



PLANNING REPORT

'Erinvale' Conns Lane Yangery

Lot 1 & 2 TP960466

Lot 1 & 2 TP960467

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ATTACHMENT LIST

- Application Form
- Copy of Titles
- Proposed Plan of Subdivision

ACKNOWLEDGEMENTS

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DOCUMENT CONTROL

This document has been prepared to aid the submission of a planning permit application for 'Erinvale' Conns Lane Yangery VIC 3282

Revision 2 23/05/2024

PROPOSAL

The purpose of this application is to re-subdivide the subject land known as Lots 1 & 2 TP960466G and Lot 1 and 2 TP960467, which forms part of the property entity at Conns Lane, Illowa, farmed by [REDACTED]. The application is to re-subdivide four lots into two lots.

Lot 1 is proposed to be 2ha (5 acres) in size, with dimensions of 200m in depth from the front boundary; with the front boundary having a width of 100m along the Conns Lane frontage. The southern boundary of the lot runs along an existing fence line. Please note the proposed location of the 2ha lot has been altered to better ensure future farming activities on the balance lot are not affected by the potential for a dwelling to be construction on Lot 1 at some point in the future (STCA).

Lot 1 is proposed to include areas of vegetation buffers and a conceptual building envelope in the centre of the lot in response to advice from Council staff. The location of this lot is based around soil typology and proximity to existing breeding and beef rearing parts of the wider farm. The proposed lot is not suitable for crop potato production and has not been used for these purposes in the past.

Lot 2 is proposed to be 71.55ha (178 acres), with dimensions of approximately 1200m in depth from the front boundary and 500m in width.

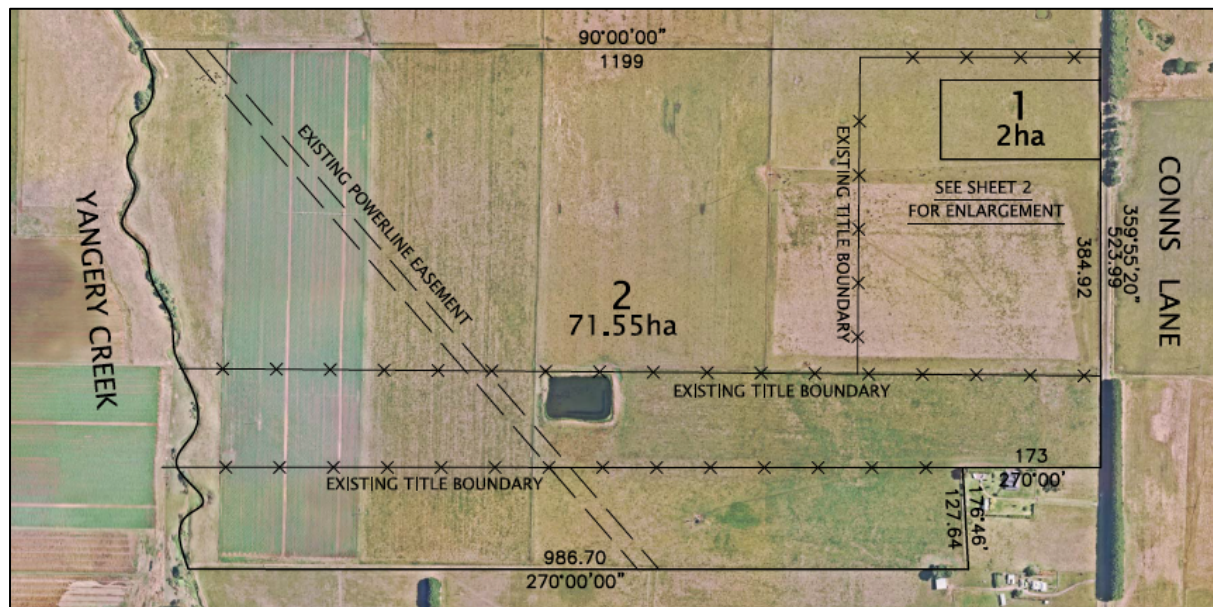


Figure 1 Proposed lot configuration

DESIGN RESPONSE

The overarching purpose and design response for the re-subdivision is for a succession plan for the whole farming enterprise of a multi-generational farming family.

FAMILY HISTORY AND AGRICULTURAL PRODUCTION

The larger farming enterprise that the subject land a part of is the third generation of the same family who have farmed this land.

The whole farm is made up of multiple lots, is held in varying business entities and equates to a total land holding of approximately 371.5ha (925 acres) in Yangery/Illowa, with additional landholdings in Killarney/Tower Hill (~60ha).

While the whole farm is owned in varying business entities across the 16 individual lots in Yangery/Illowa, the farm is principally owned and operated by [REDACTED], which continues the generational familial link from previous generations.

The process of passing the land and business to the next generation has commenced over the last few years with the fourth generation beginning to take a larger role in the day to day running of the farm business.

FARM PRODUCTION

The farm produces three main commodities on a rotational basis to maintain crop and soil quality:

1. Seed Canola (for further Queensland production);
2. Breeding and rearing beef (particularly EU accredited Banquet Black Angus Beef); and
3. Specialist potato crop production exclusively grown for Smiths Chips (for Brisbane and Adelaide production).

The need to rotate crops is significant in the potato industry, as paddocks can only produce potatoes every 4-5 years without being susceptible to potential nutrient deficiencies or build up of pests in soil. This in turn increases yield and quality as well as reducing fertilizer and pesticide requirements.

In addition to the 3 families (6-10 family members) that operate the farming enterprise, the farm business employs one additional full time farm hand, and the potato harvest relies on seasonal workers who are accommodated off site in nearby towns. The farm business has invested heavily in plant and equipment to create efficiencies which reduce reliance on additional workers outside of harvest.

The canola seed production is provided to suppliers for further canola production in Queensland and acts as a rotational crop for the farm in conjunction with beef and potato production.

The Black Angus breeding and rearing component of the farm produces on average 200 head of stock per annum. The annual Angus stock that is bred onsite and reared consists of fattening calves to 2-3 year old for sale, with viable heifers being introduced into the breeding herd for further growth of that agricultural element in the larger farm.

The other main crop produced on the farm is operated under a long standing exclusive contract with Smiths Chips over the course of the last 45 years.

The average potato production from the farm is equivalent to 4000 tonne or 4 million kilos per annum.

The rotation of potato crops across the farm is undertaken on a 4-year rotation, requiring a large land resource and a diversified business, while maintaining stock and crop production outputs each year.

The potato crop is planted and staggered in the latter part of the year, with multiple timed harvests occurring between January to April to meet supplier requirements.

The longevity of the contract with Smiths Chips is (amongst other factors) due to the high-quality volcanic soil that is contained across most of the farm. Anecdotal information recognises that the soil profile produces one of Australia's best potatoes for the crispiest chips, of which there is a real science behind the humble potato chip. Smiths Chips process over 110,000 tonnes of potatoes a year at their Australian processing plants. This business supplies approximately 3% of the annual potato supply to Smiths Chips Australia.

Across the potato, canola and beef production detailed above, the family farm makes a significant contribution to the agricultural economy for the region, but also to the broader Australian economy with its long-standing partnerships.

As part of the ongoing succession plan for the farm, it is proposed that the next generation of one of the brothers' families is able to commence ownership of some of the land and purchase a small part of the farm to establish themselves as an equity landowner as well as a business partner.

For this portion of the succession plan to occur, it is proposed to create a small enough lot that is financially viable to secure individual ownership and separate this lot from the other farm entities/land holding. The separation of ownership of the land allows the next generation to leverage the land ownership for any loans necessary to buy into the business.

The proposed re-subdivision has been designed with the following outcomes in mind:

- The proposed lot is located on land that is not regularly used for crop raising (canola and potato), because of its lower quality soil profile, drainage attributes and does not contain any agricultural infrastructure.
- The 2ha lot size is suitable for use as calf raising in associated with the beef business.
- The creation of the balance lot that is over 70ha in size which is a supported lot typology by the Farming Zone and associated policy.
- The located is located to avoid the loss of viable farming paddocks that could otherwise be used for crop production.
- Access to power, other services as may be required in the future and vehicular access is practically and easily available at the road frontage.
- Realigning the boundaries provides the reduction in overall lots from 4 lots to 2 lots.

PLANNING CONTROLS

The Planning Controls which apply to the property are as follows:

- The property is located in the Farming Zone (FZ)
- The property partially is located in a Design and Development Overlay - Schedule 23 (Warrnambool Regional Airport – Building Height Above 7.5 Metres) (DDO23)

A planning permit is required to subdivide the land pursuant to the FZ and DDO23 provisions. Further analysis of these relevant provisions is provided below in this report.

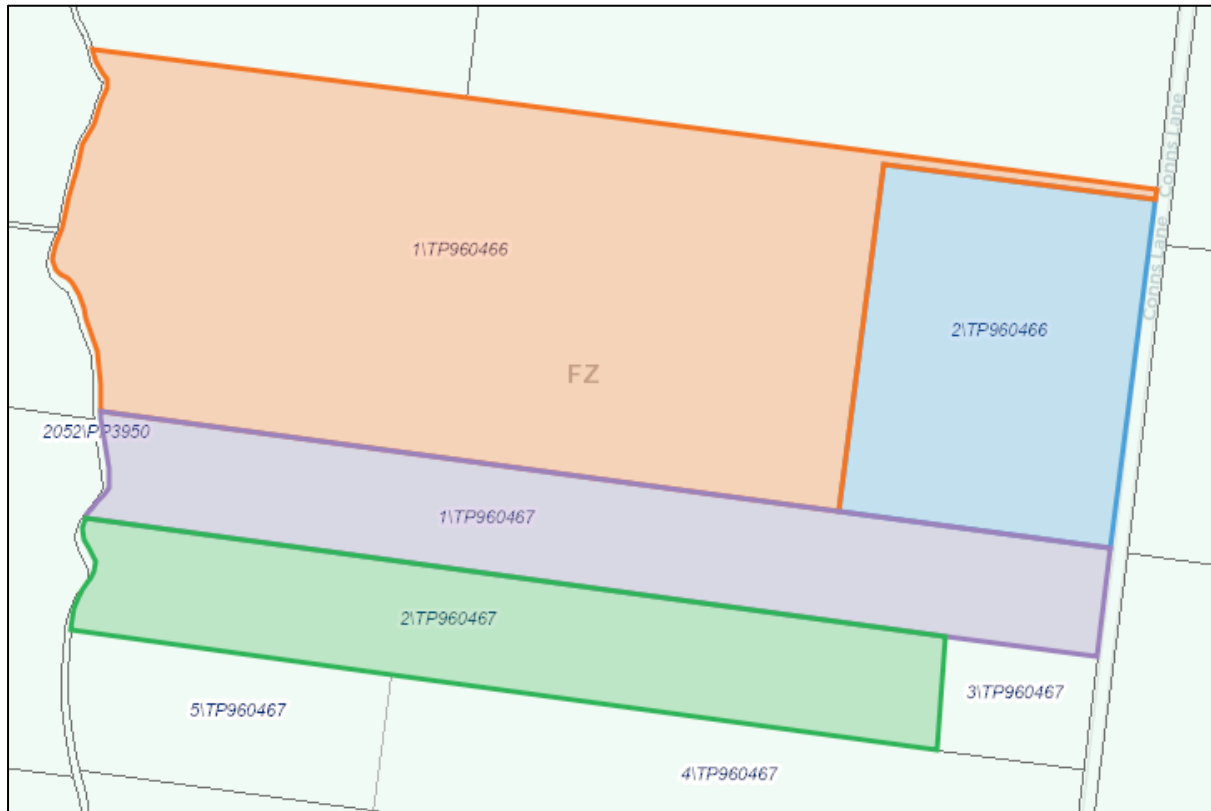


Figure 2 Existing lot configuration and parcel references.

SITE ANALYSIS

THE SITE

The subject land is located on the western side of Conns Lane between the intersections of Tower Hill Road and Mailors Flat Koroit Road.

The land comprises of two lots, described as Lot 1 & 2 TP960466G and Lots 1 and 2 TP960467.

- Lot 1 TP960466 is currently a battle axe lot that is located directly at the rear of Lot 2 with a current lot size of 36.24ha (Orange).
- Lot 2 TP960466 has a regular rectangular shape, with a road frontage of 392.28m and a current lot size of 12.14ha (Blue).
- Lot 1 TP960467 has a regular rectangle shape with road frontage of 122m and and current lot size of 13.86ha. This lot contains the existing bore (Purple).
- Lot 2 TP960467 is land locked with access via Lot 1 TP960467 and is 12.43ha in area with a width of 128m (Green).

Three of the four lots border Yangery Creek to the west.

The title boundaries are not generally fenced, and existing agricultural fencing is aligned to soil quality and cropping rotation on the western side of the property.

Agricultural infrastructure on the property includes a electrified bore and a dam. Both these elements are to be retained on the larger land parcel.

An electricity easement traverses the property in the South West Corner.



Figure 3 - Photo of subject land road frontage looking north along Conns lane

Conns Lane generally presents as rural farmland to both sides of the road. There are no houses to the east side of Conns Lane near the subject lots. The propose smaller lot has not



Figure 4 Looking south down Conns Lane adjoining the subject Lots

been used for potato or canola cropping as the soil profile is not volcanic loamey soil and has been used for the beef rearing enterprise.

Aerial photography shows that in 1947 the subject site contained two dwellings, one of which was demolished prior to 1970 (foundations remain) and one which burnt down in the late 1970s.

The site and surrounds general soil profile is made up of high quality decomposed volcanic soil, stemming from the dormant Tower Hill volcanic land form.

RESTRICTIONS ON TITLE

The electricity easement traverses the south west corner of the site providing the main connection from the substation at Yangery (corner of Conns Lane and Tower Hill Road) into Koroit.



Figure 5 Existing Dwarf Red Flowering Gum windbreak to the corner of Conns Lane and Mailor-Flat Koroit Road.

FARM

The farm comprises 16 land parcels across the Yangery/Illowa area, with a total landholding of 371.5ha (928 acres) and includes 3 existing dwellings which the [REDACTED] reside in. The farm is one of the largest farming businesses (in terms of land area) between Koroit and Warrnambool that is not used for Dairy production. The farm has been run by the [REDACTED] for three generations, with the landholdings and output expanding over this time, particularly during the last 50 years.

The area of the farm is approximately 2.5 times as large as the total extent of General Residential Zoned land in Koroit (146ha).

The farm adjoins the recently re-zoned Rural Living land at Southern Cross. The [REDACTED] adjoining the hamlet of Southern Cross is high quality volcanic soil well suited to cropping.

As such, the landowner group did not seek to include any of their landholdings in the rural living re-zoning area under Amendment C70 and did not make a submission in the amendment.

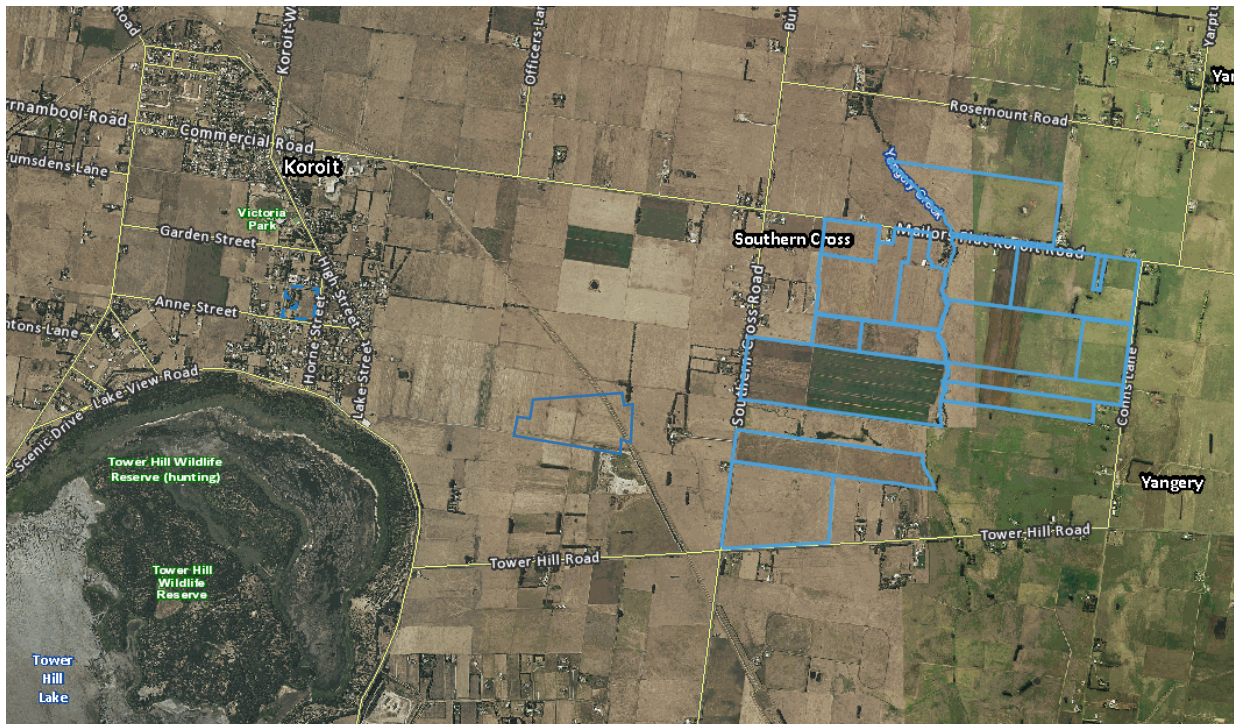


Figure 6 Aerial photo (2015 via VicPlan) showing extent of Lane Brothers Farm outlined in Blue

Aerial photography shows that the [REDACTED] contained an additional 4 dwellings back in 1947. The [REDACTED] have confirmed one of these properties burnt down, and the other one was next to a former dairy and was demolished when the dairy use ceased.

THE SURROUNDS

There are 3 dwellings which adjoin the farm, which are not part of the farm landholdings –

- Yangery Grange (429 Mailors Flat Koroit Road) – an historic property established in 1880 which remains on a 2.5ha title (originally a Crown Allotment 35 which is 120 acres in size). The house was separated from the farm, with a 5 lot subdivision in the

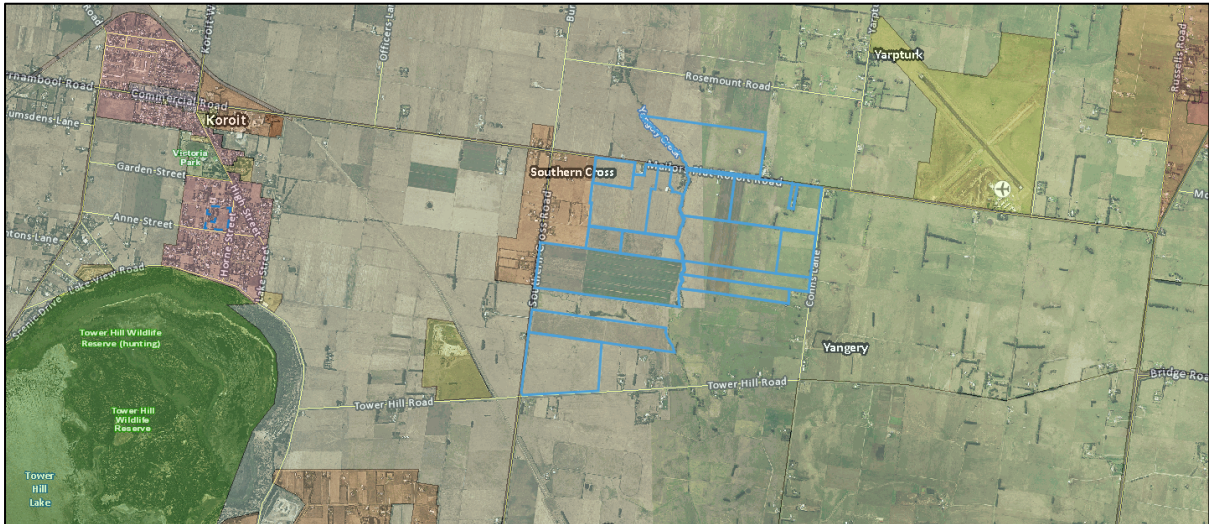


Figure 7 Zoning map showing extent of Lane Brothers Farm outlined in blue (total 371.5ha) via VicPlan 2024

mid 20th century when the farm ceased to be farmed by the [REDACTED]. The [REDACTED] now own 3 of the former farm lots surrounding the Yangery Grange homestead.

- 463 Mailors Flat Koroit Road – a 1960s dwelling on a 1ha lot, which is on the former [REDACTED] farm Yangery Grange. The title was created as part of the Yangery Grange 5 lot subdivision.
- 479 Conns Lane Yangery – a traditional style dwelling (re-built/renovated on a 2.17ha lot) adjoins the subject site. The title was created as part of the 5 lot subdivision which occurred prior to 1958 when the electricity easement was created.

The immediate surrounding area is the agricultural area located between the townships of Koroit and Mailors Flat/Woodford.

The subject land has good road linkages via Conns Lane to more major transport corridors such as Tower Hill Road, Mailors Flat Koroit Road, Caramut Road and the Princes Highway.

The surrounding area is predominantly used for varied agricultural production with traditional forms of agriculture like dairying, crop production and grazing/rearing being prevalent.

The air space above a portion of the site and leading toward the Warrnambool Airport to the north east of the site is used for aircraft passage to existing runways.

More than 2 kilometres away from the road frontage of the land, there is a quarry/materials recycling facility at 988 Tower Hill Road to the south west of the site.

The only other known alternate land use within the vicinity of the site is an animal boarding facility that is located on the eastern side of Conns Lane approximately 750m to the south of the site.

PATTERN OF DEVELOPMENT

The block bounded by Mailors Flat Koroit Road to the north, Conns Lane to the east, Tower Hill Road to the south and Southern Cross Road to the West contained 9 crown allotments in 1850. Excluding the area which is now Rural Living Zoned this block includes 54 title parcels, spread across 28 properties today. There are 13 houses in this area today.

own 16 of the 54 parcels, and 8 of the 28 properties in this block.

STAGES OF DEVELOPMENT

The land was surveyed and crown allotments created in 1850/1851.

By 1947 the crown allotments had begun being subdivided, with 13 houses being visible in aerial photography, some of which appear to be on smaller allotments.

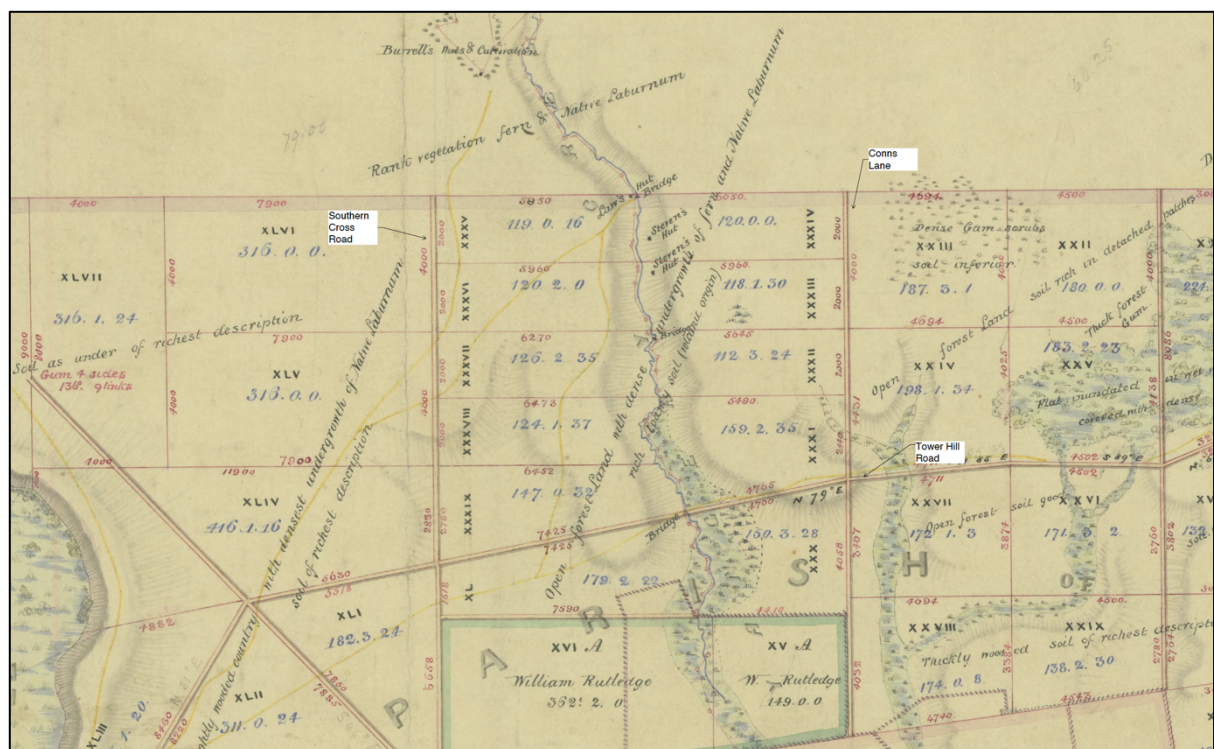


Figure 8 1850 Government Survey/Crown Allotment Plan of the Parish of Yangery noting the soil conditions change around Conns Lane from rich loamey volcanic soil to inferior soil (Source PROV).

Four of these houses have been demolished, and happened to be located on what is now the Farm.

Since 1947, a total of 5 additional houses have been constructed in this block. The total increase in houses in this block (excluding the Rural Living Zoned area) is 1 house in the last 77 years.

The area is not suffering from a high demand of dwelling construction, and has not been subject to recent subdivision pressure seen elsewhere in the shire.

Aerial Photograph Yangery Taken 19 January 1947

Source: Landata
Annotation: Coast to Country

- Legend:
- Green Transparent - extent of Lane farm holdings visible in photograph
 - Red outline houses on Lane farm in 1947 which have been demolished (4 total)
 - Yellow Outline - Current houses on Lane Farm (built prior to 1947)
 - Blue outline - Houses which are at least 75 years old (7 total)
 - Red cloud - houses built between 1945-1970 (2 total)
 - Purple Cloud - houses built 1970-2023 (3 total)

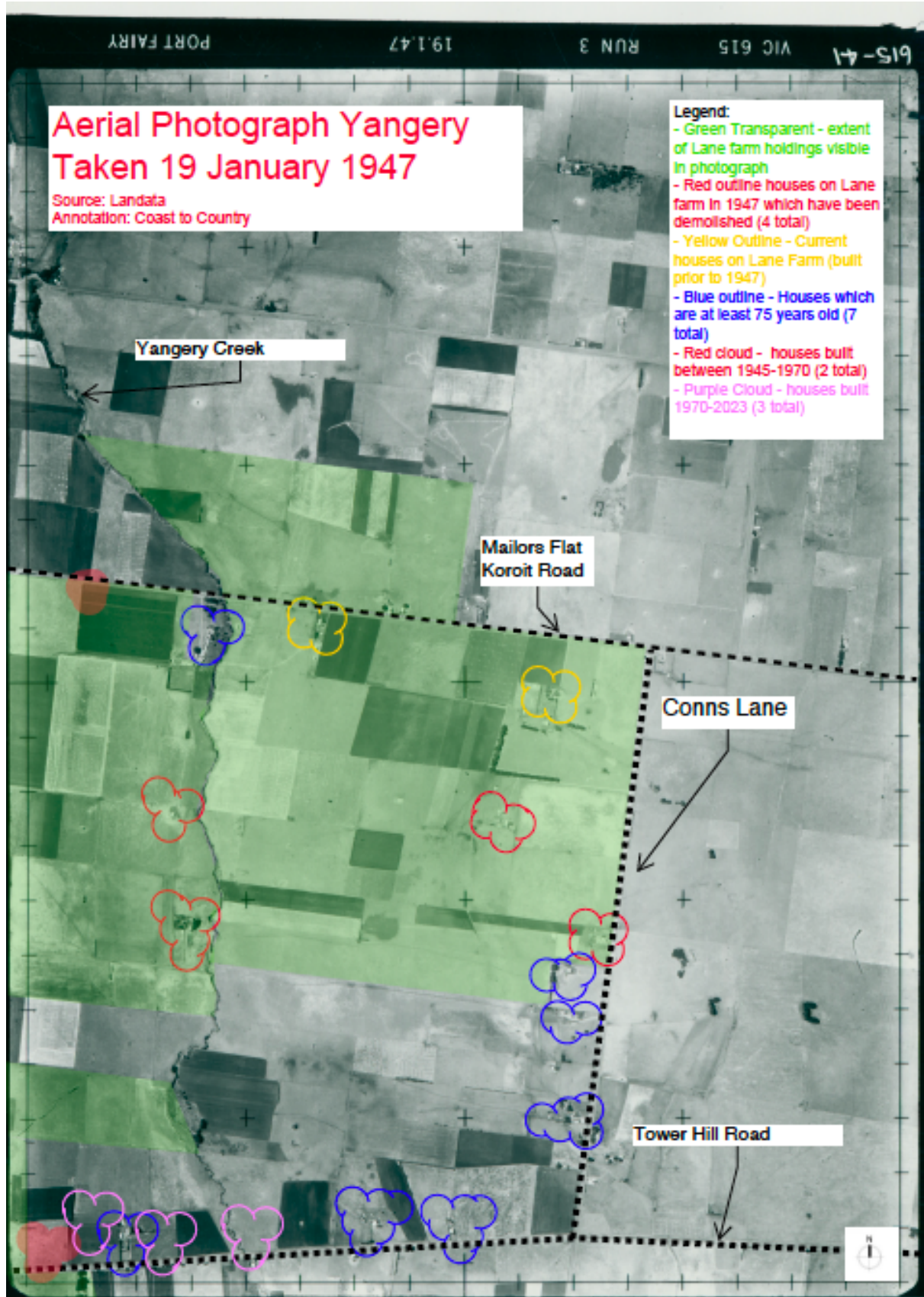




Figure 9 Aerial Photograph 1970 via Landata showing development between 1947 and 1970

SOUTHERN CROSS

The farm adjoins Southern Cross to the west. Southern Cross is classified as a hamlet.

In 1970 Southern Cross contained 12 houses, with another 19 houses being built in the last 50 years. The rate of construction has increased over the last 20 years, and it is expected that a small level of development will result from the recent re-zoning to Rural Living Zone which applied a 2ha minimum lot size for subdivision.

The subdivision potential for Southern Cross is limited, as there are only 3 parcels of land which have an area greater than 4ha (allowing for a 2-lot subdivision to occur). The maximum potential for additional dwellings based on a 2ha minimum lot size and the existing parcel pattern is 8 new dwellings.

Notably this doesn't account for any re-subdivision potential on existing lots or development of existing vacant lots for a dwelling (STCA). There are currently 7 existing vacant lots.

The development potential of Southern Cross is thereby limited to 8 new lots and development of 7 existing vacant lots.

Even the full take-up of all these lots, will not result in a substantial proliferation of dwellings in the area, and is likely to be restricted to a maximum of 15 dwellings, being slowly developed over time.

This would result in a total possible of 46 dwellings (31 existing dwelling) being located in the Rural Living Zoned land at Southern Cross.

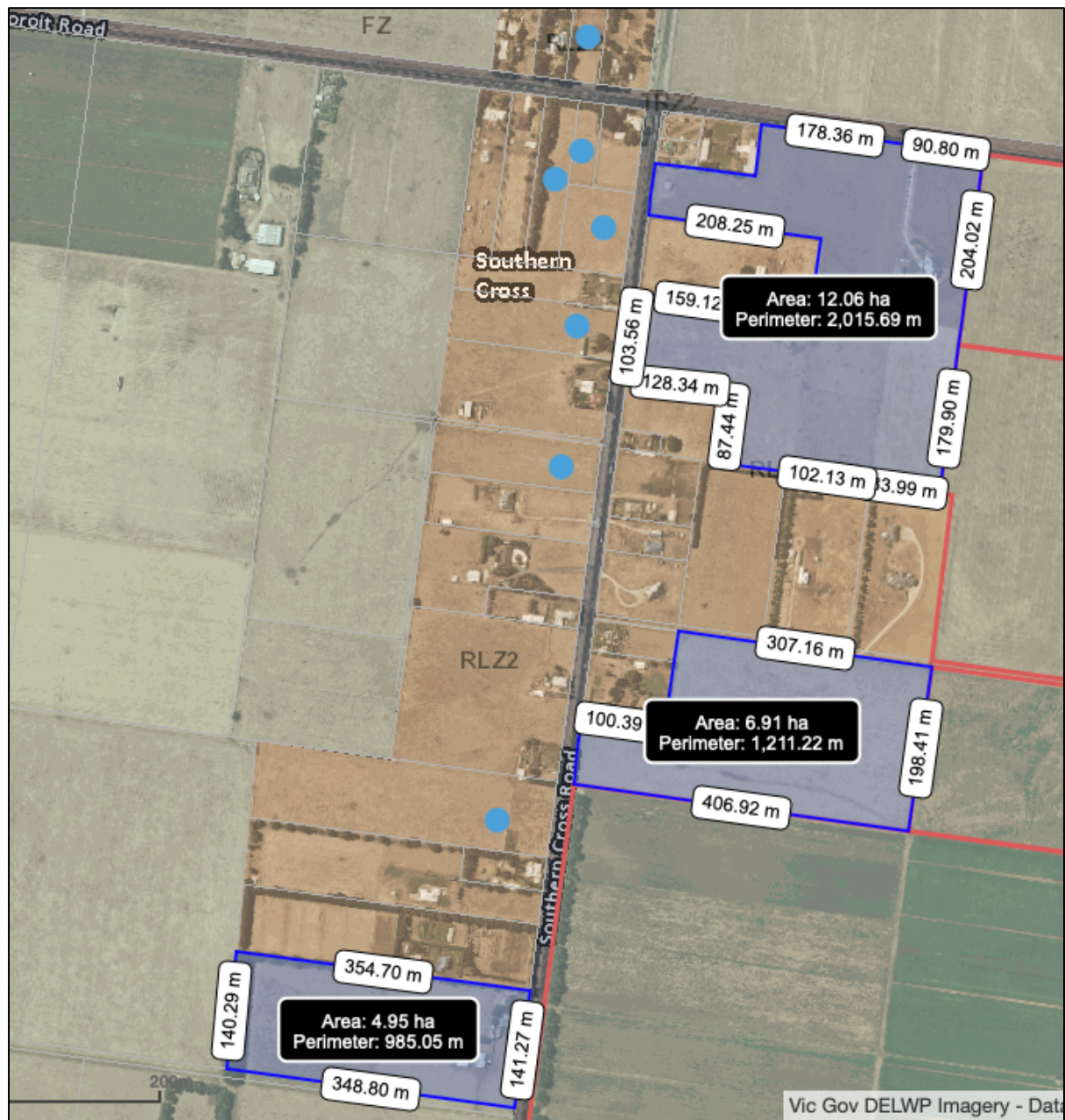


Figure 10 Development potential Southern Cross (Aerial Photo VicPlan 2015)- Lots suitable for subdivision (blue hatch). Lots currently vacant (Blue dot).

PLANNING POLICY FRAMEWORK

CLAUSE 02.03-4 (PRE-C70)

NATURAL RESOURCE MANAGEMENT (PRE-C70 WHEN APPLICATION WAS LODGED)

AGRICULTURE

Rural land in the municipality forms part of the highly productive Western District. A mild climate, high and well distributed rainfall, a diverse range of soil types and access to markets have combined to make the Shire a significant agricultural area.

Intensive dairying and crop production are significant land uses in the coastal hinterland, while extensive cropping and grazing enterprises are major activities in the northern part of the Shire.

Agricultural areas along the coast, between settlements or on the edge of townships are under pressure from other forms of development, particularly housing.

STRATEGIC DIRECTIONS

- Encourage sustainable farming practices to protect water supply, manage salinity and pests, and maintain the long-term viability of agriculture in the Shire.
- Prevent land use conflicts between agricultural uses and sensitive uses.
- Limit the use of productive agricultural land for non-productive agricultural purposes.
- Restrict the rural residential use of productive agricultural land.
- Encourage farming and primary production uses on the high quality fertile volcanic soils around Koroit and Killarney.

CLAUSE 02.03-4 (POST C70)

NATURAL RESOURCE MANAGEMENT (AGRICULTURE) POST C70

Rural land in the municipality forms part of the highly productive Western District. A mild climate, high and well distributed rainfall, a diverse range of soil types and access to markets have combined to make the Shire a significant agricultural area. Intensive dairying and crop production are significant land uses in the coastal hinterland, while extensive cropping and grazing enterprises, including beef cattle and sheep for wool and meat, are major activities in the northern part of the Shire.

Agricultural areas along the coast, between settlements and on the edge of townships are under pressure from other forms of development, particularly housing on existing small lots interspersed with farming land. The construction of dwellings on many or all such lots would not be consistent with responsible management of rural land. Such areas include:

- Extensive areas where the size of lots is less than half the minimum lot size specified under the Farming Zone; and
- Areas of open farming land which are comprised of comparatively small lots that are distant and isolated from townships with appropriate infrastructure and services.

Demand for rural lifestyle properties on small lots has increased mainly in the south of the Shire, and the proliferation of dwellings for lifestyle or hobby farm purposes in rural areas can compromise the long-term viability of farming.

Dwellings or small lot subdivisions can sometimes genuinely be required to support agricultural production, however the development of isolated dwellings and housing clusters of small lots that are not associated with agriculture can result in land use conflicts, the loss of productive agricultural land and inefficient demand for social and physical infrastructure services.

Response

The proposed re-subdivision removes four undersized lots and proposed to replace the title configuration with a significant sized larger lot (71.5ha) and a small second lot sited on a part of the property which is not suitable for cropping. The small lot will continue to be used as part of the Beef Stud/paddocks, and ownership will be transferred to the fourth generation of the family as the commencement of the succession planning process for the [REDACTED] to their children.

Whilst many parts of the south of the shire are subject to demand for rural living style development, in the immediate surrounds of the [REDACTED] Farm, this development has been directed into the recently re-zoned hamlet of Southern Cross. There is capacity for up to 15 dwellings.

In the block bounded by Mailors Flat-Koroit Road, Southern Cross Road, Conns Lane and Tower Hill Road, there has been a gross increase of 1dwelling over the last 77 years, with four dwellings being demolished and 5 dwellings being constructed. The new dwellings are generally located on Tower Hill Road. [REDACTED] Farm includes 67% of the land ownership in this block (excluding the RLZ) – 299ha of the 444ha. Given the majority of the block is owned and farmed by the [REDACTED] it is extremely unlikely that this block will suffer from pressures for rural lifestyle development found elsewhere in the shire.

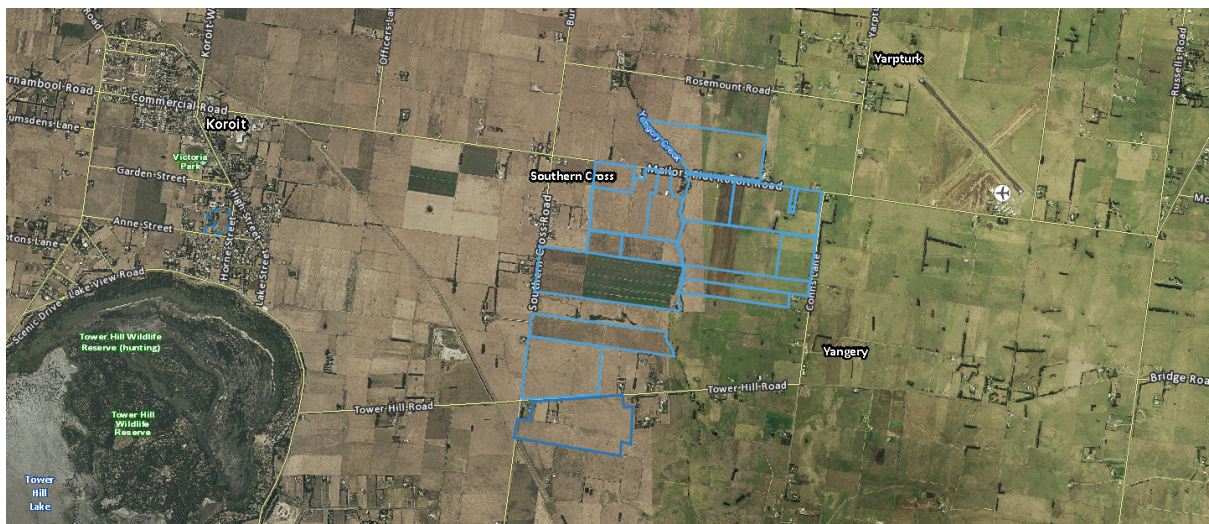


Figure 11 Aerial photo (2015 via VicPlan) showing extent of [REDACTED] Farm outlined in Blue. The [REDACTED] Farm owns and farms 67% of the land between Mailors Flat-Koroit Road, Conns Lane, Tower Hill Road and Southern Cross Road (excluding the RLZ).

STRATEGIC DIRECTIONS

- Encourage sustainable farming practices to protect water supply, manage salinity and pests, and maintain the long-term viability of agriculture in the Shire.

Response

The proposed re-subdivision aims to maintain the long term viability of the [REDACTED] Agricultural business by commencing the transition of the business and landholdings to the fourth generation. The management of the farm business will continue to provide for high quality cropping and beef production as well as protecting the water supply and managing the land and pests on the property.

- Protect the natural and physical resources upon which agricultural industries rely.

Response

The proposed re-subdivision does not propose any change in agricultural land use. The re-subdivision will continue to protect the natural and physical resources which the farming business relies on.

- Prevent land use conflicts between agricultural uses and sensitive uses.

Response

The proposed re-subdivision does not introduce any non agricultural or sensitive land uses to the property. As such, there will be no conflict in land use as a result of this application. The amended application also illustrates that should a change in land use occur in the future (STCA), the lot is capable of having vegetated buffers around boundaries and a central building envelope with 30m setbacks to boundaries.

- Limit the use of productive agricultural land for non-productive agricultural purposes.

Response

The application does not introduce any non-productive or non-agricultural land uses to either proposed lot.

- Restrict the rural residential use of productive agricultural land.

Response

The proposal does not introduce any rural residential uses to the property. At Council's request the revised plan of subdivision has included additional lots to increase the area of the balance lot and illustrates that the smaller lot is possible for containing a dwelling (although this is not the landowners intention – the re-subdivision commences the land ownership succession planning to the fourth generation of the [REDACTED])

- Avoid industrial activities in rural zones unless they are directly related to agricultural production.

Response

N/A

- Encourage farming and primary production uses on the high quality fertile volcanic soils around Koroit and Killarney.

Response

The application maintains the farming and primary production use of the land, and has no change to agricultural production or land use of the [REDACTED] Farm Business.

- Encourage the consolidation of titles and discourage the further subdivision of land in the Belfast Rural area.

Response

N/A

- Ensure development in high potential groundwater recharge areas is compatible with site capability and retains native vegetation.

Response

N/A

- Ensure the growth and management of forests for timber production is balanced with environmental, landscape and social values.

Response

N/A

- Support the extraction of basalt, sand, limestone and scoria in appropriate locations.

Response

N/A

CLAUSE 02.03-7 (PRE-C70)

ECONOMIC DEVELOPMENT (PRE-C70 WHEN APPLICATION WAS LODGED)

AGRICULTURE

Agriculture is the most important sector of the local and regional economy and a major source of local employment. The Shire is within Australia's largest dairy production region that contributes around a quarter of the nation's milk production.

There are opportunities for economic diversification through the development of aquaculture, horticulture and intensive agricultural enterprises, and agriculturally linked value adding industries. Value adding onsite or closer to the source of the product provide opportunities to expand the local economy.

The preservation of agricultural land in large holdings is necessary to maintain the economy of the Shire, including the service and processing industries that support agriculture.

STRATEGIC DIRECTIONS

- Promote agriculture as the primary industry of the economy.
- Protect agricultural land from non-productive use and development.
- Ensure that the use and development of land is not prejudicial to agricultural industries or to the productive capacity of the land.

Response

The creation of Lot 2 at 70ha+ in size is in itself creating a land resource that supports the agricultural economy in the region and also the larger family farm.

The subject land is located in the area that contains high quality decomposed volcanic soil that supports higher yield and quality of agricultural production and therefore has significant value to the agricultural economy.

As detailed, Lot 1 has been strategically chosen to be:

- Located on land that is of poorer quality and is not actively used for agricultural production in the larger family farm; and
- 0.75% of the area of the larger family farming land resource

Therefore, the valuable land resource of the larger family farm is not being restricted by this proposed re-subdivision.

CLAUSE 02.03-7 (POST C70)

ECONOMIC DEVELOPMENT

The economy of the Shire is based on agriculture, manufacturing, tourism and commerce.

AGRICULTURE

Agriculture is the most important sector of the local and regional economy and a major source of local employment. The Shire is within Australia's largest dairy production region that contributes around a quarter of the nation's milk production.

The Western Victoria Livestock Exchange at Mortlake has a key role in supporting the regional agricultural sector.

There are opportunities for economic diversification through the development of aquaculture, horticulture and intensive agricultural enterprises, and agriculturally linked value adding industries. Value adding onsite or closer to the source of the product provide opportunities to expand the local economy.

The preservation of agricultural land in large holdings is necessary to maintain the economy of the Shire, including the service and processing industries that support agriculture.

STRATEGIC DIRECTIONS

- Promote agriculture as the primary industry of the economy.

Response

The agricultural production of the property will be unchanged by the re-subdivision.

- Protect agricultural land from non-productive use and development.

Response

The proposed re-subdivision does not introduce and non-productive land use.

- Encourage consolidation of rural land holdings to increase the viability and sustainability of agriculture.

Response

The proposed re-subdivision consolidated 4 existing lots which are smaller than the minimum lot area into two lots, one of which at 71.5ha is substantially larger than the minimum lot area, and the second which is sized at 2ha to enable the commencement of land equity purchases of farm landholdings for the fourth generation of the family. The other land titles in the farm are unaffected by this proposal. It is noted that the proposed smaller lot is located in the part of the farm which has a soil profile which is not volcanic and is not suitable for potato or canola crop production, unlike the western part of the large lot.

- Ensure that the use and development of land does not prejudice agricultural industries or the productive capacity of the land.

Response

There is no change to the agricultural use of the land proposed. There is no development proposed.

- Protect and promote the dairy industry to ensure its long term growth.

Response

N/A

- Support the growth, diversification and value-adding of primary industry, including agriculture, aquaculture and agroforestry, and processing of agricultural products grown within the municipality or harvested offshore.

Response

This application supports the growth, diversification and succession planning for a successful agricultural business which has developed over 3 generations to supply approximately 3% of the annual Australian potato supply to Smiths Chips, as well as a rotational Canola supply and Beef Stud to continue into the fourth generation of the [REDACTED] family.

- Encourage enterprises that add value to primary production at or near the source, in appropriate locations.

Response

N/A

- Encourage industries servicing local communities and primary producers to locate in existing settlements.

Response

N/A

- Encourage tourism development in settlements and in appropriate locations near natural, cultural or historic features.

Response

N/A

- Support tourism development that is associated with or compatible with agricultural enterprises.

Response

N/A

- Encourage industrial uses on existing industrially-zoned land.

Response

N/A

CLAUSE 14.01S

AGRICULTURE

PROTECTION OF AGRICULTURAL LAND

OBJECTIVE

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

Response

The proposed re-subdivision protects the agricultural output and land on the larger lot, whilst moving towards transitioning farm management to the next generation, commencing with equity in the proposed small lot on land, and transitioning over time from working for the business towards owning shares in both the business and the landholdings. The equity in the small lot assists in financing further purchases or shares in the farm business and landholdings.

STRATEGIES

- Identify areas of productive agricultural land, including land for primary production and intensive agriculture.

Response

The land is generally highly productive agricultural land, where the volcanic soil crosses the property. The area of soil closest to Conns Lane, extending approximately 400-500m west of Conns Lane is not the same soil quality, and has not been used to crop in the past.

This part of the farm is fenced from the cropping areas, and has been used for beef grazing. The proposed subdivision will not remove the ability to continue to use the lot for beef grazing, as the lot will still be managed as part of the wider farm business, even with ownership passing to the next generation.

The inclusion of an indicative building envelope and vegetation buffer on the small lot has taken place at the suggestion of Council staff, and no approval for the use or development of a dwelling is sought at part of this application. The indicative building envelope potential sites buildings away from the lot boundaries, reducing the interface with the adjoining farm land.

- Consider state, regional and local, issues and characteristics when assessing agricultural quality and productivity.

Response

The ability for the next generation of the farming family to commence buying into both the landholdings and business. This will allow the business to work towards maintaining productive output in nationally significant cropping (potato production – 4000tonnes a year for a national supplier) in the long term, as well as continuing to improve and build the rotational crop Canola and the beef stud sides of the business.

- 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.

Response

The proposed re-subdivision does not remove any productive land from the state's agricultural base. The land, although not the most productive on the property, will continue to be utilised as part of the farming business, primarily as part of the beef stud.

- Protect productive farmland that is of strategic significance in the local or regional context.

Response

The overall farm at over 900 acres, and such a high value agricultural output is of strategic significance at both a local, state and national level. The business continuity required to transition the business and landholding to the next generation takes place over many years to learn both the skills to run the nationally significant agricultural business and to transition equity in the various landholdings in a way which is sustainable in monetary terms over time. The APARES Farmland Price Indicator 2024 update indicated that the average annual rate land price per hectare has risen 10.09% over the last 10 years to 2023.

Whilst this is excellent for farmers wishing to sell land and businesses and exit the industry, it has created significant hinderances how farm enterprises transition to the next generation and how quickly the rate of ownership can be passed on. The average price per hectare in 2023 for agricultural land across the Southern and Eastern Victoria region sits at above \$15,000 per hectare.

This proposal aim to both secure a large parcel of agricultural land in one title for the farm, maintaining the current generational ownership, and provide the first stepping stone in land equity to the next generation in a small parcel of the least productive land on the farm, with further intention to continue the ownership transition across to the next generation over the next 10-15 years.

- Protect productive agricultural land from unplanned loss due to permanent changes in land use.

Response

The re-subdivision will not result in any unplanned loss from permanent changes to land use. The land will remain as part of the wider farming business, and continue to be used in associated with the beef stud. Whilst no approval is sought for the use and development of a dwelling on the lot, council staff requested the application illustrate how the smaller lot may have potential for a dwelling without impacting or being impacted by the surrounding agricultural business operated by the [REDACTED].

It is noted that in the last 77 years, there has only been an increase of one dwelling in the bounding block (excluding Southern Cross RLZ), and that the farm landholdings which have been bought up by the generations of the family, there have been no substantial changes to the land parcel or title configuration and in addition that 4 houses across the farm have been removed or burnt down as the agricultural use has intensified to occur at a larger scale and be more productive over time.

The aerial photos from 1947, 1970, 2015 and 2023 illustrate the continuation and intensification of the agricultural land use over time, particularly with reference to the growth in the [REDACTED] successful business which necessitated the removal of 4 dwellings from their landholdings over the last 70+ years.

- Prevent inappropriately dispersed urban activities in rural areas.

Response

The re-subdivision does not insert any urban activities to the rural area.

- Protect strategically important agricultural and primary production land from incompatible uses.

Response

The re-subdivision protects the strategically important land titles to be consolidated in a 77ha land parcel, which with the minimum lot sizes permitted under the zone, will not be able to be re-subdivided into smaller lots in the future.

The proposal effectively reduces the number of lots in this part of the farm from 4 lots to 2 lots, removes one lot which has no legal point of access to a road and contains the farm infrastructure currently on site into the larger farming lot (dam and bore) used to irrigation. These changes to lot configuration work to protect the farm from incompatible uses into the future.

- Limit new housing development in rural areas by:
 - Directing housing growth into existing settlements.
 - Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.
 - Encouraging consolidation of existing isolated small lots in rural zones.

Response

The proposal does not provide for any development or housing growth. The development does consolidate four existing lots smaller than the minimum lot area into one lot significantly larger than the minimum lot area, and one modestly sized lot which may be suitable for further development (STCA) but is proposed for no other purpose than the continuation of the farming activities on the land and the transfer of equity to the next generation.

- Identify areas of productive agricultural land by consulting with the Department of Energy, Environment and Climate Action and using available information.

Response

The wider farm is a productive agricultural business and will not be negatively affected by the re-subdivision.

- 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.

Response

The proposal does not remove the land from primary production or reduce agricultural productivity. The land will continue to be used as part of the wider farm business.

As the land will continue to be used as part of the wider farm business, there will be no impact on production or infrastructure provision. The re-subdivision is a result of succession planning and the commencement of transfer of ownership to the next generation of the family, and has been planned with the financial and legal experts advising the farm business with regard to productivity, land value and ongoing viability of the farming business to ensure that the farm can be transitioned to the next generation over time.

An application could have been made to build a dwelling on one of the existing land titles, if that's what would have been best for the farm succession planning in the long term, but this isn't what is best for the farm in the long term. A consideration length of time has been taken with various experts to plan the succession of the farm to the next generation, and the first step is to provide an opportunity for the next generation to commence building equity in the land, whilst working for the farm business before transitioning into further land and business ownership into the future.

- Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.

Response

The re-subdivision proposed under this application will not diminish the long term productive capacity of the land, with both proposed land parcels continuing to be used for the current agricultural purposes. The resultant lots reduce from 4 lots to 2 lots, with one lot being substantially larger than the minimum lot area specified in the scheme.

- Give priority to the re-structure of inappropriate subdivisions where they exist on productive agricultural land.

Response

Whilst the farm landholdings across 16 parcels are not an 'inappropriate subdivision' on productive agricultural land, they re-subdivision will reduce the overall number of titles on this part of the farm to 14 and will provide for the commencement of the transfer of the landholdings and business to the next generation of the [REDACTED].

- 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.

Response

N/A

CLAUSE 14.01-1L (PRE-C70)

AGRICULTURAL PRODUCTION (PRE-C70 WHEN APPLICATION WAS LODGED)

Strategies of this policy are:

- Establish buffers around uses that may conflict with agricultural land use to limit land use conflicts.
- Limit the construction of dwellings on productive agricultural land.

As it is relevant to this application the following policy should be considered:

- Discouraging the construction of dwellings on lots greater than 2 hectares and less than the minimum lot size specified in the schedule to the Farming Zone.
- Assessing the suitability of existing lots of less than 2 hectares in area for a single dwelling.
- Ensuring dwellings are constructed close to a road frontage or property boundary.
- Creating the smaller lot in a manner that potential or existing dwellings will not restrict surrounding agricultural activities.

Response

The primary purpose of the re-subdivision is to enable the financial capacity part of the next generation of the family to secure part of the family farm. This application is not proposing any use and development for residential purposes and therefore this application does not and will not lead to the proliferation of residential uses into areas that are used for larger commercial agricultural production.

The reason why the smaller lot needs to be the modest size as proposed is to enable a loan to be approved by banking institutions to enable part of the fourth generation to purchase equity in the family farm. From that point, it would be naturally expected that once financial capital is increased that there will be a progressive transition to larger ownership for the next generation in the larger family farm, which may result in the two existing lots changing shape in the future or may be undertaken through other avenues and changes in ownership.

This application is not precursor for a future dwelling.

That being said, Lot 1 is creating a lot that is consistent with this policy in that it is a lot that is no more than 2ha in size.

Lot 1 has also been located purposely as the quality of the land for agricultural production in Lot 1 is not as land in Lot 2, therefore the proposal does not restrict agricultural production in any way.

CLAUSE 14.01-1L (POST C70)

AGRICULTURAL PRODUCTION

OBJECTIVE

- To ensure that subdivision, including the creation of small lots for existing dwellings, and the use and development of dwellings minimises the loss or fragmentation of productive agricultural land and does not prejudice activities associated with agricultural production.

Response

The re-subdivision does not create the loss or fragmentation of productive agricultural land and will maintain the current substantial levels of agricultural production of the farming business, whilst commencing transition of land ownership to the next generation.

STRATEGIES

- Establish buffers around uses that may conflict with agricultural land use to limit land use conflicts.

Response

Whilst no changes to land use are proposed as part of this application, and any change to land use in the future would require a planning permit, the amended application illustrates the possibility of a building envelope being applied to centralise any future buildings within the lot and a vegetation buffer planted around the lot boundaries.

Whilst the planting of the vegetation buffer is not necessary for the ongoing use of the lot for beef production as part of the wider farm, it can be planted if necessary.

The [REDACTED] preference would be to plant the vegetation buffer with Dwarf Red Flowering Gums (*Eucalyptus Corymbia*), similar to that planted on the farm at the corner of Conns Lane and Mailors-Flat Koroit Road. This species is local to the area, and provides food for Koalas that pass through the farm, and grows successfully on the property already.

- Avoid non-agricultural land use and development in rural areas that prejudices the productive use of agricultural land.

Response

The application does not propose any non-agricultural land uses or development. The re-subdivision will not prejudice the continuation of the use of the land for productive agriculture as part of the [REDACTED] farming business.

- Discourage the construction of dwellings on productive agricultural land, unless it can be demonstrated that the dwelling is required to support the productive agricultural use of the land.

Response

No dwellings are proposed.

- Locate and site dwellings so that they do not compromise surrounding farming activities.

Response

Whilst no dwellings are proposed, the amended application illustrates (at Council's request) that a dwelling could be located and sited on the lot in a way which would no compromise farming activities on the property.

- Discourage dwellings on lots where wastewater cannot be retained and treated within the lot.

Response

No dwellings are proposed.

- Discourage the construction of more than one dwelling on a lot unless:
 - It is demonstrated to be necessary to support a viable agricultural enterprise.
 - The agricultural use it is associated with has commenced.
 - It is located to avoid restricting agricultural use of the land.

Response

No dwellings are proposed.

- Discourage small lot subdivisions (including dwelling excisions and boundary realignments) unless:

- The subdivision supports the consolidation of productive agricultural land.
- The proposed land uses (including dwellings) do not negatively impact on the ability to farm and avoid the loss of productive agricultural land.
- Impacts on significant environmental and landscape features such as remnant vegetation and waterways are avoided or minimised.
- The subdivision seeks to make minor adjustments to take account of topographical or public infrastructure features.
- Adequate distance is provided around an existing dwelling to lot boundaries to limit any impacts of adjacent agricultural activity.
- The subdivision does not result in a concentration of dwellings or small lots that could change the general use and character of the rural area.

Response

The proposal is a re-subdivision of 4 lots into 2 lots, and provides for the consolidation of four lots less than the minimum lot area into one lot substantially larger than the minimum lot area and one lot of 2ha.

There are no changes to land use proposed, and the transfer of ownership of the land to the next generation will not result in the loss of productive agricultural land. The land will continue to be used as part of the wider [REDACTED] farm business.

The proposed re-subdivision does not impact Yangery Creek, as the proposed 2ha lot is located at the Conns Lane frontage. There is no remnant vegetation which is affected by the re-subdivision.

The subdivision does not result in a concentration of dwelling and does not change the general use or character of the rural area.

- Avoid further subdivision to excise additional dwellings where a dwelling has already been excised from the parent lot.

Response

N/A

- Discourage boundary realignments and re-subdivisions between existing lots where the lots proposed to be created:
 - Are less than the minimum lot size specified in the schedule to the Farming Zone;
 - Create an opportunity for a dwelling where none previously existed; or
 - Rely on land which was previously a road reserve, utility lot or Crown land, or was of insufficient size to support a dwelling.

Response

The proposal is a re-subdivision from 4 lots into 2 lots, creating a 75ha land parcel and a 2ha land parcel. Whilst the small lot is less than the minimum lot size specified in the Farming Zone, the lot has been designed to allow for the easy commencement of transfer of equity to the next generation of the family. The proposal removes two 12ha lots, one 13ha lot and one 34ha lot from the area, resulting in one large lot and one small lot.

Whilst the larger lot is greater than the minimum lot area in the Farming Zone the land is of such high agricultural value that it is extremely unlikely to be used for a dwelling in the long term.

The 2ha land parcel has been designed to allow the continuation of the beef rearing business across the Conns Lane side of the farm, and the commencement of equity in the farm landholdings by the next generation of the family.

POLICY GUIDELINES

Consider as relevant:

- Ensuring lots subdivided to excise an existing dwelling have a maximum size of 2 hectares and the balance (remaining) lot is greater than the minimum lot size specified in the schedule to the zone.

Response

The re-subdivision does not excise any dwellings, but the smaller lot is 2ha in area. The balance lot is substantially greater than the minimum lot size in the schedule to the zone.

- Ensuring that land capability and land suitability are considered in the assessment of use and development proposals.

Response

N/A

- Discouraging the construction of dwellings on lots greater than 2 hectares and less than the minimum lot size specified in the schedule to the Farming Zone.

Response

No dwelling is proposed

- Ensuring dwellings excised under the provisions of Clause 35.07-3 are in a habitable condition and comply with the Building Code of Australia.

Response

N/A

- Discouraging the excision of dwellings that did not exist at the date of approval of this scheme (6 January 2000).

Response

N/A

- Requiring the planting of vegetation within an excised lot to reduce any potential impacts of adjacent agricultural activity.

Response

The amended application shows the ability of the site to include a vegetation buffer around the boundaries should it be necessary. It is noted that with the ongoing use of the smaller lot as part of the beef business, the planting of vegetation will neither enhance or detract from the agricultural land use of the lot.

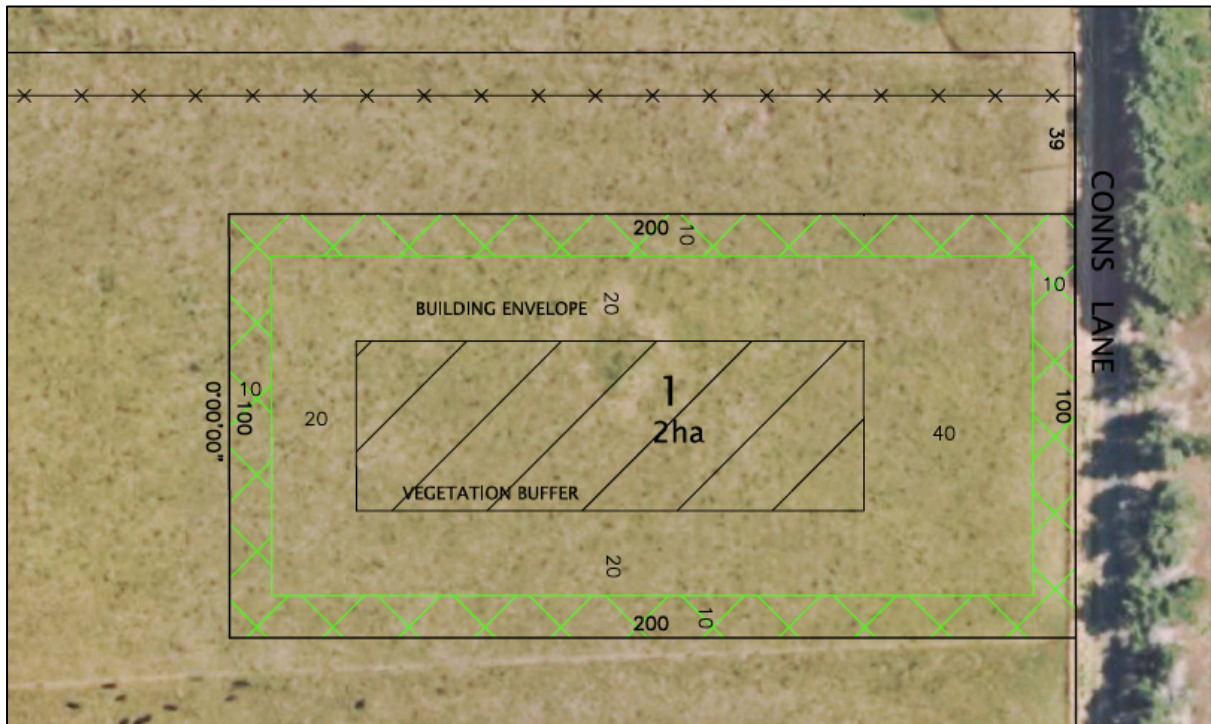


Figure 12 Illustration of ability of the lot to include a building envelope/vegetation buffers as requested by Council staff.

CLAUSE 14.01-2S

SUSTAINABLE AGRICULTURAL LAND USE

OBJECTIVE

- To encourage sustainable agricultural land use.

Response

The proposed re-subdivision has been designed to provide for the continuation of sustainable agricultural land use of the subject lots and the wider farm, including the need to commence succession planning of both the farm business and land ownership to the next generation.

STRATEGIES

- Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.

Response

The proposed re-subdivision will have no impact on the continuation of productive agricultural use and high value output of the land.

- Support the development of innovative and sustainable approaches to agricultural and associated rural land use practices.

Response

The farming business is innovative and sustainable, and continues to grow with the aim to pass the business onto the fourth generation over the next 10-15 years. The first step is to sustainably commence the transition of ownership and the building of equity with the next

generation. The size of the farming business and landholdings at over 900 acres and a significant diversified commodity output means that transition and succession is not a simple process.

- Support adaptation of the agricultural sector to respond to the potential risks arising from climate change.

Response

The re-subdivision has a neutral effect on climate risk.

- Encourage diversification and value-adding of agriculture through effective agricultural production and processing, rural industry and farm-related retailing.

Response

The farm business is an excellent example of diversification, growth and value adding over three generations, and the [REDACTED] wish to continue this by passing the landholdings and the business onto the fourth generation through considered succession planning.

- Assist genuine farming enterprises to embrace opportunities and adjust flexibly to market changes.

Response

The proposal relates to the succession planning of a genuine farming enterprise which is a significant part of a nationally important product, with a long association with Smiths Chips relying on the specific location of the farm to continue to respond to the requirements of their supply chain and the need to rotate crops throughout the farm whilst maintaining production quotas.

- Support agricultural investment through the protection and enhancement of appropriate infrastructure.

Response

The proposed re-subdivision allows for investment in both the farming business and the farm landholdings to the fourth generation. This process will take 10-15 years, and will commence with investing in training/mentoring on the business side, and investing in small equity landholdings on the land side. This approach allows for both the protection and enhancement of infrastructure across the farm, as well as the continued agricultural land use of all the landholdings.

- Facilitate ongoing productivity and investment in high value agriculture.

Response

The farm business is highly productive and has a significant investment in high value agriculture across a diverse range of agricultural products and long term investment in supplier relationships. The commencement of succession planning and transfer of on farm roles and landholdings to the fourth generation will continue the investment in and productivity of both the land and farming business into the long term future.

- Facilitate the establishment and expansion of cattle feedlots, pig farms, poultry farms and other intensive animal industries in a manner consistent with orderly and proper planning and protection of the environment.

Response

N/A

- Ensure that the use and development of land for animal keeping or training is appropriately located and does not detrimentally impact the environment, the operation of surrounding land uses and the amenity of the surrounding area.

Response

N/A

FARMING ZONE

PURPOSE

- 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.

Response

The application proposing to realign the boundaries of two existing lots is consistent with the purpose of the FZ as follows:

- The realignment of boundaries facilitates the sale/purchase of part of the land that is affordable for the descendant taking up the option in the farming business from the retiring brother.
- This process enables the continuation and future growth in the agricultural business by enabling a succession plan for the agricultural business.
- The 'buy-in' to the farm by the next generation of the brother ensures the farm will be able to encourage future employment for the farming operation.

CLAUSE 35.07-3 - SUBDIVISION

A permit is required to subdivide land.

Each lot must be at least the area specified for the land in a schedule to this zone. If no area is specified, each lot must be at least 40 hectares.

A permit may be granted to create smaller lots if the subdivision is the re-subdivision of existing lots and the number of lots is not increased.

RESPONSE TO DECISION GUIDELINES OF THE FARMING ZONE

As required by Clause 35.07-5, the following is a response as to how the re-subdivision is consistent with the relevant decision guidelines.

GENERAL ISSUES

The above policy analysis provides a response to relevant policy.

As detailed the proposal creates Lot 2 (71.5ha) that will actively contribute to the land resource for the larger family farm, while Lot 1 (2ha) will enable the descendant of one brother to become part of the landownership group for the larger family farm by securing their own

financially affordable piece of the family farm and commencing an equity share in the landholdings.

Importantly, Lot 2 at a smaller size of 2ha, in the event that the lot is ever proposed to be used for a residential use, the lot is capable of containing wastewater management systems disposal areas. In this regard, proposed lot layout of both lots are adequate for both agricultural production to continue. At the request of Council, a diagram has been prepared showing vegetation buffers and an indicative building envelope should a dwelling ever be proposed in the future. A dwelling is not proposed or sought as part of this application. The existing agricultural land use of beef production will be maintained on the smaller lot, as part of the wider farm business.

In summary it seeks to streamline the ongoing management of the land resource and family farm and commence the succession planning for land ownership transfer to the fourth generation of the [REDACTED].

As described, there is little agricultural infrastructure on the subject land and therefore the alignment of the lots has little bearing on existing infrastructure. However, the re-alignment of the lots does increase the capacity of both lots (where necessary) to have direct roadside access and a legal frontage. It is noted that the current southern lot has no legal road frontage currently.

AGRICULTURAL ISSUES AND THE IMPACTS FROM NON-AGRICULTURAL ISSUES

The primary purpose of the re-subdivision is to activate part of the succession plan for the larger family farm to the next generation of the family and to continue the existing agricultural production on the land. Therefore, the application is intrinsically supporting the agricultural production of the subject land and the larger family farm.

The application does not remove land from agricultural production as the proposal the land that is actively used for the current rotational cropping/grazing in the larger farm. The small lot has been specifically chosen in its proposed location as the land is of poorer quality and has no substantive practical use in the current rotational cropping/grazing practices on the larger farm, and is will continue to be used for beef production instead.

As already detailed, there is little impact on the existing agricultural infrastructure as the subject land contains little agricultural infrastructure and this infrastructure is contained on the larger lot.

The alignment of both lots has been chosen based on the soil quality of the land and has ensured that the larger lot contains the highest quality land for agricultural production.

The land does not contain any waterways or drainage lines within the title boundaries although does adjoin Yangery Creek to the west.

ACCOMMODATION ISSUES

The primary purpose of the re-subdivision is to enable the financial capacity part of the next generation of the family to secure part of the family farm. This application is not proposing any use and development for residential purposes and therefore this application does not and will not lead to the proliferation of residential uses into areas that are used for larger commercial agricultural production.

The reason why the smaller lot needs to be the modest size as proposed is to enable a loan to be approved by banking institutions to enable part of the next generation purchase into the

family farm and commence land ownership. From that point, it would be naturally expected that once financial capital is increased that there will be a progressive transition to larger ownership for the next generation in the larger family farm, which may result in the two existing lots changing shape in the future or may be undertaken through other avenues and changes in ownership.

In this respect, it is considered important to not encumber the subject land in any way to enable the future maximum flexibility in the farming operation to allow that continued ownership transition/succession to occur in the most efficient way it can.

While it might be argued in a black and white manner that the creation of the smaller lot might be creating a precursor for the proliferation of dwellings in the area, undermining and increasing the complexities of the continued efficient management of the larger family farm should not occur simply to limit something that might or might not occur in the future.

As already detailed, this application for re-subdivision has a very simple purpose and that is to commence part of a larger succession plan for a large family farm for the next generation; and in all respects, this type of application is clearly supported by the provisions of the Farming Zone and supporting policy.

DESIGN & DEVELOPMENT OVERLAY SCHEDULE 23

The design objectives for this Overlay are:

- To ensure that flight paths associated with the Warrnambool Regional Airport are protected from the encroachment of inappropriate obstacles to enable the safe and effective operation of the airport.
- To ensure that all buildings and works avoid creating a hazard to aircraft in the vicinity of the Warrnambool Regional Airport in order to facilitate safe aircraft operations.

Response

The heading to the DDO23 provides guidance as to how the flights paths are to be protected by the DDO controls.

Where heights of buildings are greater than 79m AHD, then a planning permit would be triggered to ensure that adequate assessment is undertaken for taller buildings to avoid compromising flight paths to the Airport.

Given that the highest land around the airport is 71.5m±, the height of a building at that natural ground level at 7.5m would intersect with the AHD height and therefore potentially compromise the flight paths.

While the DDO23 triggers are based around a buildings and works permit trigger to protect the airport flight paths and therefore do not strictly relate a subdivision of land in its wording.

However, given that the Overlay strictly triggers the need for a permit, it remains relevant that consideration is undertaken as future buildings on land may compromise the flight paths, where new lots in the area are proposed to be created.

The natural ground level of the subject land at its highest point within the DDO23 is between 50-52m AHD. In the event that a 7.5m were proposed on the site, the height of the building would be approximately 60m AHD, which is considerably less than 79m AHD.

The proposal is able to meet the design objectives and standards of this Overlay.

SUMMARY

The primary purpose of the re-subdivision is to enable the financial capacity part of the next generation of the family to secure partial ownership of the family farm to commence part of the larger succession plan for the family farm.

The creation of Lot 2 creates an individual land resource of over 71.5ha in size, which in a black and white consideration, meets the intended outcomes of the Farming Zone and related policy.

This application is not proposing any use and development for residential purposes and therefore this application does not and will not lead to the proliferation of residential uses into areas that are used for larger commercial agricultural production.

The reason why the smaller lot needs to be the modest size as proposed is to enable a loan to be approved by banking institutions to enable part of the next generation purchase into the family farm. From that point, it would be naturally expected that once financial capital is increased that there will be a progressive transition to larger ownership for the next generation in the larger family farm, which may result in the two existing lots changing shape in the future or may be undertaken through other avenues and changes in ownership.

In this respect, it is considered important to not encumber the subject land in any way to enable the future maximum flexibility in the farming operation to allow that continued ownership transition/succession to occur in the most efficient way it can. It is not expected, nor considered reasonably required for this type of application, to limit or encumber either title via the use of condition, restriction or S173 Agreement.

While it might be argued in a black and white manner that the creation of the smaller lot might be creating a precursor for the proliferation of dwellings in the area, undermining and increasing the complexities of the continued efficient management of the larger family farm should not occur simply to control something that might or might not occur in the future.

As already detailed, this application for re-subdivision has a very simple purpose and that is to commence part of a larger succession plan for a large family farm for the next generation; and in all respects, this type of application is clearly supported by the provisions of the Farming Zone and supporting policy.

Therefore, this application seeks support from the Responsible Authority of the application in its amended form and seeks that a permit is granted, subject to typical conditions that are reasonably necessary for this type of application.