


Notice of Application for a Planning Permit

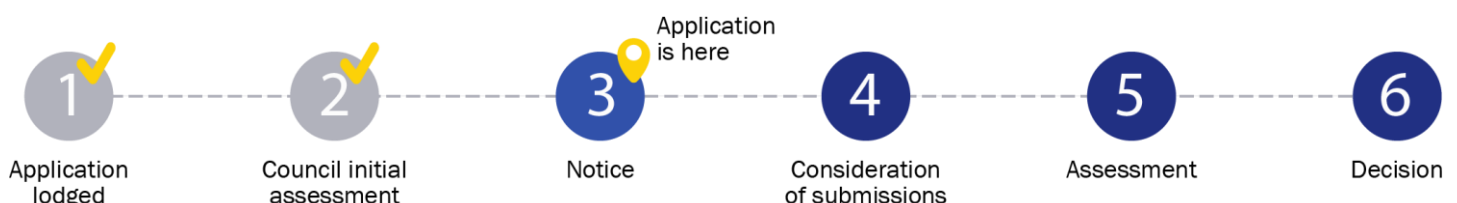
The land affected by the application is located at:	L1 TP513461 V8991 F297 15 Yackatooon Road, Beaconsfield Upper VIC 3808
The application is for a permit to:	Use of Land for the Purpose of Horse Husbandry & Construction of Buildings Associated with Horse Husbandry

APPLICATION DETAILS

The applicant for the permit is:	Nepean Planning Consultants
Application number:	T240017
You may look at the application and any documents that support the application at the office of the Responsible Authority: Cardinia Shire Council, 20 Siding Avenue, Officer 3809. This can be done during office hours and is free of charge. Documents can also be viewed on Council's website: cardinia.vic.gov.au/advertisedplans or by scanning the QR code.	

HOW CAN I MAKE A SUBMISSION?

This application has not been decided. You can still make a submission before a decision has been made. The Responsible Authority will not decide on the application before:	25 September 2024	
WHAT ARE MY OPTIONS? Any person who may be affected by the granting of the permit may object or make other submissions to the responsible authority.	An objection must: <ul style="list-style-type: none">• be made to the Responsible Authority in writing;• include the reasons for the objection; and• state how the objector would be affected. If you object, the Responsible Authority will notify you of the decision when it is issued.	The Responsible Authority must make a copy of every objection available at its office for any person to inspect during office hours free of charge until the end of the period during which an application may be made for review of a decision on the application.



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Request to amend a current planning permit application

This form is used to request an amendment to an application for a planning permit that has already been lodged with Council, but which has not yet been decided. This form can be used for amendments made before any notice of the application is given (pursuant to sections 50 / 50A of the *Planning and Environment Act 1987*) or after notice is given (section 57A of the Act).

PERMIT APPLICATION DETAILS

Application No.:	T240017
Address of the Land:	15 Yackatoon Rd, Beaconsfield Upper

APPLICANT DETAILS

Name:	[REDACTED]
Organisation:	Nepean Planning Consultants
Address:	Suite 1 , Level 1 / 315 Main Street, Mornington 3931
Phone:	[REDACTED]
Email:	[REDACTED]

AMENDMENT TYPE

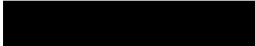

Under which section of the Act is this amendment being made? (select one)	
Section 50 – Amendment to application at request of applicant before notice:	<input type="checkbox"/>
Section 50A - Amendment to application at request of responsible authority before notice:	<input type="checkbox"/>
Section 57A – Amendment to application after notice is given:	<input checked="" type="checkbox"/>

AMENDMENT DETAILS

What is being amended? (select all that apply)		
What is being applied for <input checked="" type="checkbox"/>	Plans / other documents <input checked="" type="checkbox"/>	Applicant / owner details <input type="checkbox"/>
Land affected <input type="checkbox"/>	Other <input type="checkbox"/>	
Describe the changes. If you need more space, please attach a separate page.		
Inclusion of "Animal Husbandry" land use to support the development of 2 sheds onsite		

Specify the estimated cost of any development for which the permit is required:		
Not applicable <input type="checkbox"/>	Unchanged <input checked="" type="checkbox"/>	New amount \$

DECLARATION

I declare that all the information in this request is true and correct and the owner (if not myself) has been notified of this request to amend the application.	
Name:	
Signature:	
Date:	2 Aug 2024

LODGEMENT

Please submit this form, including all amended plans/documents, to mail@cardinia.vic.gov.au

You can also make amendments to your application via the Cardinia ePlanning Portal at <https://eplanning.cardinia.vic.gov.au/>

If you have any questions or need help to complete this form, please contact Council's Statutory Planning team on 1300 787 624.

IMPORTANT INFORMATION

It is strongly recommended that before submitting this form, you discuss the proposed amendment with the Council planning officer processing the application.

Please give full details of the nature of the proposed amendments and clearly highlight any changes to plans (where applicable). If you do not provide sufficient details or a full description of all the amendments proposed, the application may be delayed.

No application fee for s50/s50A requests unless the amendment results in changes to the relevant class of permit fee or introduces new classes of permit fees. The fee for a s57A request is 40% of the relevant class of permit fee, plus any other fees if the amendment results in changes to the relevant class (or classes) of permit fee or introduces new classes of permit fees. Refer to the *Planning and Environment (Fees) Regulations 2016* for more information.

The amendment may result in a request for more under section 54 of the Act and/or the application requiring notification (or re-notification). The costs associated with notification must be covered by the applicant.

Council may refuse to amend the application if it considers that the amendment is so substantial that a new application for a permit should be made.

Any material submitted with this request, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*.

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Nepean

Planning Consultants



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Planning Submission

15 Yackatoon Road, Beaconsfield Upper

Version 2 – August 2024

Application for Planning Permit: Use of land for Animal Husbandry and development of two sheds

Planning Scheme: Cardinia

Zone: Clause 35.06 Rural Conservation Zone, Schedule 2

Overlays: Clause 44.06 Bushfire Management Overlay

Clause 42.01 Environmental Significance Overlay, Schedule 1

EXECUTIVE SUMMARY

Introduction

This report has been prepared on behalf of the landowner in support of the proposal at **15 Yackatoo Road, Beaconsfield Upper** (the Subject Site).

The subject site contains an existing dwelling including associated outbuildings. The land has been used as a horse farm for many years and features numerous paddocks, arena, round yard and walk in stables / tack and feed shed. This proposal seeks planning permission to formalize the use of the land for Agriculture “Animal Husbandry” including proposing two new sheds: Horse Stable (Shed 1) and a Machinery Shed (Shed 2).

Planning permit triggers:

Clause 35.06 Rural Conservation Zone - Schedule 2 (RCZ2):

- Use of land for Agriculture “Animal Husbandry”
- Buildings and works associated with a Section 2 Use including requires variation to the following setback requirements:
 - o 20 metres from any other road.
 - o 100 metres from a dwelling not in the same ownership.

Clause 42.02 Environmental Significance Overlay - Schedules 1 (ES01) gross floor area of all outbuildings on the land exceeds 160 square metres (in the Rural Conservation Zone) and a building height exceeding 4 metres above natural ground level.

Project team

Planning & Bushfire: Nepean Planning Consultants

Designer: Fair Dinkum Sheds

Conclusion

This report justifies the proposal should receive Council’s full support on the basis it appropriately responds to the constraints of the site – specifically balancing the need for rural and landscape protection.

It is concluded that the proposed development appropriately responds to the relevant Planning Provisions and is entirely worthy of Council support.

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Prepared by

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Version

Version	Date	Details
1	January 2023	Original Version
2	August 2024	Amended in response to Council's land use concerns

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1 THE PROPOSAL

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1.1 Use

The subject site has been historically used for a horse farm however this application seeks to formalise the use of land as a “**Horse Stud**” (*Animal Husbandry*) across numerous paddocks and buildings on the land as detailed in the following site plan:

Figure 1: Land Use Site Plan



“*Animal Husbandry*” is defined in Clause 73.03 as “Land used to keep, breed, board, or train animals, including birds.”

The breeder (landowners) live onsite and oversee, manage and care for the mares or stallions onsite during the breeding seasons including the covering season and the foaling season. No other permanent employees will be present onsite with regular equine (vet) visits, as required.

The existing paddocks, arena, round yard, walk in stables / tack and feed shed will be used to support the site operations.

1.2 Development

The landowner seeks approval for the development of two sheds.

Shed 1: 219.2m² (13.7m x 16m) is proposed to be the main stables within the 8 bays (4M x 4.75m), 5 of them are stables, one is a wash bay and 1 is set aside as a horse crush for the Vets to use and Farrier for shoeing. The last bay is for the Horse feed.

Shed 2: 286m² (26m x 11m) will be used to store machinery needed to operate the property including, front end loader and excavator, hay trailer and arena rake, CAN AM, 4-wheel motor bike. The surplus pace is set aside for workshop and ride on mower storage. Currently all machinery is in the rain. The lean too attached to Shed 2 is proposed to be used for hay storage.

The following image illustrates the siting of the proposed buildings and works.

Figure 2: Whole Site Plan

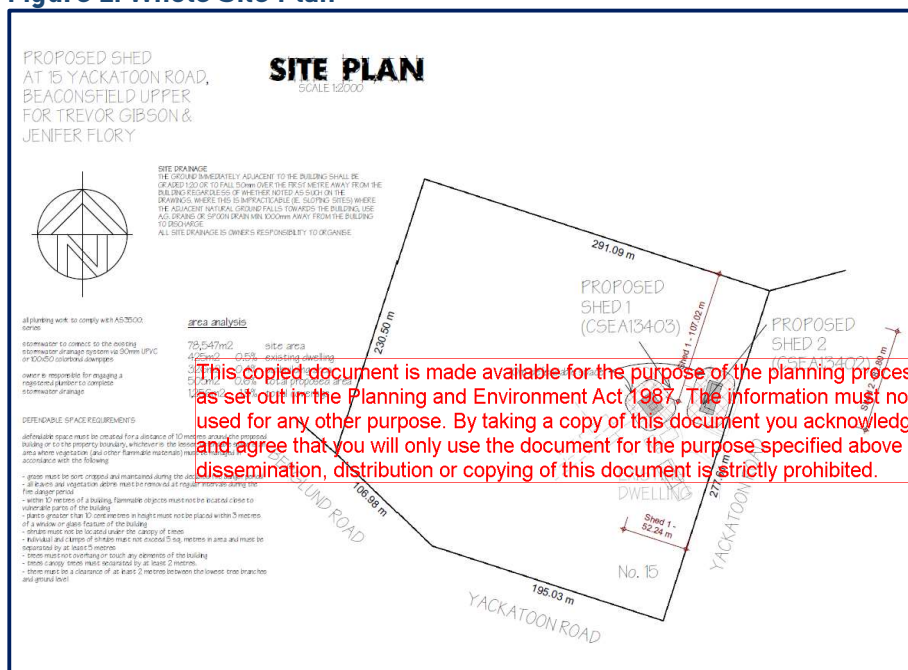


Figure 3: Part Site Plan

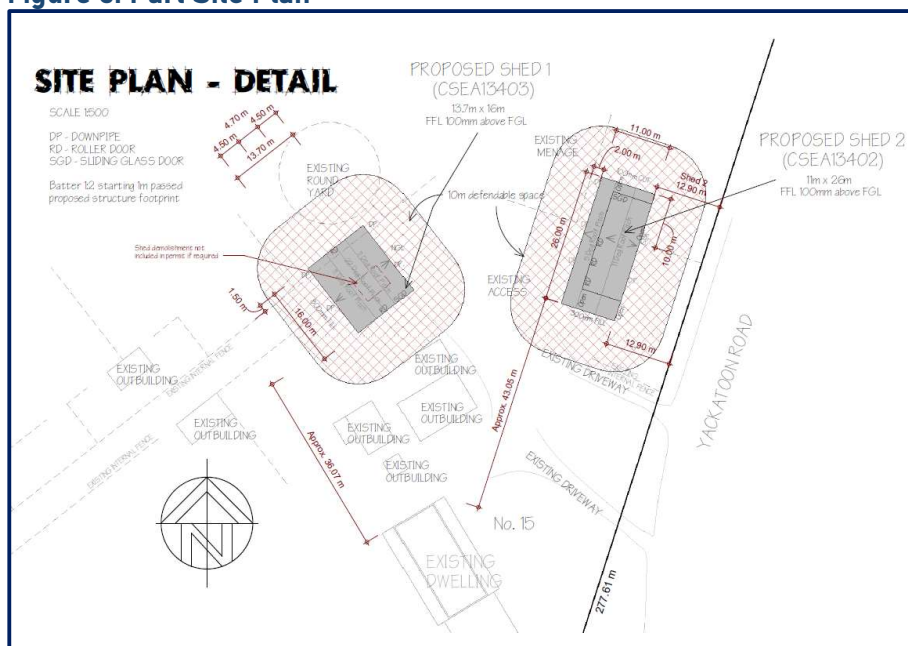
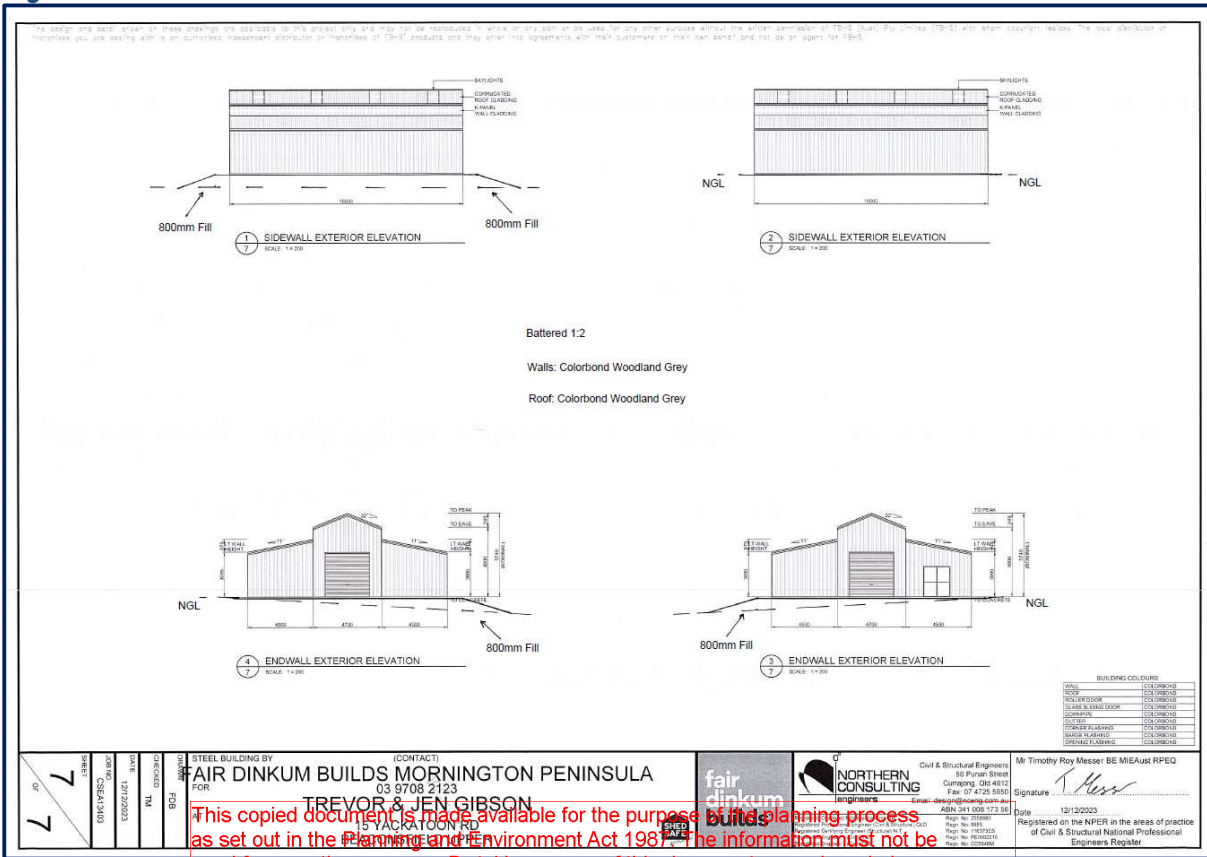


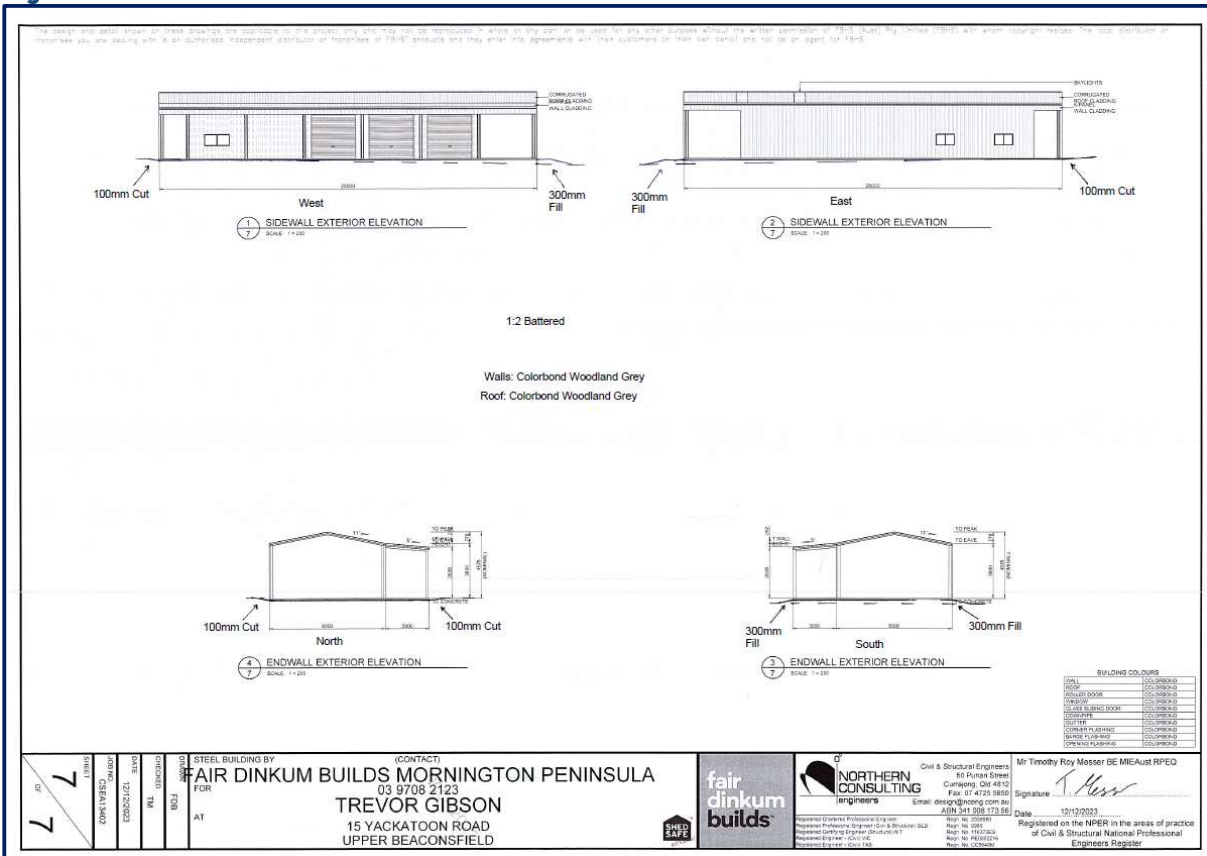


Figure 4: Shed 1 Elevation Plans



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Figure 5: Shed 2 Elevation Plans



The following table summarizes the proposed buildings and works features:

Element	Shed 1	Shed 2
Max. Building Height	5.749m	4.578m
Setback to Yackatoon Rd	12.90m	52.24m
Northern Side Setback	107.02m	82.80m
Rear Setback	N/A	N/A
Max Earthworks	800mm Fill	300mm Fill
Site Coverage	1.5%	

1.3 Vegetation Protection

As the site is greater than 4,000 m² in area an assessment against clause 52.17 Native Vegetation is required for any native vegetation removal however it is submitted that the proposed shed locations do not result in any vegetation removal.

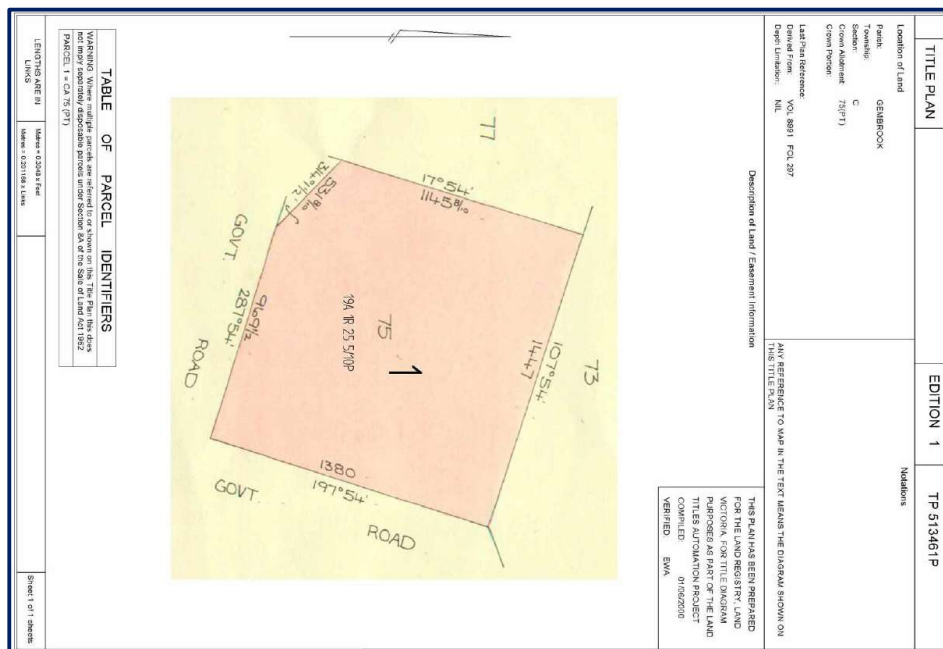
2 SUBJECT SITE

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2.1 Title details

The subject site, **15 Yackatoon Road, Warrandyte** is more formally known as Lot 1 TP513461 contained within Volume 08991 Folio 297. The land is not affected by any restrictive covenants, Agreements or easements as depicted in the below plan of subdivision extract:

Figure 6 – Extract of Plan of Subdivision



2.2 The subject land

The subject site is located on the north western side of Yackatoo Road. The irregular shaped lot has an area of 78633.1 m² (approx. 7.8 acre) with two frontages to Yackatoo Road.

The existing dwelling features 4 bedrooms. A full size flood-lit riding arena and round yard plus dam and secure fencing with numerous paddocks are present onsite. Site access is available from both Yackatoo Road and will remain unaltered.

The subject site has access to infrastructure which currently services surrounding properties along Yackatoo Road. All wastewater onsite will be managed and treated onsite in accordance with Council and EPA requirements.

The following photos demonstrate the subject site in greater detail:

Figure 7 – Aerial view of the subject site (source: realestate.com.au)



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Figure 8 – Aerial view of the subject site (source: realestate.com.au)



Figure 9 –Existing dwelling (source: realestate.com.au)



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Figure 10 – Existing Paddock (source: realestate.com.au)



Figure 11 – Existing Menage (source: realestate.com.au)



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Figure 12 – Existing Round Yard (source: realestate.com.au)



Figure 13 – Existing Stables (source: realestate.com.au)



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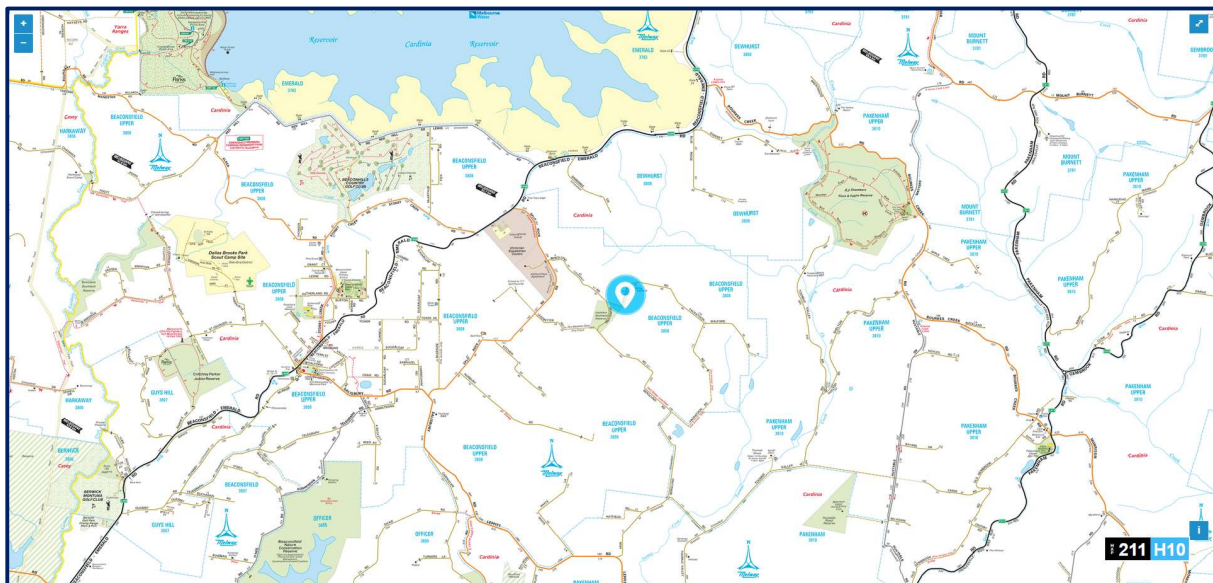
3 SITE CONTEXT

The Cardinia Shire covers an area of 1,280 square kilometres with the pattern of settlement primarily focused in the Urban Established Area, Urban Growth Area and townships ranging from large rural townships to rural localities.

Upper Beaconsfield is located approximately 53 kilometres (33 miles) south-east of Melbourne on the southern foothills of the Great Dividing Range. Nearby towns include, Emerald (7.3 km northeast of Upper Beaconsfield) and Beaconsfield (7.23 km south-west of Upper Beaconsfield). The dominant activities and uses within the strategy area include residential, rural residential development, open space and recreation.

As detailed in the following melways map, the subject site is positioned with access to Split Rock Road to the west offering access to the wider area.

Figure 14 Subject Site's proximity to major transport routes (Melway, 2023)



3.1 Neighbourhood character

The subject site is located within the east of the municipality which contains Green Wedge and Rural Conservation Land falling outside Melbourne’s urban growth boundary. Land in the broader vicinity is characterised by larger rural allotments, either vacant or developed with single dwellings and outbuildings. The predominant agricultural activity in the area is grazing, which occurs on various scales.

Adjoining surrounding properties

Direction	Property	Property Details
North	29 Yackatoon Road (adjoining property)	<ul style="list-style-type: none"> RCZ2 land containing an existing dwelling surrounded by open paddocks

East	Yackatoon Road	<ul style="list-style-type: none"> Road
South	Yackatoon Road	<ul style="list-style-type: none"> Road
West	67 Berglund Road (adjoining property)	<ul style="list-style-type: none"> RCZ2 land containing an existing dwelling surrounded by vegetation

The following aerial photo depicts surrounding conditions in more detail.

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Figure 15 Aerial Image (NearMap, Feb 2023)



4 PLANNING PROVISIONS

The subject site is included within the Cardinia Planning Scheme and is affected by the following planning provisions, zone and controls:

4.1 State Planning Policy Framework

The following relevant State Planning Policy Provisions are applicable to this proposal:

- Clause 11.01-1R Green Wedges – Metropolitan Melbourne
- Clause 12.05 Significant Environments and Landscapes
- Clause 13.02 Bushfire Planning
- Clause 14.01-1S Protection of Agricultural Land
- Clause 14.01-1R Protection of Agricultural Land – Metropolitan Melbourne
- Clause 15.01-6s Design for Rural Areas
- Clause 16.01-5S Rural Residential Development

4.2 Local Planning Policy Framework

The following relevant Local Planning Policy Provisions are applicable to this proposal:

- Clause 21.01 Cardinia Shire Key Issues and Strategic Vision
- Clause 21.02-2 Landscape
- Clause 21.02-4 Bushfire Management
- Clause 21.03-4 Rural Townships
- Clause 21.04-2 Agriculture
- Clause 21.07-4 Upper Beaconsfield

4.3 Other considerations

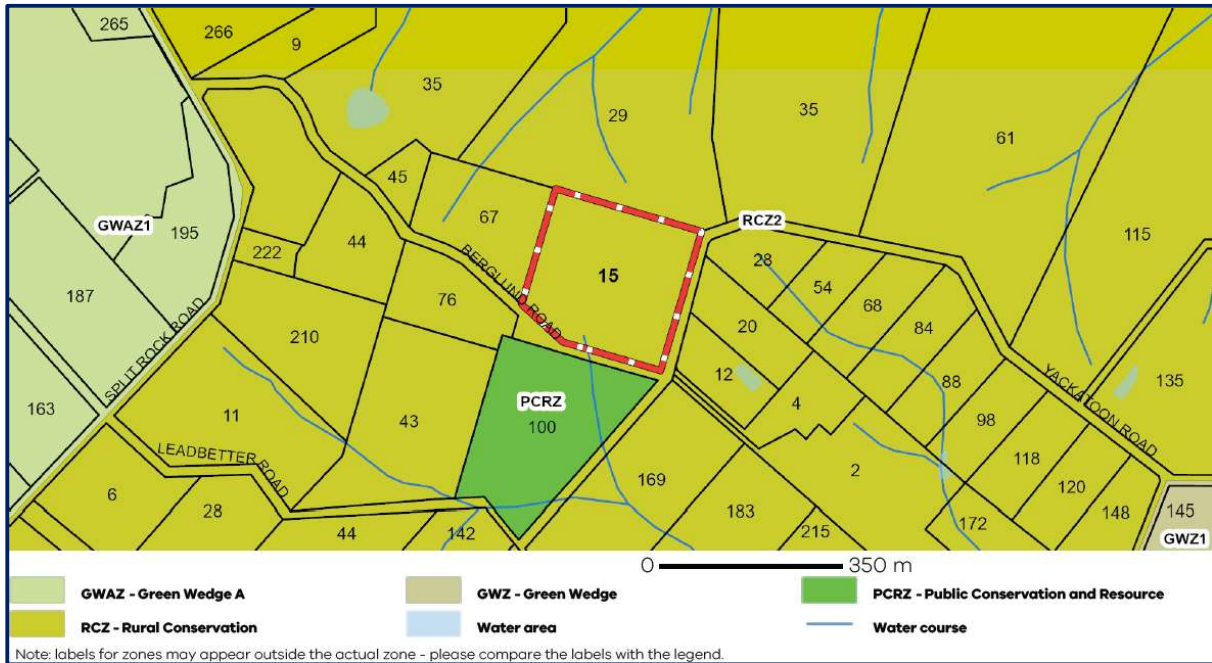
The following other relevant considerations are applicable to this proposal:

- Clause 51.02 Metropolitan Green Wedge Land: Core Planning Provisions
- Clause 52.17 Native Vegetation
- Clause 65: Decision Guidelines
- Clause 66 Referral & Notice Provisions
- Clause 71.02 Operation Of The Planning Policy Framework

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4.4 Clause 35.06 Rural Conservation Zone – Schedule 2 (RCZ2)

RCZ2 Map



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Purpose:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To conserve the values specified in a schedule to this zone.
- To protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values.
- To protect and enhance natural resources and the biodiversity of the area.
- To encourage development and use of land which is consistent with sustainable land management and land capability practices, and which takes into account the conservation values and environmental sensitivity of the locality.
- To provide for agricultural use consistent with the conservation of environmental and landscape values of the area.
- To conserve and enhance the cultural significance and character of open rural and scenic non urban landscapes.

Schedule 2 Conservation Values: Protection and conservation of the environmental values and landscape qualities of the land, including habitat of botanical and zoological significance, and the conservation of natural resources, including native vegetation, waterways and soils.

Permit Requirements

- Use of land for Agriculture “Animal Husbandry”

- Buildings and works associated with a Section 2 Use including requires variation to the following setback requirements:
 - o 20 metres from any other road.
 - o 100 metres from a dwelling not in the same ownership.

Decision Guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, 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.*
- *How the use or development conserves the values identified for the land in a schedule.*
- *Whether use or development protects and enhances the environmental, agricultural and landscape qualities of the site and its surrounds.*
- *Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses.*

Rural issues

- *The environmental capacity of the site to sustain the rural enterprise.*
- *The need to prepare an integrated land management plan.*
- *The impact on the existing and proposed infrastructure.*
- *Whether the use or development will have an adverse impact on surrounding land uses.*

Environmental issues

- *An assessment of the likely environmental impact on the biodiversity and in particular the flora and fauna of the area.*
- *The protection and enhancement of the natural environment of the area, including the retention of vegetation and faunal habitats and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge areas.*
- *How the use and development relates to sustainable land management and the need to prepare an integrated land management plan which addresses the protection and enhancement of native vegetation and waterways, stabilisation of soil and pest plant and animal control.*
- *The location of on site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.*

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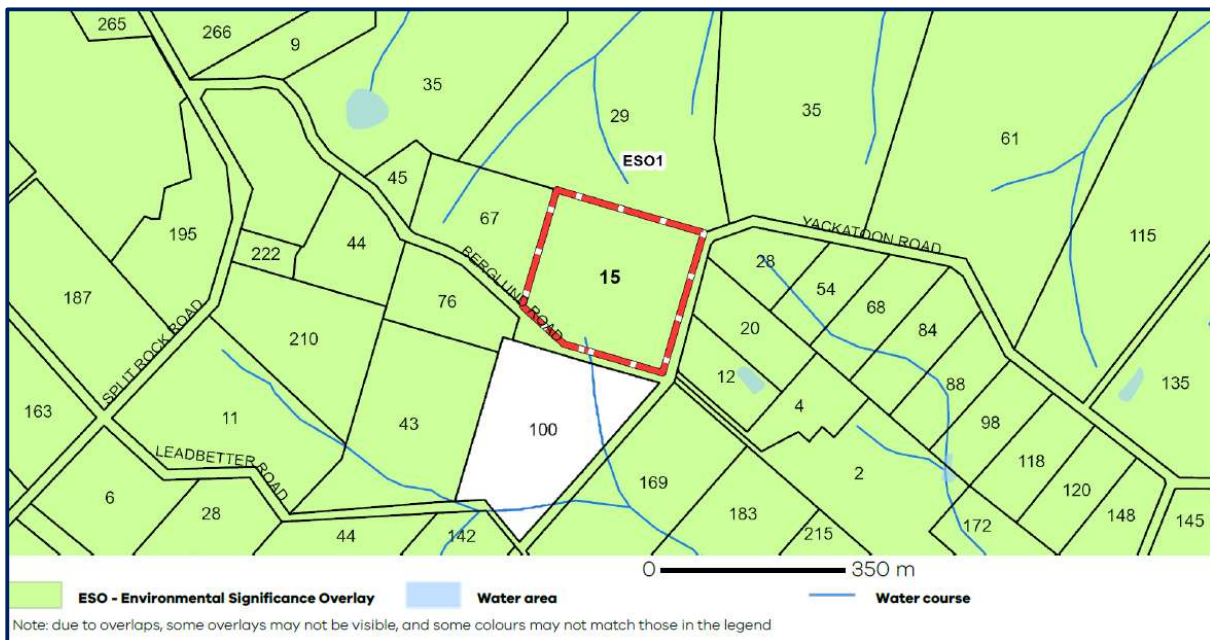
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Design and siting issues

- The need to minimise any adverse impacts of siting, design, height, bulk, and colours and materials to be used, on landscape features, major roads and vistas.
- The location and design of existing and proposed infrastructure services which minimises the visual impact on the landscape.
- The need to minimise adverse impacts on the character and appearance of the area or features of archaeological, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of roads and existing and proposed infrastructure services to minimise the visual impact on the landscape.
- The need to locate and design buildings used for accommodation to avoid or reduce the impact from vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.

4.5 Clause 42.02 Environmental Significance Overlay – Schedule 1 ES01 – Northern Hills

ES01 Map



Statement of environmental significance:

“The hills to the northern part of the municipality (generally to the north of the Princes Highway) is an area with significant landscape and environmental values. The area is characterised by a geology of Devonian Granitic and Sulrian Sediment origin, moderate to steep slopes, and areas of remnant

vegetation. These characteristics contribute to environmental values including landscape quality, water quality, and habitat of botanical and zoological significance. These characteristics are also a significant factor in terms of environmental hazards including erosion and fire risk.

The vegetation supports the ecological processes and biodiversity of this area by forming core habitat areas within a complex network of biolink wildlife corridors. Sites containing threatened flora and fauna are defined as being of botanical and zoological significance. Development within and around these sites need to be appropriately managed to ensure the long term protection, enhancement and sustainability of these ecological processes and the maintenance of biodiversity.”

Permit Requirements

Gross floor area of all outbuildings on the land exceeds 160 square metres (in the Rural Conservation Zone) and a building height exceeding 4 metres above natural ground level.

Decision Guidelines

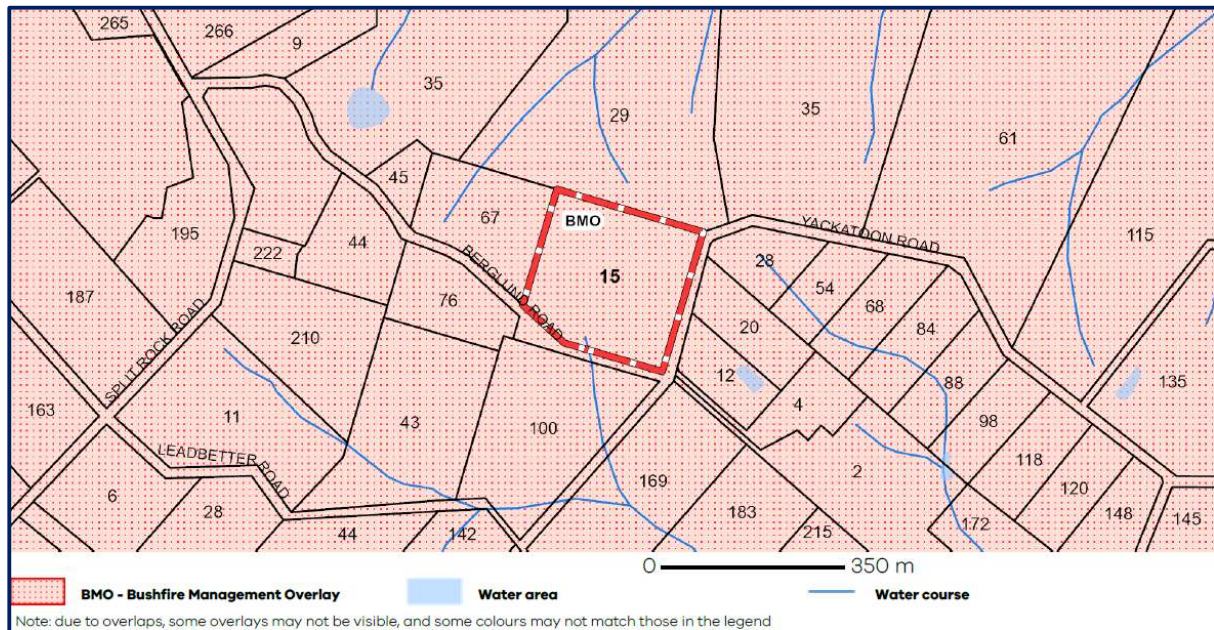
Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, the responsible authority must consider, as appropriate:

- *Whether the removal of any vegetation has been avoided and/or minimised.*
- *The Land Capability Study for the Cardinia Shire (February 1997).*
- *The protection and enhancement of the natural environment and character of the area.*
- *The retention, protection and enhancement of remnant vegetation and habitat, and the need to plant vegetation along waterways, gullies, ridgelines and property boundaries.*
- *The impact of any buildings and works on areas of remnant vegetation, and habitat of botanical and zoological significance and threatened species.*
- *The impact of proposed buildings and works on the landscape character of the area, including prominent ridgelines and significant views.*
- *Whether the siting, height, scale, materials, colours and form of the proposed buildings and works have been designed to have the least visual impact on the environment and landscape.*
- *The availability of other alternative sites, alternative building designs or alternative construction practices for the proposed buildings and works that minimise cut and fill and would better meet the environmental objectives of this schedule, having regard to the size and topography of the land, retention of vegetation and the form and nature of the proposed buildings and works.*
- *Measures to address environmental hazards or constraints including slope, erosion, drainage, salinity and fire.*
- *The protection of waterways and water quality through the appropriate management of effluent disposal, erosion and sediment pollution.*

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4.6 Bushfire Management Overlay – BMO

BMO Map



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.

5 CONSIDERATION

In response to the planning provisions mentioned in Section 4 of this report, it is submitted that the subject site is within an area used for various agricultural activities, including horse husbandry, hobby farms etc, and that many of these nearby lots contain dwellings.

The approx. 7.8 acre lot is located on the northern and western side of Yackatoon Road. The proposed, well considered, low scale sheds appropriately respond to the rural character of Beaconsfield Upper. Due to the presence of a dwelling on the land, the subject site is able to accommodate the proposed sheds and proposed formalization of the “animal husbandry” use, without causing unreasonable impact to the agricultural value of the land and adjoining properties.

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A review of the Cardinia Planning Scheme and permit triggers leads to the following key questions for consideration:

1. **Does the proposal have support in Planning Policy Framework?**
2. **Is the proposal site responsive considering the purpose and decision guidelines of the Rural Conservation Zone?**
3. **Does the proposal balance consideration of the landscape values of the site and wider area including bushfire threat?**

This report aims to address these questions and demonstrate that the proposal should receive Council's support on the basis that the development results in an orderly planning outcome. The following justification should lead to Council's support of the application.

5.1 Does the proposal have support in planning policy?

The recurring objectives of these policies seek to protect important productive agricultural areas like those of the Westernport Green Wedge. The application is entirely consistent with the objective of **Clause 11.01-1R** which seeks to “*protect the green wedges [rural land] of Metropolitan Melbourne from inappropriate development*” and the proposal has given due regard to the role and value of the Rural Conservation Zone ensuring the sheds to be used in association with animal husbandry avoids the loss of agricultural land.

Clause 12.05 (Significant Environments and Landscapes) seeks to protect and conserve environmentally sensitive areas. The site is controlled by ESO1 and the low-scale, agricultural appearance of the sheds will ensure it blends into the rural landscape, and not interrupt landscape views across the site.

The proposed development meets the tests detailed within **Clause 13.02 Bushfire Planning** Strategies and Principles ensuring that the risk to human life and property can be reduced to an acceptable level. Through application of bushfire protection measures recommended within the accompanying Bushfire Management Statement the risk to life and property can be reduced to an acceptable level.

Clause 14.01-1S (Protection of agricultural land) and **Clause 14.01-1R** (Protection of agricultural land – Metropolitan Melbourne) elaborate on the above themes and include objectives and strategies that seek to protect and support areas of agricultural production and preserving productive farmland.

The sheds will utilise the existing accessways to Yackatoo Road to avoid fragmentation of the land and the proposed formalization of land use “Animal Husbandry” will not result in offsite amenity impacts. It is submitted that the proposal supports the strategies of **Clause 14.01-1S** in that it does not propose any new use given existing use rights apply due to the establishment of an existing dwelling onsite and historical use of the land for animal husbandry.

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The key objectives of **Clause 15.01-6s** Design for Rural Areas and **Clause 16.01-5S** Rural Residential Development are ‘to ensure development respects valued areas of rural character’ and ‘to identify land suitable for rural living and rural residential development’. The development proposes two sheds on a site whereby essential services are currently provided for, demonstrating the site is located within an existing rural/residential settlement pattern. Moreover, dwellings and sheds on large agricultural properties are common in the area, with numerous examples evident in Figure 15.

The proposed sheds will not interfere with the adjoining land uses as they generally satisfy the preferred RCZ2 setback requirements and waste water will be managed onsite and will be upgraded, as required, to respond to the Shire’s Waste Water Management Policy.

The scale of the proposed sheds is responsive to the rural character of the area and will not result in an unreasonable level of intrusion or visual bulk and will not unreasonably impact upon existing rural vistas. The proposal is not deemed to result in any detrimental impacts to the landscape, the environment, existing habitat corridors or recreational values of the land due to the fact that the works avoid vegetation removal.

Clause 21.01 Cardinia Shire Key Issues and Strategic Vision identifies the protection of environmentally significant areas including the northern hills and the protection of life and property in terms of flooding and wildfires as key environmental issues.

Clause 21.02-2 Landscape in its design and built form strategies seeks to require the use of building materials and colours which are in context with the surrounding environment in areas of landscape significance and in rural residential and rural living areas; ensure the sensitive siting of buildings and other structures having regard to the protection of prominent ridgelines, significant views and areas of remnant vegetation; protect exotic vegetation if it is of heritage, cultural or economic value, or contributes to the character of an area; and minimise the fragmentation of land and removal of vegetation in areas of high landscape value.

Clause 21.02-4 Bushfire Management aims to recognise that areas in the municipality are prone to bushfire and to minimise the potential risk to life, property and the environment and in its strategies seeks to ensure that the siting and design of houses and other accommodation in high risk bushfire areas minimises the potential risk of loss of life or property from bushfire, particularly in terms of the existing slope, aspect and vegetation; ensure all development has appropriately designed access for emergency vehicles; ensure development provides adequate access to water; and encourage the use of roads as a buffer between housing and bushland. Responding to the above, the proposal provides adequate response to relevant local policy.

With respect to **Clause 21.04-2 Agriculture** the proposal is seeking to formalize the historical use of the land for animal husbandry, and the proposed sheds will support this land use and ensure that the surplus land not used by the dwelling will continue to be used for agricultural purposes as required by this clause.

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Clause 21.07-4 identifies in the *Upper Beaconsfield Township Strategy, July 2009* that the subject site sits outside of the township area. Overall, we submit that the proposal at hand for two sheds to be used in association with the animal husbandry use is supported in the Planning Policy Framework. The proposed use is compatible with other similar lands uses in the area and will not impact nor create any right to farm conflicts with neighbouring properties.

For these reasons we submit the proposal is considered to satisfy all relevant objectives and key strategic directions under the Planning Policy Framework (PPF).

5.2 Is the proposal site responsive considering the purpose and decision guidelines of the Rural Conservation Zone?

Clause 35.06 Rural Conservation Zone - Schedule 2 (RCZ2)

A permit is required to use of land for Agriculture “Animal Husbandry” and the proposed sheds require variation to the following setback requirements:

- 20 metres from any other road.

Shed 2 is setback 12.9m from Yackatoon Road

- 100 metres from a dwelling not in the same ownership.

The sheds are setback within 100m of adjoining dwelling located at 28 Yackatoon Road

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It is submitted deem the proposal and variations outlined above are reasonable for Council support when considering the decision guidelines of RCZ2, for the following reasons:

General Matters - The subject site is considered to have the capacity to accommodate the proposed buildings and works whilst maintaining the character of the established rural residential area. Accordingly, the subject site is currently used for rural residential purposes and the proposed animal husbandry (horse stud) in conjunction with the proposed sheds will formalize this historical land use.

The proposed sheds are consistent with the development pattern of the immediate area and is considered an acceptable outcome for this area with minimal encroachment into pasture areas. The proposal is not seeking to alter the historical land use and the land is able to accommodate the proposed sheds without detrimental impacts to the existing conditions.

As expressed earlier, the surrounding area comprises rural residential allotments and the proposed sheds including associated works are considered to be compatible with the surrounding and adjoining land uses. Given that the land use pattern within the immediate vicinity is primarily rural residential, the proposal is submitted to compliment the development in the surrounding area and will not detract from the rural conservation values.

The proposal recognises, protects and conserves green wedge land through the retention and management of onsite vegetation in accordance with the bushfire protection measures. It is determined

that the proposal will not have adverse impact upon the rural character. Overall, the rural residential use of the site and associated works will conserve and maintain the rural character of the area and is considered satisfactory.

Rural Matters - As described above, the presence of an existing onsite dwelling and surrounding dwellings demonstrates the proposed development will not result in unreasonable impact to agricultural activities located in the wider site context given no change in land use is proposed.

Environmental Matters - No vegetation removal is proposed and the proposal is deemed to balance built form, bushfire management and vegetation protection.

Dwelling Issues: N/A

Design and Siting Matters - The proposed sheds respond well to the decision guidelines of the zone with respect to the siting and design criteria given the constraints as a consequence of the existing dwelling siting which already experiences reduced setbacks to the northern title boundary. The external finishes will be maintained in colorbond "Woodland Grey" which will also ensure the buildings sit within the landscape without impact upon scenic vistas.

Whilst the proposed sheds are located within 100m of adjoining dwelling at 28 Yackatooon Road there is ample existing vegetation and the road separating the works from this adjoining land. Shed 2 is proposed to be sited 12.9m from Yackatooon Road and the modest overall height of this building at 4.5m will ensure this rural building will blend into the natural landscape and its ridge will not project unreasonably into the landscaped backdrop.

Based on the above rationale, it is submitted that the proposal is entirely worthy of support.

5.3 Does the proposal balance consideration of the landscape values of the site and wider area including bushfire threat?

Clause 42.02 Environmental Significance Overlay – Schedule 1

ESO1: Northern Hills

Environmental objective to be achieved

- *To protect and enhance the significant environmental and landscape values in the northern hills area including the retention and enhancement of indigenous vegetation.*
- *To ensure that the siting and design of buildings and works does not adversely impact on environmental values including the diverse and interesting landscape, areas of remnant vegetation, hollow bearing trees, habitat of botanical and zoological significance and water quality and quantity.*

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- *To ensure that the siting and design of buildings and works addresses environmental hazards including slope, erosion and fire risk, the protection of view lines and maintenance of vegetation as the predominant feature of the landscape.*
- *To protect and enhance biolinks across the landscape and ensure that vegetation is suitable for maintaining the health of species, communities and ecological processes, including the prevention of the incremental loss of vegetation.*

It is reiterated that a planning permit is required for outbuildings on the land exceeds 160 square metres (in the Rural Conservation Zone) and a building height exceeding 4 metres above natural ground level.

As discussed earlier in this submission the proposed sheds have been designed to respond to all opportunities and constraints of the land. We deem the proposal and variations outlined above are reasonable for Council support when considering the decision guidelines of ESO1, for the following reasons:

- Vegetation removal has been avoided to ensure the retention, protection and enhancement of remnant vegetation and habitat. To this end, the proposed sheds will not impact on areas of remnant vegetation, and habitat of botanical and zoological significance and threatened species.
- The siting, height, scale, materials, colours and form of the proposed sheds have been designed to have the least visual impact on the environment and landscape through ensuring the sheds are not located on prominent ridgelines or within significant viewlines.
- Alternative siting and building designs will not minimise cut and fill given the chosen shed locations are deemed the most appropriate due to being relatively flat.
- Appropriate measures to address environmental hazards or constraints including slope, erosion, drainage, salinity and fire, as appropriate have been incorporated into the shed siting to protect and enhance the natural environment and character of the area.
- The sheds will not impact upon the Land Capability Study for the Cardinia Shire (February 1997) and will ensure the protection of waterways and water quality through the appropriate management of effluent disposal, erosion and sediment pollution, as necessary.

6 EXPECTATIONS

Referrals

Should Council deem any internal referrals are necessary (eg. Health Department given the site is not connected to sewer) it is expected that the application will be referred within the preliminary assessment phase of this application (28 days).

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Advertising notice

As the proposal is not exempt from the notice and review requirements of Section 52(1) (a), (b), and (d) of the Planning and Environment Act 1987 it is expected that the application will be advertised by way of letters and sign.

We kindly request that the application progress to public notice without delay.

Aboriginal Heritage

The land is not located in an area of Cultural Heritage Sensitivity therefore there is no requirement to provide a CHMP.

Decision timeframe

Pursuant to Section 79 of The Act and Regulation 31 (1) of the Planning and Environment Regulations 2005 the prescribed timeframe for a decision is 60 days.

It is expected that the decision will be issued within the prescribed timeframe of 60 days.

7 CONCLUSION

As demonstrated within this report and upon undertaking a comprehensive assessment of the proposal, it has been determined that the use of land for animal husbandry together with two new sheds is an appropriate response to the context of the Zone, Overlays including other planning provisions and is consistent with the objectives and requirements of the Cardinia Planning Scheme.

- The sound design of the proposal adequately responds to the constraints of the site and will result in a development that positively contributes to the surrounding Rural Conservation Zone.
- The proposal presents an appropriate balance between the objectives of the BMO and ESO1 will not have an unreasonable impact upon the environmental and landscape integrity of the site and surrounds and will not have a detrimental impact on the neighbouring dwellings.

It is respectfully requested that the application proceed to referral and public notification at Council's earliest convenience to enable a Planning Permit to be issued.

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ATTACHMENTS

- Certificate of Title
- Plan of Subdivision
- Development Plans
- Bushfire Management Statement

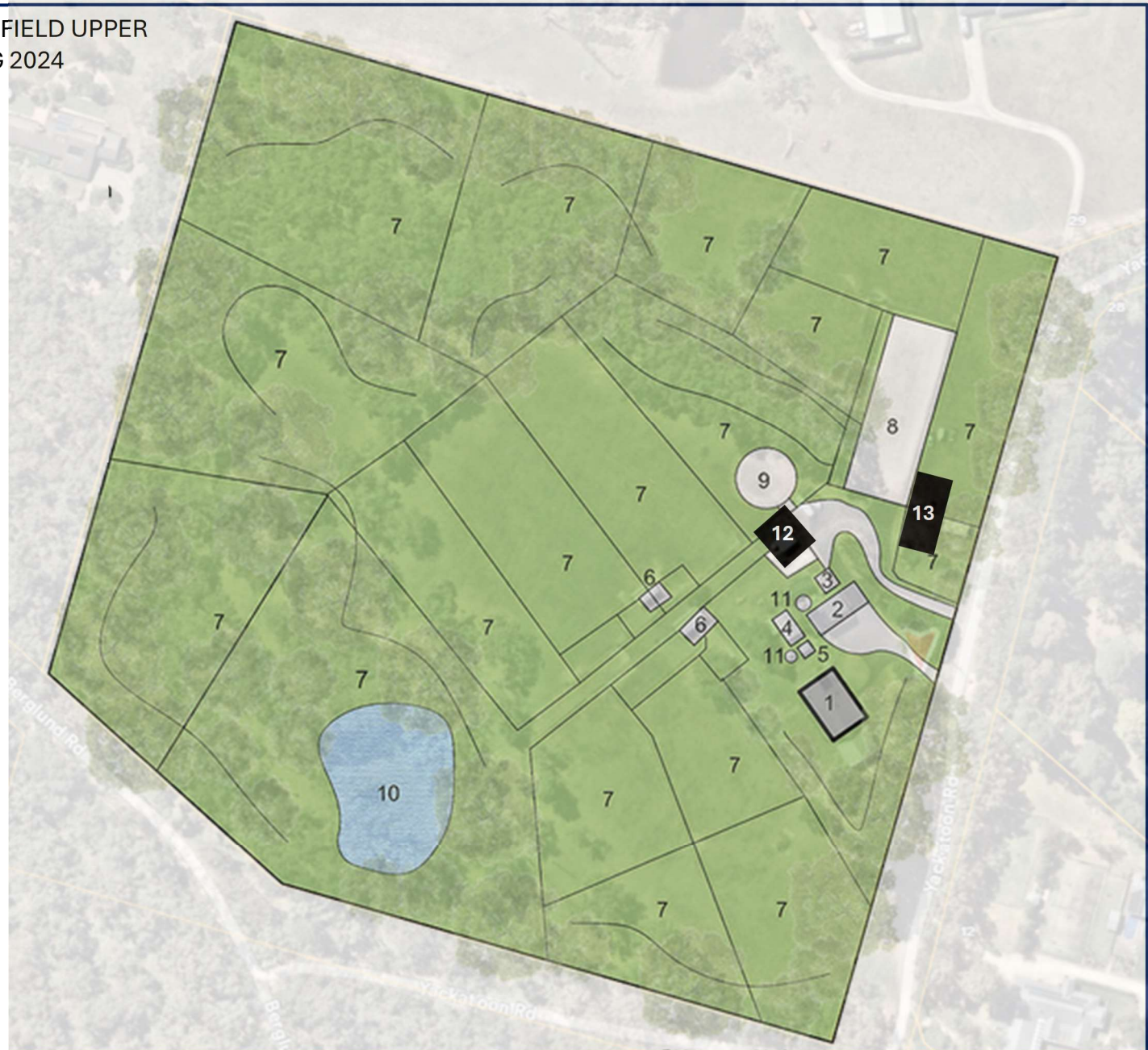
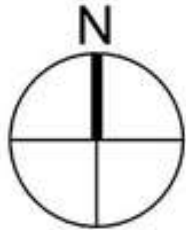
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15 YACKATOON RD, BEACONSFIELD UPPER LAND USE SITE PLAN – V1 AUG 2024

Legend:

- 1 Dwelling
- 2 Tack Room
- 3 Wood shed
- 4 Garage
- 5 Feed Stables
- 6 Loose boxes
- 7 Paddocks
- 8 Arena
- 9 Round Yard
- 10 Dam
- 11 Water Tanks
- 12 Proposed Stables Shed 1
- 13 Proposed Machinery Shed 2

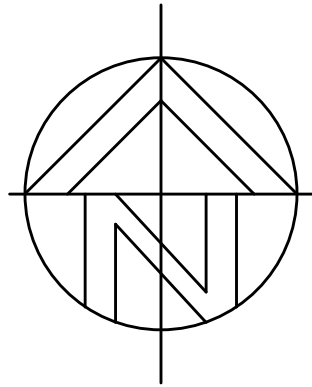


PROPOSED SHED
AT 15 YACKATOON ROAD,
BEACONSFIELD UPPER
FOR TREVOR GIBSON &
JENIFER FLORY

SITE PLAN

SCALE 1:2000

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SITE DRAINAGE
THE GROUND IMMEDIATELY ADJACENT TO THE BUILDING SHALL BE GRADED 1:20 OR TO FALL 50mm OVER THE FIRST METRE AWAY FROM THE BUILDING REGARDLESS OF WHETHER NOTED AS SUCH ON THE DRAWINGS. WHERE THIS IS IMPRACTICABLE (IE. SLOPING SITES) WHERE THE ADJACENT NATURAL GROUND FALLS TOWARDS THE BUILDING, USE A.G. DRAINS OR SPOON DRAIN MIN. 1000mm AWAY FROM THE BUILDING TO DISCHARGE
ALL SITE DRAINAGE IS OWNERS RESPONSIBILITY TO ORGANISE

all plumbing work to comply with AS3500: series

stormwater to connect to the existing stormwater drainage system via 90mm UPVC or 100x50 colorbond downpipes

owner is responsible for engaging a registered plumber to complete stormwater drainage

area analysis

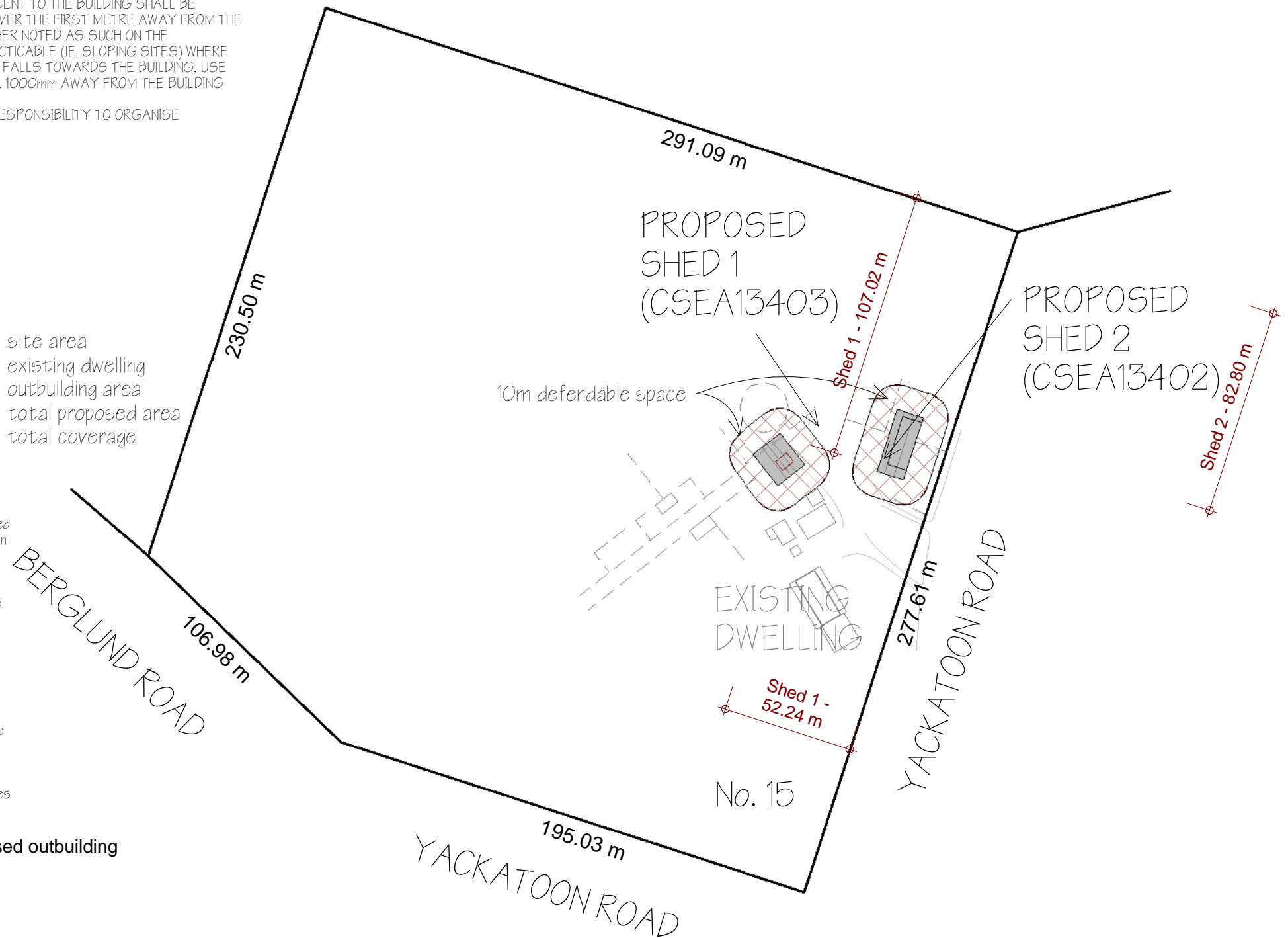
78,547m ²		site area
425m ²	0.5%	existing dwelling
326m ²	0.4%	outbuilding area
505m ²	0.6%	total proposed area
1,256m ²	1.5%	total coverage

DEFENDABLE SPACE REQUIREMENTS

defendable space must be created for a distance of 10 metres around the proposed building or to the property boundary, whichever is the lesser. Defendable space is an area where vegetation (and other flammable materials) must be managed in accordance with the following:

- grass must be sort cropped and maintained during the declared fire danger period
- all leaves and vegetation debris must be removed at regular intervals during the fire danger period
- within 10 metres of a building, flammable objects must not be located close to vulnerable parts of the building
- plants greater than 10 centimetres in height must not be placed within 3 metres of a window or glass feature of the building
- shrubs must not be located under the canopy of trees
- individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres
- trees must not overhang or touch any elements of the building
- trees canopy trees must searated by at least 2 metres.
- there must be a clearance of at least 2 metres between the lowest tree branches and ground level

No vegetation within the defendable space of either proposed outbuilding



SITE PLAN - DETAIL

SCALE 1:500

DP - DOWNPIPE
RD - ROLLER DOOR
SGD - SLIDING GLASS DOOR

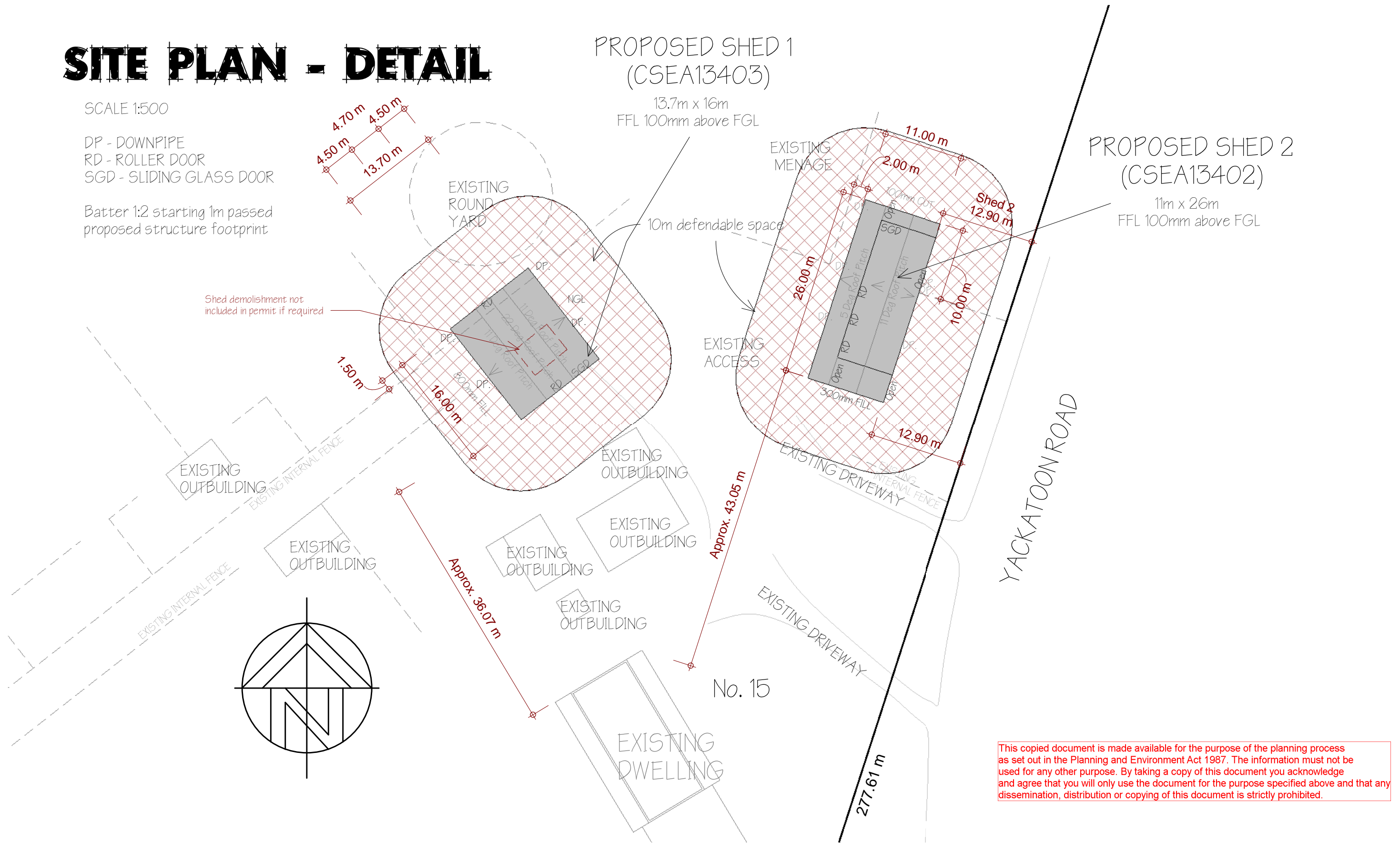
Batter 1:2 starting 1m passed proposed structure footprint

PROPOSED SHED 1
(CSEA13403)

13.7m x 16m
FFL 100mm above FGL

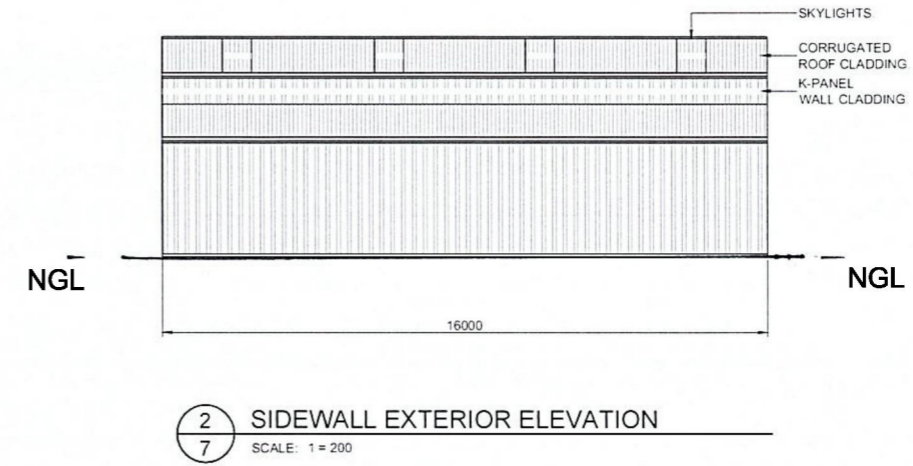
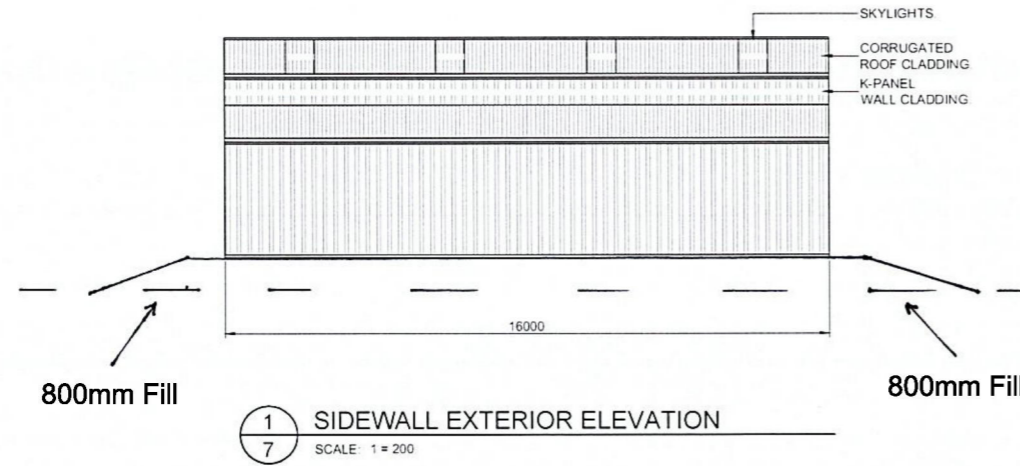
PROPOSED SHED 2
(CSEA13402)

11m x 26m
FFL 100mm above FGL



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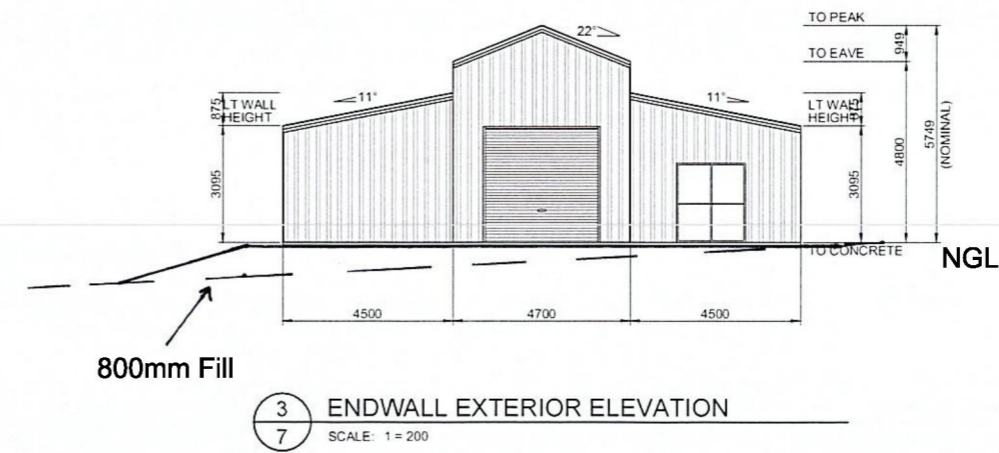
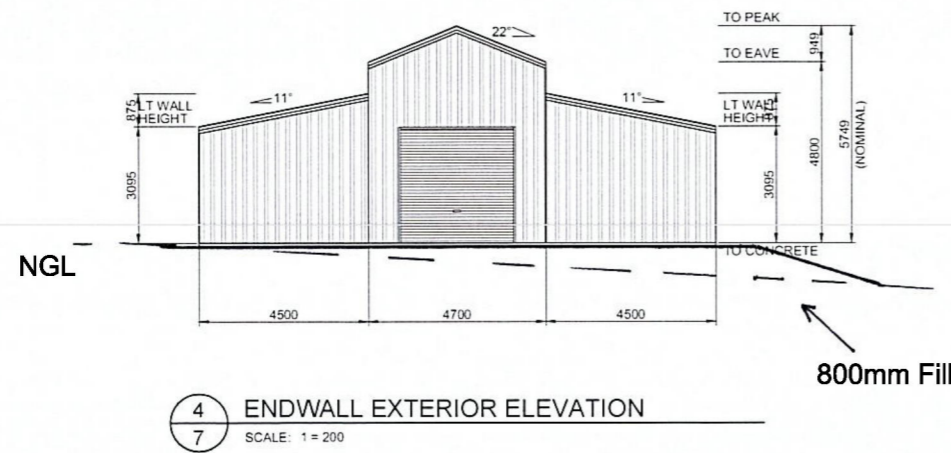


Battered 1:2

Walls: Colorbond Woodland Grey

Roof: Colorbond Woodland Grey

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BUILDING COLOURS

WALL	COLORBOND
ROOF	COLORBOND
ROLLER DOOR	COLORBOND
GLASS SLIDING DOOR	COLORBOND
DOWNPIPE	COLORBOND
GUTTER	COLORBOND
CORNER FLASHING	COLORBOND
BARGE FLASHING	COLORBOND
OPENING FLASHING	COLORBOND

7	OF	7
SHEET		
JOB NO.	CSEA13403	
DATE	12/12/2023	
CHECKED	TM	
DRAWN	FDB	
STEEL BUILDING BY		
FOR		
AT		

(CONTACT)
FAIR DINKUM BUILDS MORNINGTON PENINSULA
 03 9708 2123
 15 YACKATOON RD
 BEACONSFIELD UPPER



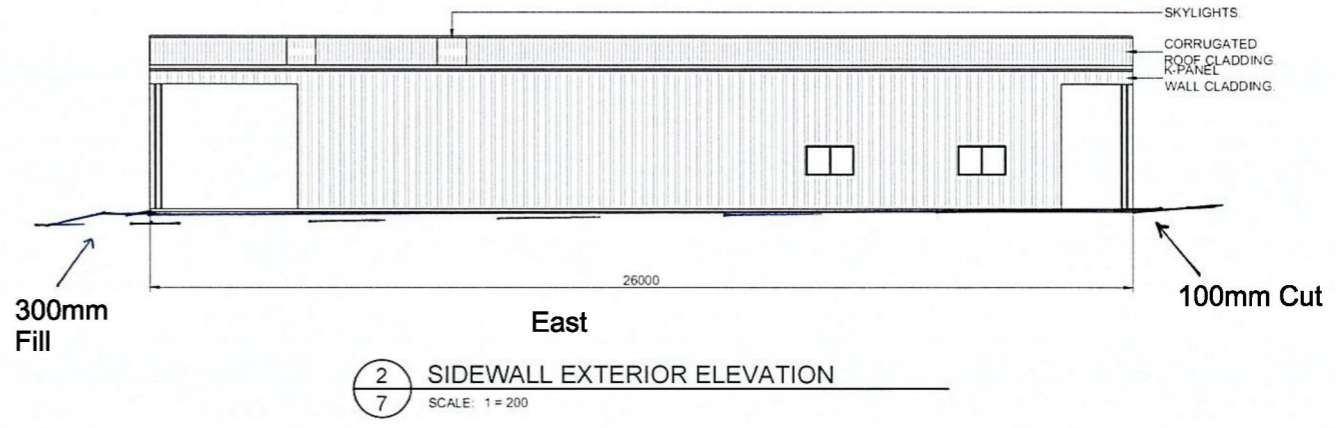
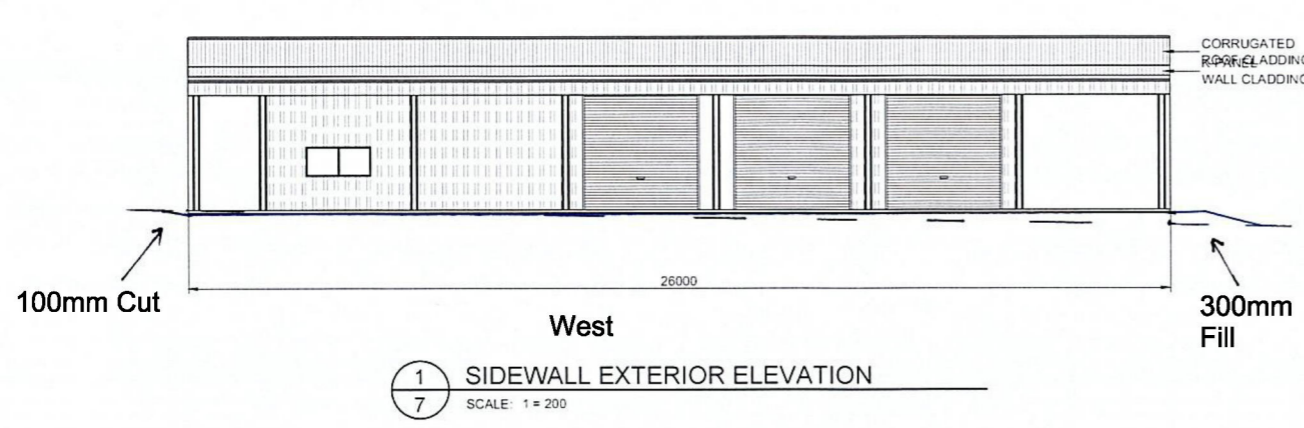
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 engineers
 Civil & Structural Engineers
 50 Punari Street
 Currajong, Qld 4812
 Fax: 07 4725 5850
 Email: design@nceng.com.au
 ABN 341 008 173 56

Registered Chartered Professional Engineer
 Registered Professional Engineer (Civil & Structural) QLD
 Registered Certifying Engineer (Structural) N.T.
 Registered Engineer - (Civil) VIC
 Registered Engineer - (Civil) TAS

Regn. No 2558980
 Regn. No 9985
 Regn. No 116373ES
 Regn. No PE0002216
 Regn. No CC5648M

Signature
 Date 12/12/2023
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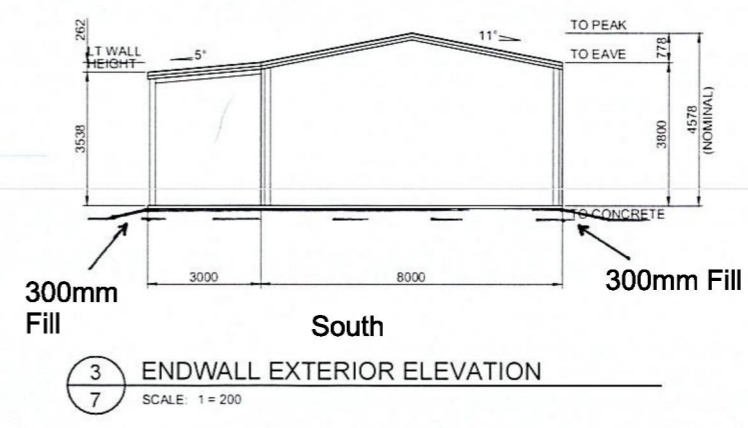
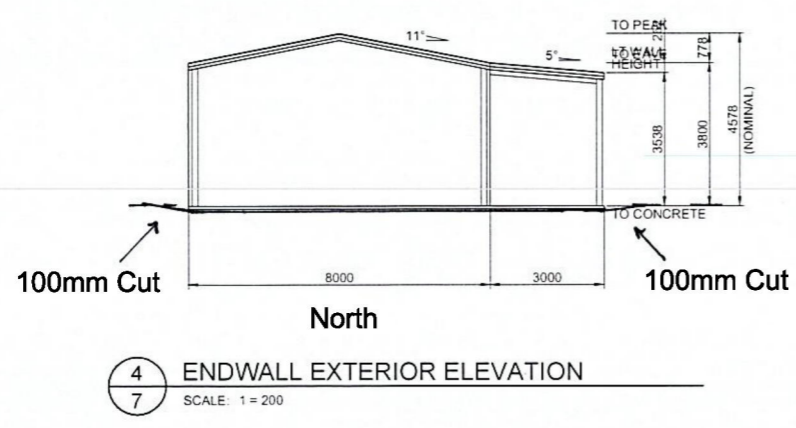


1:2 Battered

Walls: Colorbond Woodland Grey

Roof: Colorbond Woodland Grey

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BUILDING COLOURS

WALL	COLORBOND
ROOF	COLORBOND
ROLLER DOOR	COLORBOND
WINDOW	COLORBOND
GLASS SLIDING DOOR	COLORBOND
DOWNPIPE	COLORBOND
GUTTER	COLORBOND
CORNER FLASHING	COLORBOND
BARGE FLASHING	COLORBOND
OPENING FLASHING	COLORBOND

SHEET	7
OF	7
JOB NO.	CSEA13402
DATE	12/12/2023
CHECKED	TM
DRAMM	FDB

STEEL BUILDING BY (CONTACT)
FAIR DINKUM BUILDS MORNINGTON PENINSULA
 FOR [REDACTED] 03 9708 2123
 AT [REDACTED]
15 YACKATOON ROAD
UPPER BEACONSFIELD



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 Regn No CC5648M

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