



## **Planning Report**

**Use & Development of land for a Rural Store and  
associated accommodation/office in the Farming Zone  
& within 100m of a waterway**

**352 Shanley Street, Wangaratta South  
(Lot 2 LP116269)**



Aerial photo of subject land (Source: Nearmap)

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## **1.0 INTRODUCTION**

### **1.1 Use and Development of land for a rural store and associated accommodation/office in the FZ**

This report is prepared in support of a planning permit application seeking approval for the use and development of land for a rural store and associated accommodation/office in the Farming Zone. All buildings are within 100m of a waterway. The subject land (352 Shanley Street, Wangaratta South) is land developed with agricultural sheds. The land is mostly flat with a slight fall to the creek and east.

The use of land in the Farming Zone for a rural store under 100m<sup>2</sup> is a Section 1 use, permit not required. However, the accommodation/office is now ancillary to the rural store therefore the floor area of all buildings is now greater than 100m<sup>2</sup>.

Buildings and works within 100 metres of a waterway require planning approval.

This report addresses the provisions of the Wangaratta Planning Scheme, including the relevant Planning Policy Framework, purpose of the zone, overlays and decision guidelines.

### **1.2 The Proposal**

The proposed development comprises the construction of a 1-bedroom transportable cabin and office related to the current vermin control business Earthwise Vermin Control that already operates from the site. The accommodation is for the purpose of fatigue management as it provides workers who are working from dawn to dusk somewhere to get a few hours sleep after a night shift. The cabin is expected to accommodate between 4-8 people for sleeping.

Wastewater from the accommodation/office will be connected to the new proposed wastewater disposal system. A septic tank permit was issued by Council in December 2022, and this will be upgraded or augmented as required if the proposal receives planning consent.

The site is within range of mobile phone towers for communications.

Access to the accommodation/office is via an existing driveway from Shanley Street.

Refer to the plans below showing the proposed development and Appendix 2 for more details.



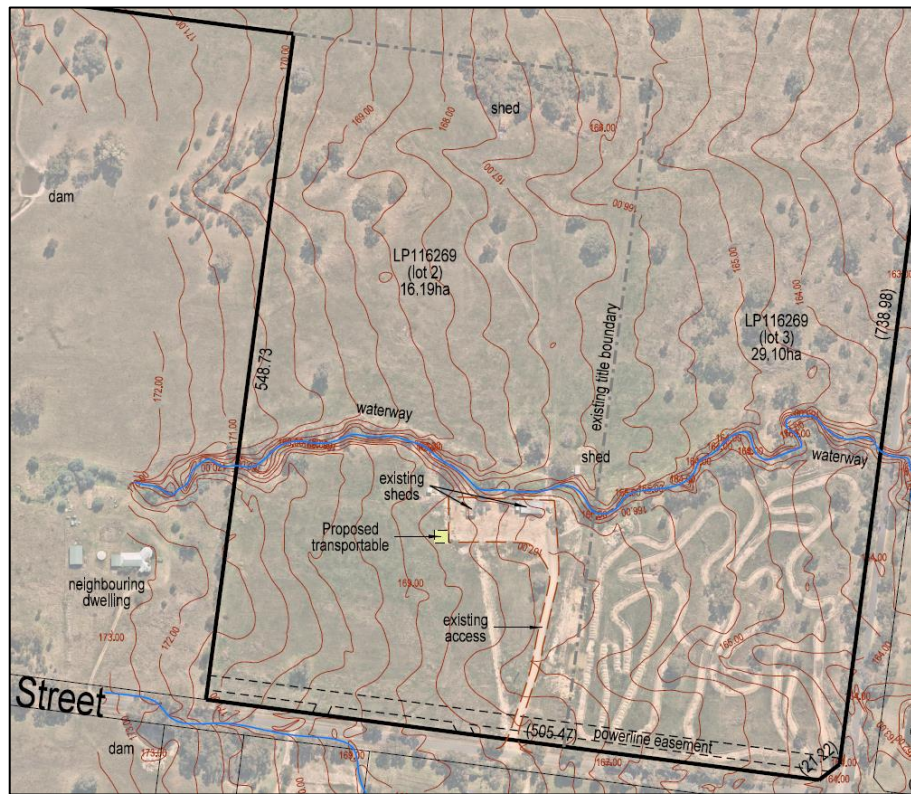


Fig. 1 – Site plan showing the proposed transportable, and existing sheds

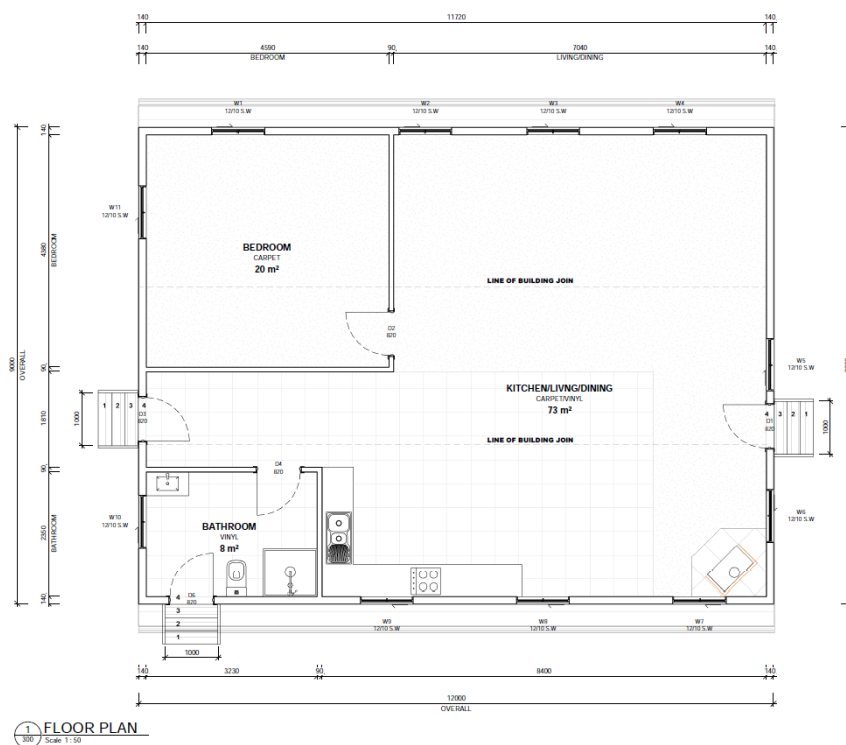


Fig. 2 – The proposed transportable accommodation/office – floor plan



## 2.0 SUBJECT SITE & LOCALITY

The property is comprised of two titles of 16.19ha and 29.10ha in area and is located on the western side of Warby Range Road. The parcel descriptor for the land on which the development is to occur is Lot 2 PS116269 and the address is 352 Shanley Street, Wangaratta South.

The land is accessed from Shanley Street, which is a sealed road maintained by Rural City of Wangaratta.

To the north, south and west is farmland, to the east on the opposite side of Warby Range Road is rural living land. The urban area of Wangaratta is located further to the east of the property. The landscape is mainly flat in this area although the land rises to the west as it forms the foothills of the Warby Ranges. Immediate surrounds include land used for grazing and small scale lots with dwellings.

The land is divided into a number of paddocks and supports grazing of cattle. The land also contains three sheds and associated infrastructure. The existing rural store is used to store meat that is sourced by workers undertaking vermin control operation through the region.

Refer to site photos at **Appendix 5** for more details.



Fig. 3 – Locality Plan showing the subject land

A copy of the title is attached at **Appendix 1** and shows the land in the ownership of Angela & Andrew Lambing of Warby Range Stud 352 Shanley Street. Wangaratta There



is one easement along the southern boundary of the lot. This is a 12-metre-wide electricity supply powerline easement. This does not affect the proposed development of the site.

### 3.0 **CULTURAL HERITAGE**

The subject land is not located within an area of identified Cultural Heritage Sensitivity. A Cultural Heritage Management Plan (CHMP), therefore is not required for this proposal. Refer attached CHMP checklist at **Appendix 3**.

### 4.0 **PLANNING ASSESSMENT**

The application is assessed against the following provisions of the Wangaratta Planning Scheme:

Section	Clause #	Provision
Zone		
	35.07	Farming Zone
Planning Policy Framework		
	02.03-4	Natural Resource Management
	14.01-1L	Protection of Agricultural Land
	14.01-2L	Sustainable Agricultural Land Use
Overlays		
	42.02	Vegetation Protection Overlay
	42.03	Significant Landscape Overlay
General Provisions		
	65	Decision Guidelines

#### 4.1 Zoning

##### ***Clause 35.07 Farming Zone***

The site is located within the Farming Zone (FZ) under the provisions of the Wangaratta Planning Scheme. Refer to Figure 4 below. Clause 35.07-1 of the FZ requires a planning permit for the use and development of land for a rural store over 100m<sup>2</sup>.

The purposes of the FZ are:

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





Decision guideline	Response
<i>Framework, including the Municipal Strategic Statement and local planning policies.</i>	
<i>Any Regional Catchment Strategy</i>	The land is not within a Special Water Supply Catchment Area. The transportable will be connected to a new approved septic system with appropriately calculated effluent fields and adequate distances from waterways. Refer to the attached Septic Permit for more detail at <b>Appendix 4</b> .
<i>The capability of the land to accommodate the proposed use or development, including the disposal of effluent.</i>	<p>The transportable is a one-bedroom cabin that will also serve as an office space for the vermin control business. The dimensions of the building are 9m x 12m – totalling 108m<sup>2</sup> in floor area. The dwelling will be located over 150m from Shanley Street on a lot over 16 hectares in area.</p> <p>The proposal will not impact significantly on water quality noting the small scale of the development and adequate containment of wastewater.</p>
<i>How the use or development relates to sustainable land management.</i>	<p>The subject land is of good agricultural quality. The property supports the grazing of cattle, with carrying capacity varying depending upon the season.</p> <p>The use of the land for a rural store already takes place. The proposed transportable will be ancillary to the rural store and needed for the vermin control business for fatigue management purposes.</p>
<i>Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.</i>	<p>The proposed accommodation is required to support an existing rural business that requires workers to operate long hours throughout the night. The provision of a small cabin to allow workers to sleep, shower and rest between shifts or following long shifts is an appropriate use of the land.</p> <p>The proposal will not impact significantly on adjoining or nearby land which is currently used for grazing and rural lifestyle housing. The location of the proposed accommodation is central to the site ensuring maximum buffer distances to adjoining properties and nearby houses.</p> <p>There are three dwellings in proximity to the site, with separation distances ranging from 220-275 metres between the dwellings and the worker accommodation.</p>
<i>How the use and development makes use of existing infrastructure and services.</i>	Access to the site is from Shanley Street. There is a well-formed gravel track to the existing pad. The





Decision guideline	Response
	site is within range of mobile phone towers for telecommunications.
<b>Agricultural issues and the impacts from non-agricultural uses</b>	
<i>Whether the use or development will support and enhance agricultural production.</i>	The proposed development will support agricultural production and sustainable land management by supporting a business closely associated with pest animal control. The owner plans to continue his rural store/vermin control operation.
<i>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.</i>	The proposal will not limit the operation or expansion of adjoining agricultural activities. The surrounding land is mostly used for small scale grazing or rural lifestyle purposes. The transportable will be set back approximately 150 metres from the southern property boundary that fronts Shanley Street.
<i>The capacity of the site to sustain the agricultural use.</i>	The proposed development relates to agriculture. The proposed transportable accommodation/office is needed for fatigue management and will be ancillary to the existing rural store.
<i>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</i>	The subject site is of good agricultural versatility. The land is used for grazing and a rural store associated with a vermin control business.
<i>Any integrated land management plan prepared for the site.</i>	There is no integrated land management plan for the land.
<b>Accommodation issues</b>	
<i>Whether the dwelling will result in the loss or fragmentation of productive agricultural land.</i>	The proposed transportable is essentially, a cabin for workers to stay for a few hours and catch up on sleep. The transportable will be ancillary to the existing rural store. As a transportable structure, it will be possible to remove the cabin from the land when it is no longer need for its current purpose.
<i>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.</i>	No large-scale farming practises are undertaken on nearby properties. The transportable will be setback from the southern boundary by at least 150 metres.
<i>Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses</i>	Most land surrounding the subject site is small scale hobby farming. Intensive agricultural production is limited given the size of the lots.
<i>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.</i>	The proposed accommodation/office is transportable and can be removed. This transportable will be ancillary to the existing rural store/vermin control business.



Decision guideline	Response
<b>Environmental issues</b>	
<i>The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.</i>	Soil and water quality on the site will be maintained. Rainwater from the roof will be collected in tanks to provide a water supply for the development and for firefighting purposes.
<i>The impact of the use or development on the flora and fauna on the site and its surrounds.</i>	No vegetation is proposed to be removed.
<i>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</i>	No vegetation will need to be removed.  Revegetation of the property is not proposed.
<i>The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.</i>	The new septic system will be located as far away as possible from the waterway and be constructed and maintained to Council requirements.
<b>Design and Siting Issues</b>	
<i>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.</i>	The proposed transportable will be located on a level pad. The building will be close to the existing sheds. All buildings are easily accessible by a well-formed gravel track.  The transportable will be setback from the boundaries of the site and will not have an adverse impact on the use of adjacent land.
<i>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.</i>	The proposed buildings have been sited to limit their visibility from surrounding properties and roads. The buildings will be clad in materials of muted tones so that they blend with the surrounding landscape. Refer to the attached plans and elevations for details.
<i>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.</i>	The proposed building will not stand out in the landscape given its small scale. The building will have a backdrop of vegetation along the waterway so that it will not stand out in the landscape. The cladding colour is black – this will blend well with the background landscape. There will be no risk of glint and glare from the proposal colours and materials.
<i>The location and design of existing and proposed infrastructure including roads, gas, water, drainage,</i>	The development will be accessed via an existing driveway from Shanley Street.



Decision guideline	Response
telecommunications and sewerage facilities.	The transportable will be connected to reticulated power. Water will be collected via tanks.
Whether the use and development will require traffic management measures.	Access to the development will be via a constructed internal track managed by the landowner.

## 4.2 Planning Policy Framework

### Clause 02.03-4 Natural Resource Management

In relation to agriculture, the following parts of Clause 02.03-4 are relevant to this proposal;

*'The agricultural sector is a significant economic industry and social resource in the municipality. Parts of the Ovens River and King River valleys are rated as being of 'very high' agricultural versatility and the centre and northern sections of the municipality are rated as 'high' versatility.*

*Subdivision and housing in rural areas, including short-term tourist accommodation that is not associated with agricultural activities can potentially undermine the viability of the rural sector through loss of productive agricultural land, use of infrastructure and water that could be used for agricultural production, land values exceeding agricultural value and amenity impacts. Rural subdivision and housing have the potential to create demand for community and physical infrastructure that may be more efficiently provided in dedicated rural living areas.*

*Rural uses in rural areas operate on a 'right to farm' principle, allowing existing agricultural land uses to legally operate and continue irrespective of adjoining or nearby uses. Potential amenity impacts need to be minimised between agricultural uses and rural lifestyle uses, particularly in higher agricultural productivity and versatility areas.*

*The appearance of rural buildings is also important given the high visual quality of landscapes in the municipality.'*

Council seeks to protect the viability of agriculture by:

- *Maintaining the productivity and versatility of agricultural land, particularly in higher agricultural 'versatility' areas.*
- *Protecting the primacy of rural land for agricultural purposes.*
- *Minimising potential amenity impacts between agricultural uses and rural lifestyle uses.*

The proposed development is related to agricultural activities. The proposed accommodation/office will be ancillary to an existing rural store operated by 'Earthwise Vermin Control'. The transportable is required for the workers who require somewhere to



sleep after their night shift. Fatigue management is the main reason for this transportable. Very little will change as the land is already being used for the rural store business.

The addition of a transportable one-bedroom cabin will not impact on nearby dwellings or land. The building can be removed in the future. The transportable will be slightly over 100m<sup>2</sup>. The transportable will be set back at least 150 metres from all neighbouring properties and roads. The building will be located on a large, levelled gravel pad that will provide plenty of space for on-site car parking for workers.

#### ***Clause 14.01-1L Protection of Agricultural Land***

The PPF has as its objective for protection of agricultural land;

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

The following strategies are relevant to this proposal;

- *Identify areas of productive agricultural land, including land for primary production and intensive agriculture.*
- *Consider state, regional and local, issues and characteristics when assessing agricultural quality and productivity.*
- *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.*
- *Protect strategically important agricultural and primary production land from incompatible uses.*

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.*

The proposed transportable accommodation/office is associated with an existing rural store and business 'Earthwise Vermin Control'. No agricultural land will be considered lost as a part of this proposal. The subject site is surrounded by farming land and rural living land to east. Given the agriculture business/rural store is an existing use there will be little change apart from the transportable cabin used for workers accommodation.

#### **Clause 14.2L Sustainable Agricultural Land Use**

The PPF has as its strategies for sustainable agricultural land use;

- *Protect the highly productive valley floors from development and land use that undermine the agricultural value of these areas, especially residential development.*
- *Recognise the environmental significance of remote rural areas and to protect from inappropriate development and land use.*
- *Encourage and support sustainable agricultural practices that are capable of increasing productivity levels.*
- *Promote emerging natural resource-based industries that support agricultural uses.*
- *Encourage well designed, sustainable industries that support agricultural uses that enhance the visual amenity of rural areas.*
- *Support the expansion of the horticultural industry.*
- *Support and encourage the expansion of the dairy industry, retaining larger lot sizes in core dairy areas.*
- *Facilitate the growth and expansion of farms, recognising industry requirements for incremental growth.*
- *Support sustainable agricultural industries that incorporate best management practice.*

The proposal aligns with these strategies as the land is zoned for farming where an existing agricultural activity already takes place.

The proposal is for a transportable 1-bedroom accommodation/office which will be ancillary to the existing rural store.



## 4.3 Overlays

### ***Clause 42.02 Vegetation Protection Overlay (VPO)***

Shanley Street is covered by the VPO in front of the property. No new access points are proposed.

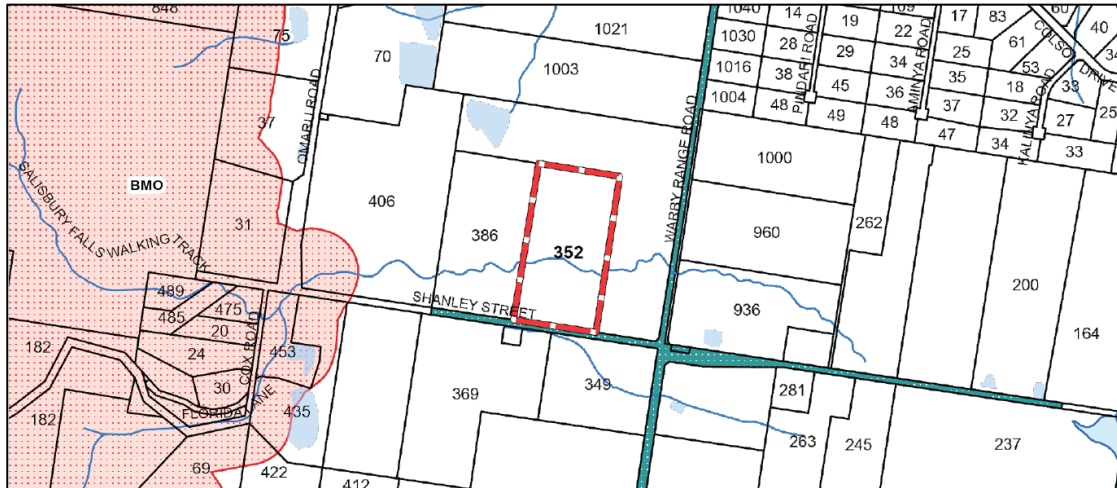


Fig. 5 - VPO along Shanley Street

### ***Clause 42.03 Significant Landscape Overlay (SLO)***

The land is partially affected by the Significant Landscape Overlay (SLO1). No buildings are located in this area. As described already, the proposed building is small in scale, set against a backdrop of vegetation and constructed of dark tones to blend with the broader landscape.

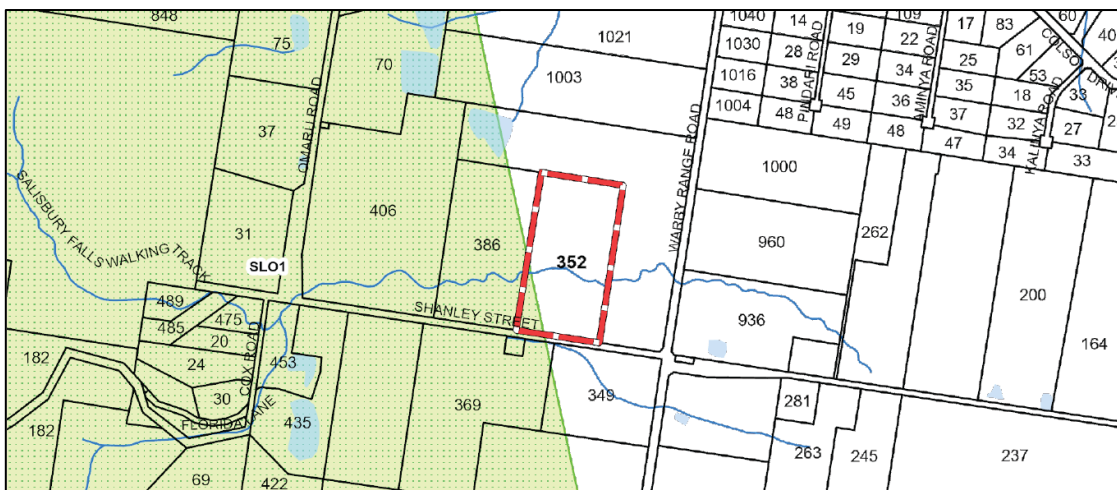


Fig. 6 – The subject land is partially in the Significant Landscape Overlay

## 4.4 General Provisions

## Clause 65 Decision Guidelines

Before deciding on an application, 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.*

Refer to the relevant sections of the planning report above.

- *The purpose of the zone, overlay or other provision.*

The zone allows the use and development of the land for a rural store and accommodation/office purposes to be considered by Council.

- *Any matter required to be considered in the zone, overlay or other provision.*

N/A.

- *The orderly planning of the area.*

The subject land is surrounded by land zoned for farming purposes, with rural living land further to the east. There are a number of dwellings in the vicinity of the subject site. The proposal is in keeping with the purposes and provisions of the Farming Zone by supporting the ongoing operation of a pest control business.

- *The effect on the environment, human health and amenity of the area.*

The proposed development will not significantly impact on the environment. The transportable will be sited on a constructed levelled building pad, well setback from roads and surrounding development so as to minimise the impact on the visual amenity of the area.

There will be no increase in traffic as a result of the accommodation being located on the site. There may be a small increase in traffic whilst the transportable is relocated there.

The proposed transportable will be connected to the new septic tank for which a permit has already been obtained.

- *The proximity of the land to any public land.*

The subject land is not close to public land.

- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*

As per the above, wastewater will be managed within the boundaries of the site and will not impact on water quality.



Earthworks will be required for the transportable pads. This is not considered to have a huge impact on land degradation or reduce water quality.

- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*

Stormwater from the roof of the building will be captured in tanks to provide a water supply for the development. Overflow will be directed towards the existing drainage lines. The density of the proposed development is small in the context of the site and the proposal will therefore have a little impact on stormwater quality.

- *The extent and character of native vegetation and the likelihood of its destruction.*

No native vegetation will be disturbed or removed for this development.

- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*

The proposal will not impact on native vegetation on the site.

- *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 area has potential to be impacted by fire during the summer months.

The site is not affected by flooding.

- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

No specific loading or unloading facilities are required.

- *The impact the use or development will have on the current and future development and operation of the transport system.*

The proposal does not impact on the transport system. There will be a slight increase in traffic along Shanley Street during the setting up of the accommodation.

## **5.0 CONCLUSION**

The proposal is for the use and development of a rural store and associated accommodation/office on a farming lot, within 100m of a waterway.

No native vegetation will be removed from the site to facilitate the development. A new septic system will be installed to service the new accommodation/office and existing rural store operation.





It is considered that the proposed development is consistent with the Planning Policy Framework, and meets the purposes and provisions of the Farming Zone and Decision Guidelines.

This report leads to the following conclusions:

- The proposed accommodation/office on the land will not impact on adjacent land or reduce the amenity or agricultural capacity of surrounding properties.
- The proposed accommodation will support the ongoing operation of a vermin control business that, in turn, supports surrounding farms to operate in a sustainable manner.

It is therefore requested that a permit is issued, granting approval for the use and development of the subject land for a rural store and associated accommodation/office as outlined in this report and the submitted plans and reports.



Our Ref: M8116

7 February 2024

Holly Sawyer  
Planning Coordinator  
Rural City of Wangaratta Council  
[planningmail@wangaratta.vic.gov.au](mailto:planningmail@wangaratta.vic.gov.au)

**Re: PInApp23/201 – Rural store and associated accommodation/office  
352 Shanley Street Wangaratta South  
Response to Objections**

I refer to the objections regarding the above application for planning permit. In response to the concerns/queries raised, we provide the following information below.

- No onsite processing will take place, the vermin is harvested from offsite and brought to the cool store/chiller box.
- Maximum length of stay for the contractors will be 12 hours.
- The approved septic system is adequately setback from waterways and has all necessary Council approvals.
- Buffer planting is planned to be undertaken in the future, along boundaries and existing gravel pad.
- The maximum number of contractors that could be accommodated on site at any one time is 6. Some contractors are local and do not require accommodation.
- The native vegetation removal and motorbike track are separate and irrelevant to this proposal, therefore will not be discussed any further in relation to this proposal.
- No new shedding is proposed only a transportable cabin, for the office and accommodation, which is the only proposed building forming part of this proposal.
- No hours can be put on this operation, it is dependent on weather/seasons and availability of contract work.
- All appropriate licenses have been obtained for this vermin control business to operate.
- Where the vermin is harvested from is confidential and irrelevant, this is happening on private land.
- The vermin control business associated with the rural store is already taking place, therefore there will be no increase in traffic, as the proposed accommodation is to house these contractors in relation to fatigue management.
- Little to no smell comes from the vermin, once transported to the site, they are hung in the chiller box/container.

I trust that the information contained in this letter adequately responds to the issues raised.