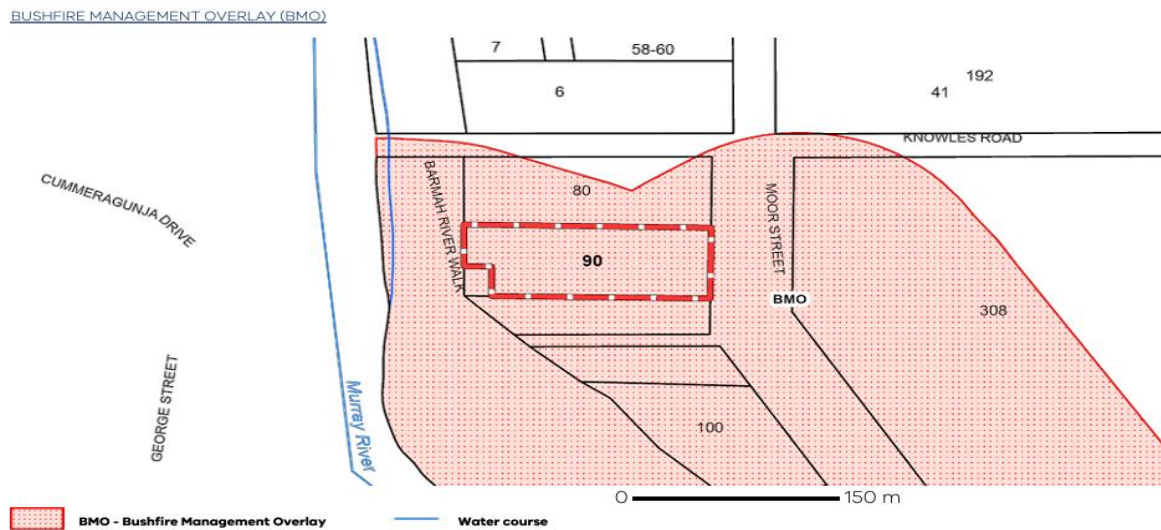


Figure 5: Bushfire Management Overlay – Map

6.3 FLOODWAY OVERLAY

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify waterways, major floodpaths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding.
- To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.
- To reflect any declarations under Division 4 of Part 10 of the Water Act, 1989 if a declaration has been made.
- To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.
- To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

RURAL FLOODWAY OVERLAY (RFO)
 RURAL FLOODWAY OVERLAY SCHEDULE (RFO)

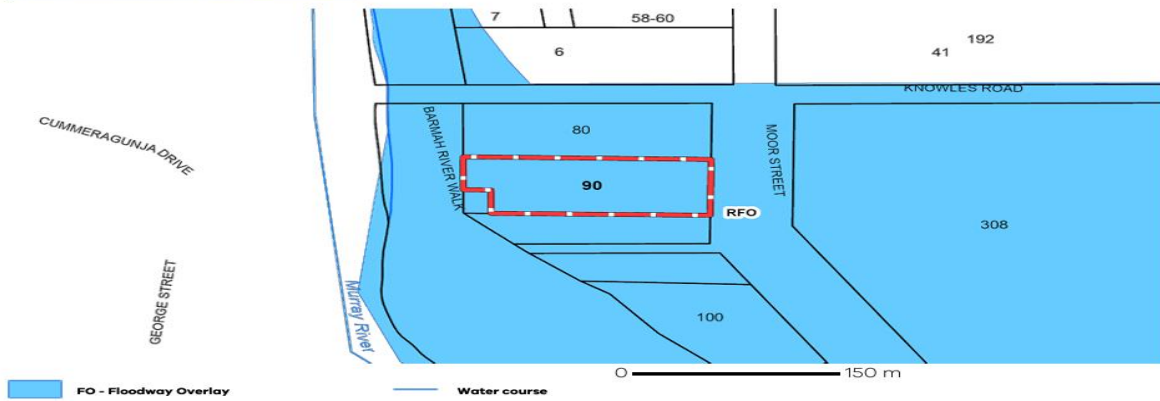


Figure 6: Floodway Overlay – Map

6.2 AREAS OF ABORIGINAL CULTURAL HERITAGE SENSITIVITY

Department of Premier and Cabinet

Process List

Project Name: Dwelling
 Project Location: 90 Moor Street Barmah
 Date: 29-Jan-2024

	QUESTION	ANSWER
Question 1	Is the proposed activity , or all the proposed activities, exempt?	Yes
Answer:	<p style="color: blue; text-decoration: underline;">ON THE BASIS OF THE ANSWERS YOU HAVE ENTERED</p> <p>YOU ARE NOT REQUIRED BY THE REGULATIONS TO PREPARE A CULTURAL HERITAGE MANAGEMENT PLAN FOR THIS PROJECT</p>	
	<p>This process list is for information purposes only; the result must not be relied upon by a statutory authority in deciding whether a cultural heritage management plan is required for a proposed activity.</p>	

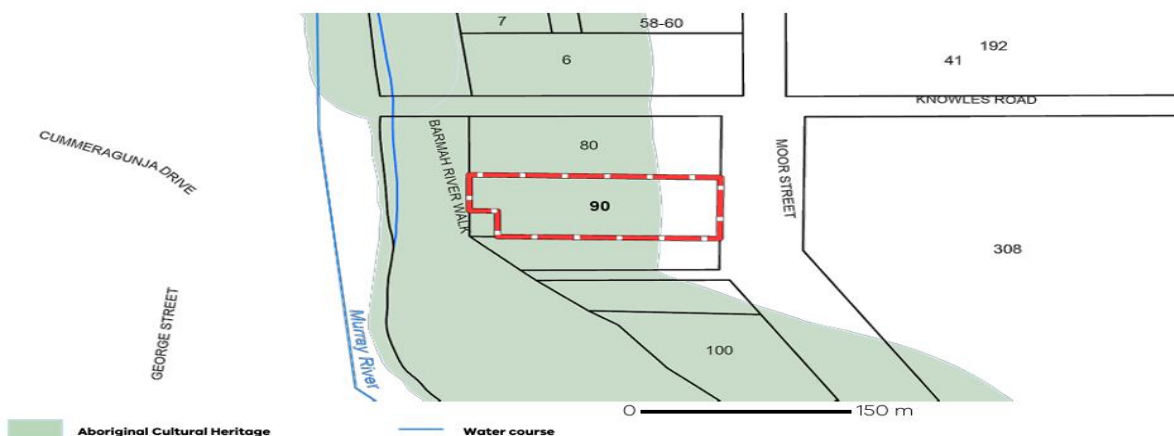


Figure 7: Areas of Aboriginal Cultural Heritage Sensitivity – Map

7. PLANNING POLICY FRAMEWORK

CLAUSE 02.01 CONTEXT

Moira Shire is located on the southern banks of the Murray River, bordering New South Wales. It is located in the Hume region of Victoria and stretches from Bundalong in the east to the Barmah National Park to the west. The Shire includes the major towns of Cobram, Numurkah, Yarrawonga and Nathalia and a host of smaller towns that are supported by a diverse agricultural base heavily reliant on irrigation farming for the production and processing of a range of agricultural products. The Shire is located within the broader Shepparton Irrigation Region in the heart of the Goulburn and Murray Valleys, which is one of the most important dairy and fruit production areas in Australia.

Moira is economically, socially and culturally diverse. The population of the Shire is ageing.

Moira is located on the alluvial floodplains of the Murray, Goulburn, Lower Goulburn and Ovens Rivers. The natural systems of these rivers are a core natural asset of the Shire providing for fertile farming land, a desirable tourist attraction and important habitat for native species and ecosystem services. In the west, a strong indigenous community exists based around the Barmah Forest. Areas in the south and east have been developed for intensive and extensive grazing, particularly the fertile irrigated areas, such as in Cobram, where market gardens have developed.

The economic strengths of Moira include intensive irrigated agricultural production, associated food processing industries and tourism. Moira is home to a variety of agricultural industries including horticulture, cereal, oilseed, livestock and dairy production. Agricultural land is divided equally between irrigated and dryland production. Local producers and processors play a significant role in the food industry of the local, regional, state and national economy. The region's workforce is heavily dependent on the agricultural sector with many people directly involved in agricultural production on farms and an estimated similar number involved directly and indirectly in the processing and transport of that product.

Horticultural industries are an especially important component of the economy through their production of high value fresh and processed foods including peaches, pears, viticulture crops, tomatoes and vegetables. These industries are key elements for the long-term prosperity in the irrigation region, providing high returns per unit of applied water, and are well suited to the climate and topography of the region. The dairy industry is also a major contributor to the economy.

The value-adding manufacturing industry and tourism industry are increasingly important activities based on the local strengths of climate, water, rivers and other natural features. The tourism industry, in particular, is based on the Murray, Goulburn and Ovens Rivers and the Barmah Forest.

CLAUSE 02.03-2 ENVIRONMENTAL AND LANDSCAPE VALUES - RIVER CORRIDORS, WATERWAYS, LAKES AND WETLANDS

The Murray River is a nationally and state significant asset. The River and its environs serve a variety of environmental, economic, social, and recreational and tourist functions. All

waterways, including the Broken River, Lower Goulburn River, Broken-Boosey Creek and Nine Mile Creek form a vital part of the Murray Darling Basin. The Murray River provides an urban water supply for many towns and settlements. Improving water quality is an important goal for the Shire.

The Lower Ovens River, downstream of Wangaratta, is a declared Heritage River under the Heritage Rivers Act 1992. Lake Mulwala is an important water body located north of Yarrawonga's settlement boundary.

A co-ordinated approach to planning and management of the River corridor is required to protect its significant values and to prevent conflict arising from agricultural development, urban development, tourism and recreation development along the waterway and on adjoining land.

Council seeks to:

- Maintain and enhance waterway health.
- Protect the Murray River and its environs recognising its importance for nature conservation, flooding, economic development, recreation and tourism.
- Discourage development that adversely impacts on Lake Mulwala, the Lower Ovens River and any other water body or waterway.

CLAUSE 02.03-3 ENVIRONMENTAL RISK AND AMENITY

Bushfire

Bushfire risk is a significant issue in vegetated riverine areas and isolated bushland areas. It is also an issue in agricultural areas and grasslands, particularly at the urban/grassland interface of settlements.

Council seeks to:

- Ensure development responds to bushfire risk.

Floodplains

Management of flooding issues is one of the largest challenges for Moira. Floodplains have important natural functions and inherent wetland values. Areas are subject to periodic flooding because of the presence of rivers and waterways, the topography and the use of irrigation channels for drainage that inhibit and redirect the flow of flood waters. Poorly sited and designed development within designated floodplains can significantly exacerbate flood impacts along the floodplain.

Council seeks to:

- Minimise the risk to life and safety from the effects of flood waters.
- Preserve the natural function of floodplains, including their inherent wetland values.

CLAUSE 02.03-4 NATURAL RESOURCE MANAGEMENT

The farming areas in Moira can be generally grouped into the following categories:

- **Agriculture growth areas** being areas for growth and expansion of existing farm businesses and for new investment. These areas include large properties and provide opportunity for large scale, standalone agricultural development as well as consolidation of existing farm properties wishing to grow.
- **Agriculture consolidation areas** being areas that support existing farm businesses to operate and expand. These areas typically include land with good soils, but their lot sizes are no longer reflective of current farm sizes. These areas provide opportunities to develop agricultural enterprises that can, over time, expand and consolidate through a process of property restructure.

The existing supply of lots in the Farming Zone is considered sufficient to enable the incremental growth of farms.

Farm consolidation is fundamental to the long term viability of the agricultural base. Prospective agricultural investment is jeopardised or deterred by land use and development that have the potential to compromise the scale and location of such investment. In particular, agricultural investment is far less likely where land is fragmented in ownership with housing dispersed throughout. Fragmentation leads to rural living opportunities that compromise farming purposes by increasing land prices and introducing residents with 'non-farming' amenity expectations.

Moira maintains adequate land that has been allocated to accommodate demand for rural living opportunities. Unplanned rural living results in agricultural land being taken out of production. A rural dwelling will often be needed to properly farm the land, however new dwellings must be limited to those that genuinely relate to agricultural production.

Council seeks to:

- Protect farming as the dominant activity in rural areas.
- Discourage the fragmentation of existing farms.
- Encourage the expansion of existing farm businesses and investment in farming areas.
- Ensure dwellings in rural areas do not inhibit the use of the land for agriculture.
- Minimise any environmental and economic impacts that rural dwellings may have on the sustainability of Moira's agricultural resources.

CLAUSE 11 SETTLEMENT

Clause 11 Settlement identifies that Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

The Clause identifies that planning is to prevent environmental problems created by siting incompatible land uses close together. Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities.

CLAUSE 13.02-1S BUSHFIRE PLANNING

This clause is of relevance as the site is located within Bushfire Prone Area. The objective is to strengthen the resilience of settlements and communities to bushfire through risk-based planning that priorities the protection of human life.

CLAUSE 13.03-1S FLOODPLAIN MANAGEMENT

This clause is of relevance as the objective is to assist the protection of:

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

CLAUSE 13.03-1L FLOODPLAIN MANAGEMENT IN MOIRA

This clause is of relevance as the strategies are:

- Ensure that buildings near the Murray River are sited away from the river and on land that is free from flooding.
- Ensure development in areas prone to flooding minimise flooding impacts on land outside the identified area of potential flooding.

CLAUSE 14.01-1S PROTECTION OF AGRICULTURAL LAND

This clause is of relevance as the objective is to protect the state's agricultural base by preserving productive farmland.

CLAUSE 14.01-1L.01 DWELLINGS IN THE FARMING ZONE

- Discourage a dwelling that is not associated with or required for the agricultural use of the land, such as for the permanent and continuous care, supervision or security of the farming use or development.
- Discourage dwellings that will result in a rural living or rural residential outcome in the area.
- Site dwellings so to minimise impacts on existing and potential agricultural operations on nearby land.
- Locate dwellings on lots that have:
 - Legal frontage to a road.
 - A two-way vehicle access via an all-weather road.
 - Adequate buffers to protect:
 - Residential amenity from the impacts of agricultural activity.
 - The viability of adjoining agricultural use.

CLAUSE 14.02-1S CATCHMENT PLANNING AND MANAGEMENT

This clause is of relevance as the objective is to assist the protection and restoration of catchments, waterways, estuaries, bays, water bodies, groundwater, and the marine environment.

CLAUSE 14.02-2S WATER QUALITY

This clause is of relevance as the objective is to protect water quality.

CLAUSE 15.01-6S DESIGN FOR RURAL AREAS

This clause is of relevance as the objective is to ensure development respects valued areas of rural character.

Strategies in part:

- 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.

16.01-3S RURAL RESIDENTIAL DEVELOPMENT

This clause is of relevance as the objective is to identify land suitable for rural residential development.

8. GENERAL PROVISIONS

8.1 CLAUSE 65.01 DECISION GUIDELINES – APPROVAL OF AN APPLICATION OR PLAN

The Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of decision guidelines of this Clause. Clause 65.01 sets out the matters the Responsible Authority must consider when assessing an application.

The decisions guidelines that are relevant are as follows:

- The proposal meets the purpose of the zone as the land cannot be used for agriculture.
- It will result in orderly planning of the area as the land will contain a dwelling which is consistent with the surrounding area to the north (Barmah Township).
- The proposal will not result in increasing the risk of bushfire or flooding.
- It will also have no impact on the Murray River environment.
- The amenity of the area will not be impacted as such development is anticipated under the zone.
- No vegetation removal is required to facilitate the proposal.

9. PLANNING ASSESSMENT

Based on the provisions of the Moira Planning Scheme and the decision guidelines, the following, are considered to be key planning considerations relevant to the proposal:

- Planning Policy Framework
- Decision Guidelines of the Farming Zone (FZ)
- Decision Guidelines of Environmental Significance Overlay (Schedule 2)
- Decision Guidelines of Floodway Overlay
- Decision Guidelines of Bushfire Management Overlay

9.1 AGRICULTURAL POLICY ASSESSMENT INCLUDING FARMING ZONE

In considering the planning implications of the proposal, it has been assessed against the suitability of the site and its compliance with Planning Policies, including Zoning and Overlay Controls, and the General Provisions contained within the Moira Planning Scheme.

In general, both Planning Policies seek to support and enhance agricultural pursuits by ensuring future development, particularly residential development does not result in the permanent removal of productive agricultural land or inhibit the continuation and development of existing agricultural uses. These objectives are reiterated in the purpose of the Farming Zone.

In this instance it is considered that the context of the subject site in relation to the surrounding area should form a significant part of determining the suitability of granting a permit for the proposal on the land. This will include an assessment of the impact of such development upon agriculture.

In relation to the above policies, the subject site comprises a small lot in a farming zone and therefore its development for the purpose of a single dwelling is generally not encouraged, noting that planning policies seek to protect productive farmland rather than increasing density and numbers of rural dwellings in a Farming Zone area.

The area immediately surrounding the site comprises vacant vegetated blocks in farming zone that cannot be used for any productive farming. Barmah Township comprising smaller lots within Township Zone containing single dwellings on majority of the lots. The surrounding area is already fragmented and the proposal will not contribute to further fragmentation as there is no opportunity for consolidation to a larger farming enterprise. Even the consolidation of this land to other smaller lots will not achieve any outcome as the land still will not be able to be used for agriculture. The site is not therefore viable for any adjacent landowners to purchase and consolidate into their existing landholdings for agricultural purposes.

No agricultural use has been proposed due to the size of the land other than some domestic level growth of vegetables. The proposal will result in a rural residential outcome in the area and this is due to the fact that the land cannot be used for viable agriculture. Adjoining area is currently not used for any productive agriculture that can cause any amenity issues. The site has a legal frontage to a road and a two way vehicle access via an all-weather road can be provided. No agricultural use has been proposed therefore the construction of dwelling can

occur after the grant of a permit. The area of the lot is less than 2 hectares and therefore making it too small for any bona fide agricultural use.

The general purposes of the Farming Zone are to provide for the use of land for agriculture, to encourage the retention of productive agricultural land and to ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture. The farming zone is also applied to help retain population and employment in rural communities.

The zone purpose seeks to ensure inappropriate dwelling development does not occur in agricultural areas and that the development of land for dwellings does not adversely impact upon the agricultural use of the land, which is a primary purpose of the zone. Clause 35.07-6 of the Farming Zone outlines specified decision guidelines and requires these to be considered in relation to the use and development of the land for a dwelling:

Dwelling 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.*

In this instance the use and development of the land for a dwelling will not result in the loss of fragmentation of agricultural land. The subject site has long been removed from agricultural use due to the nature of the surrounding area. It is highly unlikely that the subject site can be used for agriculture in the future.

It is not considered that a dwelling would be adversely impacted by surrounding agricultural uses as there are no agricultural uses undertaken on the surrounding land. By virtue of the size of the surrounding lots, it is unlikely that agricultural uses with the potential to result in amenity impacts could be undertaken on the surrounding land. Given the surrounding land uses and lot sizes, it is highly unlikely that there would be the potential for the subject site to be utilised in the expansion of an adjoining or nearby agricultural use.

The proposal would not further increase the concentration or proliferation of dwellings in the surrounding area and would therefore not impact upon the use of the land for agriculture. The land has the capability to accommodate the proposed use. The area of the lot is large enough and effluent disposal in association with the dwelling can be managed on the land. The land capability assessment report has not been prepared and requested that it form part of permit conditions for approval.

The dwelling will be setback reasonably from boundaries and will not impact any significant views. No native vegetation is required to be removed. The use and development of the land for a dwelling does not require any significant traffic management measures. The proposal will be built with colours and materials that will blend in with the natural environment. It will be setback reasonably from the boundaries.

Given the surrounding land use pattern it is appropriate to have dwelling on the site as it is consistent with the decision guidelines of the Farming Zone for the following reasons:

- The proposal will not remove land from agriculture due to the surrounding character of the area.
- The site is located within close proximity of Barmah Township.
- There is limited to no potential for the site to be used for the expansion of an agricultural use.
- The site is of a size which prevents agriculture of any scale or from being undertaken.
- The site has no direct interface with large vacant viable agricultural land.
- The surrounding area to the immediate south, north and east is zoned Farming however comprises smaller lots that cannot be used for agriculture.

9.2 DECISION GUIDELINES OF ENVIRONMENTAL SIGNIFICANCE OVERLAY (SCHEDULE 2)

Clause 42.01-5 Decision Guidelines	Assessment
The Municipal Planning Strategy and the Planning Policy Framework.	The proposal is consistent with policy that is compatible with economic, social and environmental objectives.
The statement of environmental significance and the environmental objective contained in a schedule to this overlay.	This will be discussed below.
The need to remove, destroy or lop vegetation to create a defensible space to reduce the risk of bushfire to life and property.	No vegetation removal has been proposed.
Whether the proposal will result in the obstruction of the waterway and the foreshore resource.	The proposal will not result in any such outcome.
Whether the proposed access will adversely impact on flora and fauna and areas of native vegetation.	No vegetation removal has been proposed.
Whether the proposal will adversely impact on flora and fauna and areas of native vegetation.	No vegetation removal has been proposed.
Whether the development is within 100 metres of a watercourse or from an existing	The proposal will be located with 100 metres from a Crown land boundary however the

<p>river levee or Crown land boundary (whichever is the greater).</p> <p>The setback of the proposed development from a watercourse or from an existing river levee or Crown land boundary.</p>	<p>existing vegetation on the land will provide adequate screening.</p>
<p>Whether the proposed development is designed so as to complement the natural environment.</p>	<p>The colours and materials will blend in with the rural environment and will complement the natural environment.</p>
<p>Whether the proposed method of effluent disposal is appropriate:</p> <ul style="list-style-type: none"> • Within this overlay area. • On flood liable land. • Where the watertable is within 2 metres of the surface. • In close proximity to a sensitive natural environment. • In areas of native vegetation. • If seasonably low evapotranspiration is common. • On soils of low permeability. • Whether alternate EPA approved systems are preferred to septic tanks or package sewerage treatment plants. 	<p>A land capability assessment will determine the appropriate type of septic required and requested that this be conditionally approved that a LCA is provided prior to commencement.</p>
<p>Whether excess stormwater should be disposed of on-site and away from any septic absorption area.</p>	<p>The area of the site is large enough to manage all the stormwater within the site without impacting the wastewater area.</p>
<p>The visual impact of the proposal on the riverine landscape and whether this may be lessened through the planting of a variety of appropriate indigenous vegetation species and by other means as appropriate.</p>	<p>As discussed above the proposal will be adequately screened by existing vegetation on the land.</p>
<p>The appropriateness of the location of the development with respect to the bank of the Murray River, or whether the development should be located outside the overlay area.</p>	<p>The entire site is affected by the overlay.</p>
<p>The impact of the use and development on the quality of water in the Murray River and what measures are proposed to reduce the prospects of pollution caused by salts, nutrients chemicals, sediments, wastes and other pollutants from entering the Murray River.</p>	<p>The proposal will not result in impacting the water quality of Murray River as wastewater will be managed on land.</p>

9.3 DECISION GUIDELINES OF FLOODWAY OVERLAY

Planning policies also seek to avoid inappropriate development within the floodplains. The proposal will not have a detrimental effect on the natural flood carrying capacity of nearby waterways and any damage from flooding will be minimal as discussed below.

Floodway Overlay Decision Guidelines	Response
The local floodplain development plan or flood risk report.	Not applicable.
Any comments of the relevant floodplain management authority.	As part of the application process, the application will be referred to relevant flood management authority and the proposal will be built in accordance with the requirements of the floodplain management authority.
The Victorian River Health Strategy (2002) and any relevant regional river health strategy and associated wetland plan.	Not applicable.
Any provisions of the Moira Shire Interim Floodplain Management Plans July 1997.	Not applicable as these plans relate to Cobram area.
The 'Earthworks Controls in the Shire of Campaspe, City of Greater Shepparton and the Shire of Moira Incorporated Document, August 2020' in the Schedule to Clause 72.04 Documents Incorporated in this Planning Scheme.	Not applicable.

9.4 BUSHFIRE

Clause 13.02 of the Planning Scheme prioritises the protection of human life over other provisions. The proposal will be able to meet the objectives and strategies of bushfire planning policies, by incorporating a bushfire management plan. The bushfire management plan shows that the development will meet the requirements of Clause 53.02 in relation to bushfire planning. The plan shows a Defendable space for a distance 50metres or to the boundary whichever is lesser. The dwelling will be constructed to BAL 29 construction standard. 10,000 litres of effective water supply within water tank will be provided. The tank will be located adjacent to the driveway for easy access. Access is already provided. The bushfire management plan will be referred to CFA and will be managed in accordance with the approval.

Clause 44.06-8 Decision Guidelines	Response
The Municipal Planning Strategy and the Planning Policy Framework	Above.
Any other matters specified in a schedule to this overlay.	Not applicable.

10. CONCLUSION

The proposal has been assessed against the relevant policy and controls of the Moira Planning Scheme as follows:

- The proposal has policy support at Planning Policy Framework.
- The proposal meets the purpose of the farming zone, environmental significance overlay, bushfire management overlay and floodway overlay including policy and will be compatible with economic, social and environmental objectives of the Planning Policy Framework.
- The proposed development has been sited and is compatible with surrounding landscapes and is buffered by reasonable setbacks.

The assessment undertaken in this report has demonstrated the application is consistent with the PPF, the requirements of the Farming Zone and the relevant overlays including Clause 65 of the Moira Planning Scheme. It is therefore requested that approval of a planning permit be granted.