

## Town Planning & Services

[glenn@lifestyletownplanning.com.au](mailto:glenn@lifestyletownplanning.com.au)

Phone: 0497 394964

Revised 08/09/24

Planning Report

3 lot Re-subdivision

Lots 1, 2 and 3 PS 630723 - 697  
Princes Highway Illowa, Vic  
3282.

Report by Glenn Reddick

### **ACKNOWLEDGEMENTS**

Copyright © Lifestyle Town Planning and Services Pty Ltd

The document is subject to copyright and may only be used for the purposes for which it was commissioned. The use or copying the document in whole or in part without the permission of Lifestyle Town Planning and Services is an infringement of copyright.

### **DISCLAIMER**

Although Lifestyle Town Planning and Services has taken all the necessary steps to ensure that an accurate document has been prepared, the company accepts no liability for any damages or loss incurred as a result of reliance placed upon the report and its contents.

### **DOCUMENT CONTROL**

This document has been prepared to aid the submission of a planning permit application for 697 Princes Highway Illowa Vic. 3282.

# 1. INTRODUCTION

The subject land (existing titles) extends to 40.93ha and comprises 3 titles.

Lot 1 - 20.44ha undeveloped arable/grazing land.

Lot 2 - 10.27ha with dwelling.

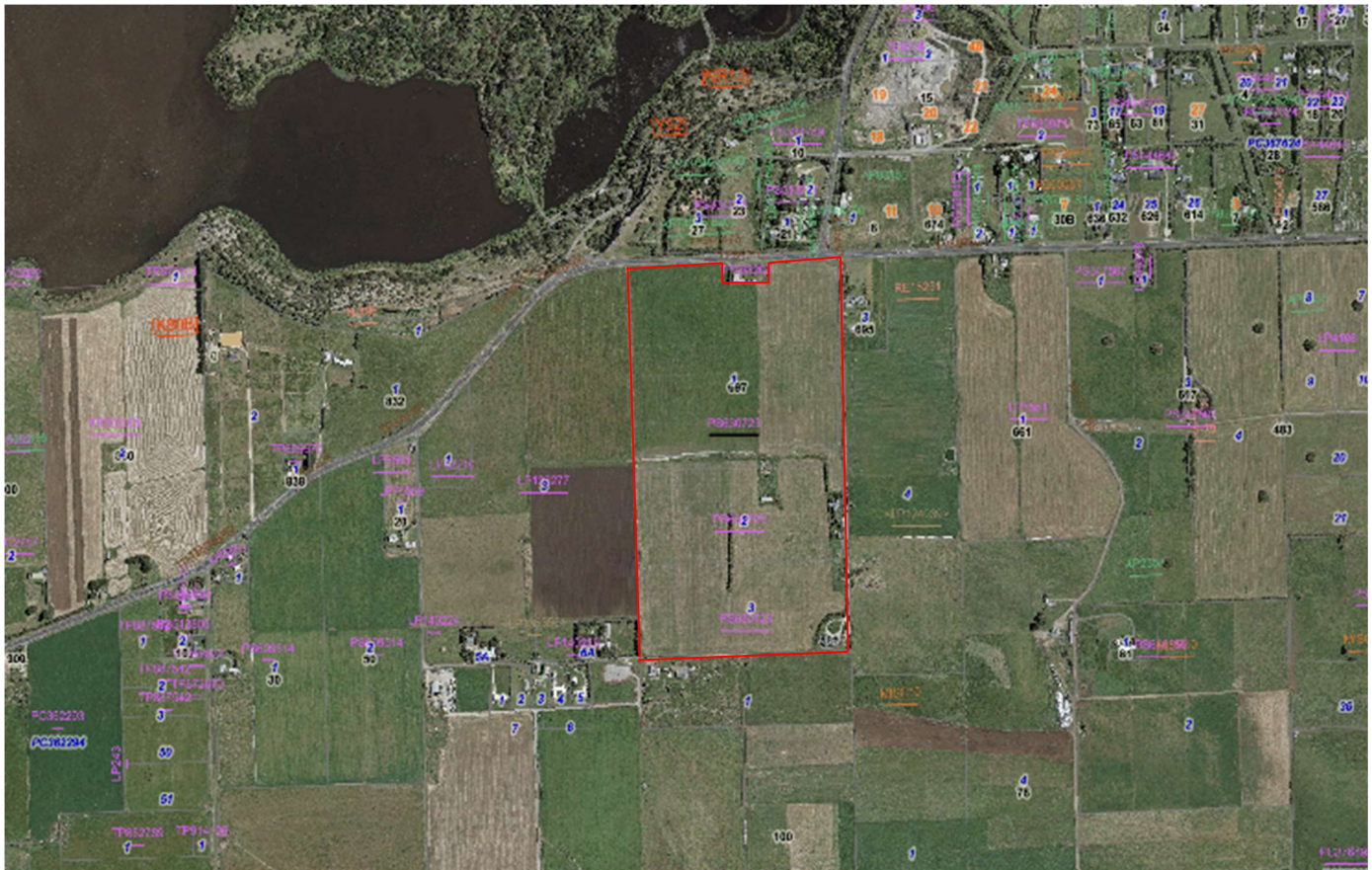
Lot 3 - 10.22ha with dwelling.

The landholding is part of a larger dairy farming enterprise of approximately 243ha, including dairy on nearby land. Some of the farm is owned freehold, and some leased by the current owners. The farm manages 350 head of dairy cows.

The intent of the proposal is to re subdivide the existing three lot subdivision by consolidating the majority of the viable agricultural farmland land and the farm buildings component of each title into one new larger title. This will improve its farming viability of the consolidated title by reducing the land holding around each of the 3 existing dwellings. The number of titles is not increased.

The proposed re subdivision is part of the current owner's succession planning to improve the viability of the farm which has been in the family ownership since the 1960's.

Subject site (3 titles) outlined red.



## 2. PROPOSAL

For comparison purposes, the existing plan of subdivision and proposed plan of subdivision are set out below.

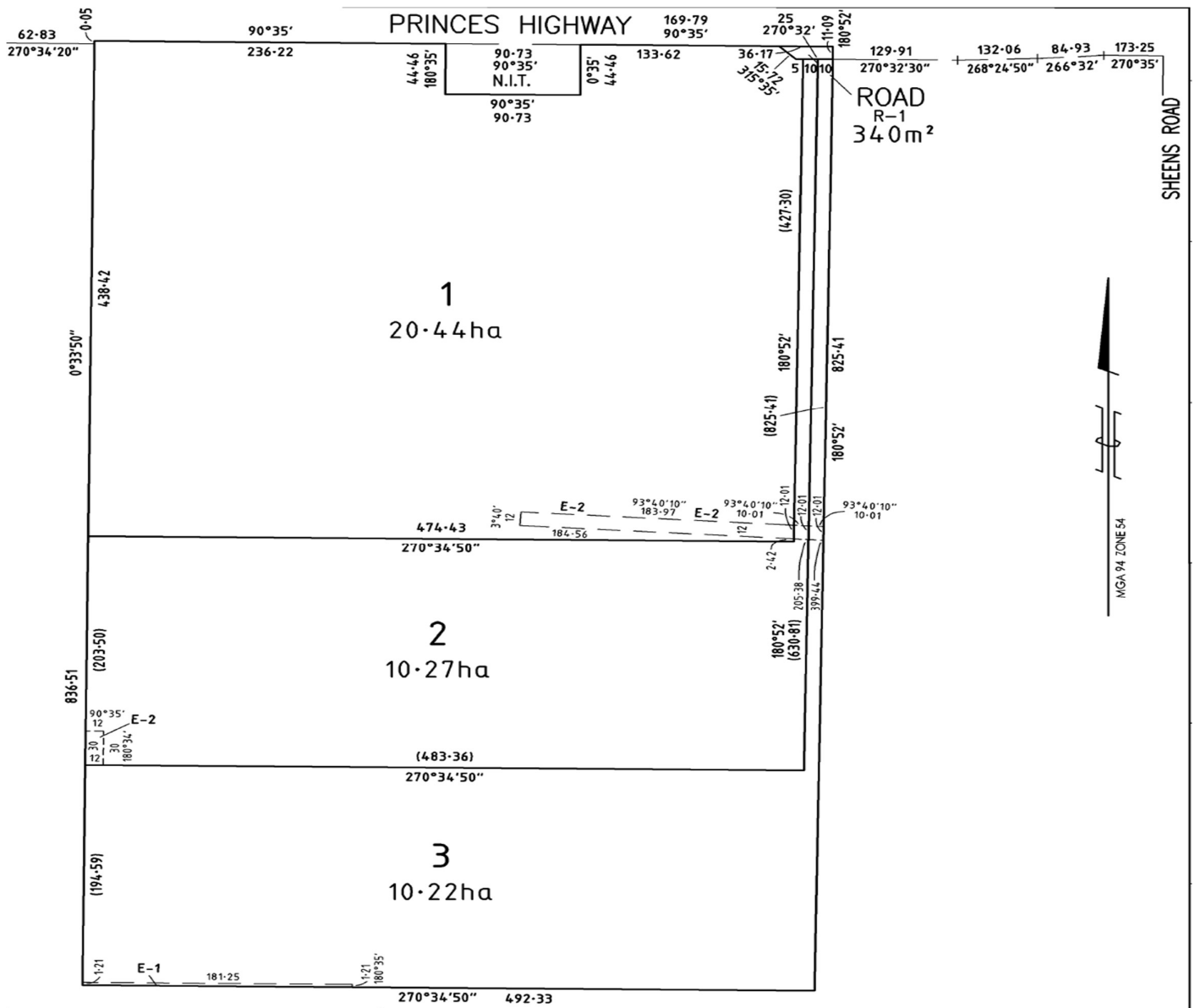
The existing 3 title configuration is:

Lot 1 - 20.44ha of grazing land with farm buildings- no dwellings.

Lot 2 - 10.27ha with 1 dwelling (dwelling 1) constructed pre the year 2000.

Lot 3 10.22ha with 2 dwellings (host farm accommodation and modern house dwelling 3).

Access to each lot is via individual separate accesses leading from Princes Highway.



**Proposed plan of subdivision**

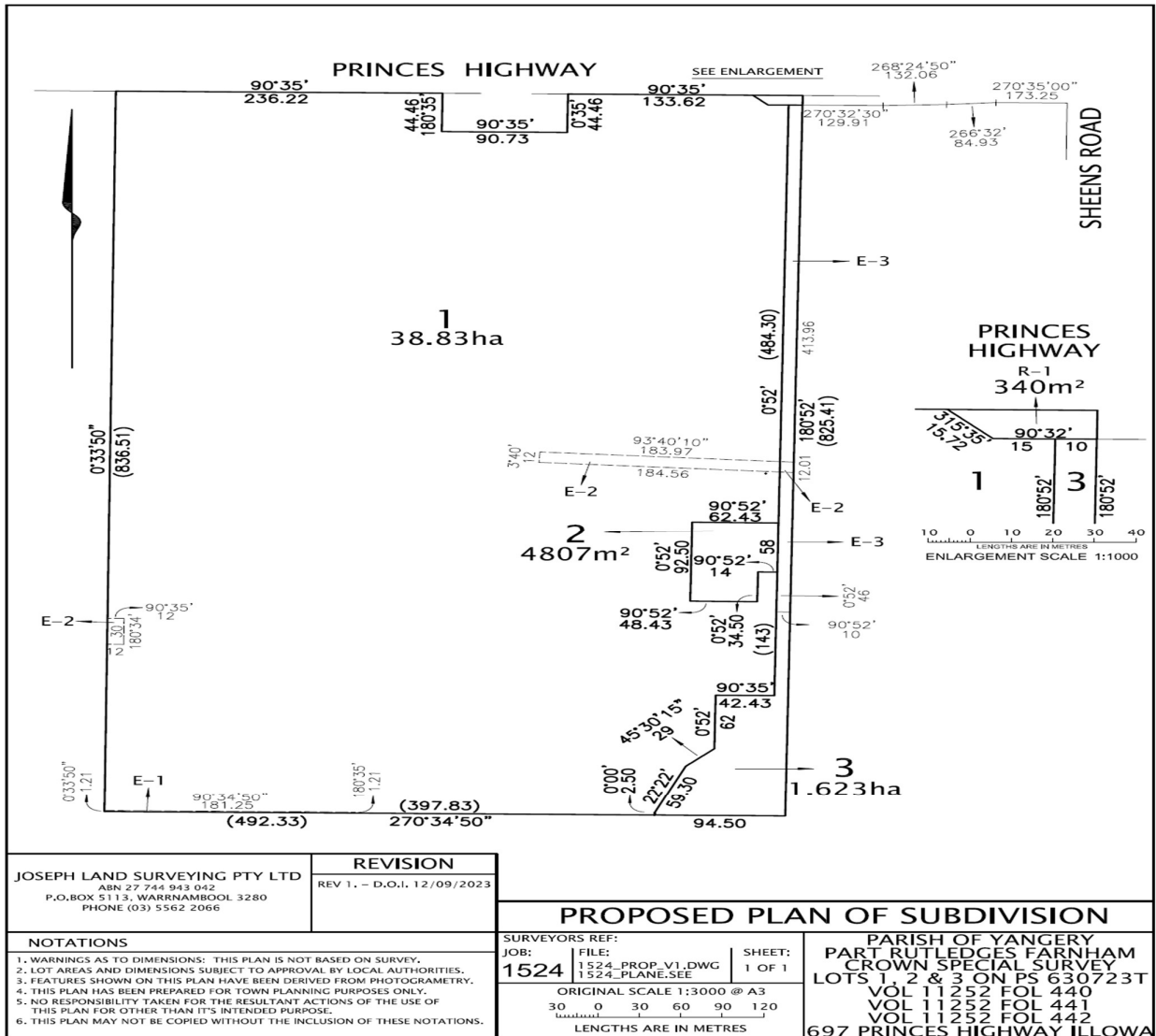
Lot 1 – 38.83ha consolidated arable/grazing land and all farm sheds. No dwellings

Lot 2 – 4,807sqm (0.4807ha) with 1 dwelling (dwelling 1) constructed pre the year 2000.

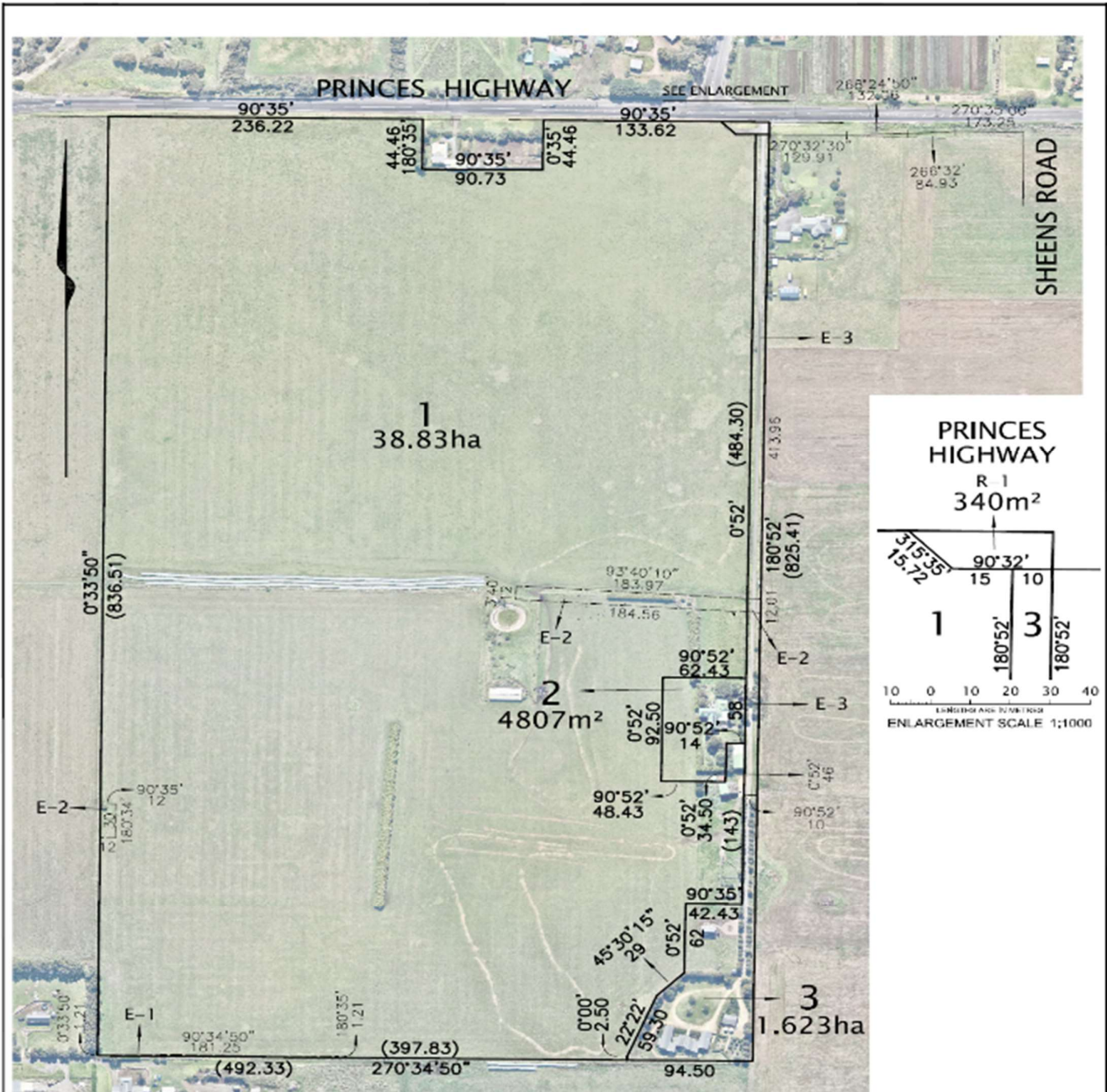
Lot 3 – 1.623ha with 2 dwellings (modern house dwelling 3 and host farm accommodation).

Access to each lot is via a private road with direct access from Princes Highway. The access road will be owned by proposed lot 3 with rights of way granted for lots 2 and 3.

The shape of each dwelling lot is intended to contain the septic tank and domestic related infrastructure within the proposed boundaries for each lot with a dwelling, and to retain all farm buildings on the large agricultural lot (lot 1). The space around the dwellings is considered reasonable to provide a sufficient buffer setback from farming activities and to provide a reasonable level of open space and amenity for the occupants of the dwellings.



Plotted plan



JOSEPH LAND SURVEYING PTY LTD ABN 27 744 943 042 P.O.BOX 5113, WARRNAMBOOL 3280 PHONE (03) 5562 2066	<b>REVISION</b>
	REV 1. - D.O.I. 12/09/2023

<b>NOTATIONS</b>
1. WARNINGS AS TO DIMENSIONS. THIS PLAN IS NOT BASED ON SURVEY. 2. LOT AREAS AND DIMENSIONS SUBJECT TO APPROVAL BY LOCAL AUTHORITIES. 3. FEATURES SHOWN ON THIS PLAN HAVE BEEN DERIVED FROM PHOTOGRAMMETRY. 4. THIS PLAN HAS BEEN PREPARED FOR TOWN PLANNING PURPOSES ONLY. 5. NO RESPONSIBILITY TAKEN FOR THE RESULTANT ACTIONS OF THE USE OF THIS PLAN FOR OTHER THAN ITS INTENDED PURPOSE. 6. THIS PLAN MAY NOT BE COPIED WITHOUT THE INCLUSION OF THESE NOTATIONS.

<b>PROPOSED PLAN OF SUBDIVISION</b>		
SURVEYORS REF:		
JOB:	FILE:	SHEET:
1524	1524_PROP_V1.DWG 1524_PLANE.SEE	1 OF 1
ORIGINAL SCALE 1:3000 @ A3		
LENGTHS ARE IN METRES		

**PARISH OF YANGERY**  
**PART RUTLEDGES FARNHAM**  
**CROWN SPECIAL SURVEY**  
**LOTS 1, 2 & 3 ON PS 630723T**  
 VOL 11252 FOL 440  
 VOL 11252 FOL 441  
 VOL 11252 FOL 442  
**697 PRINCES HIGHWAY ILLOWA**

### **3. SITE ANALYSIS**

The subject site is situated on the south side of Princess Highway, almost equidistant between Port Fairy (to the west) and (Warrnambool to the east), approximately 15km from each.

Entrance to the site is on the crest of the hill approaching Tower Hill from the Warrnambool direction with the entrance almost opposite Lakeview Road.

The subject site has 3 titles which have a combined area of 40.93ha with arable/grazing land a dwelling on Lot 2, and 2 dwellings on Lot 3.

Each dwelling has a septic tank for waste water and 70,000l capacity rainwater tanks for potable water for lot 2 and 80,000l capacity rainwater tanks for lot 3. Mains electricity is connected to each dwelling.

There are a number of easements registered on title as shown on the title plan, none of which are considered to be affected by the proposal.

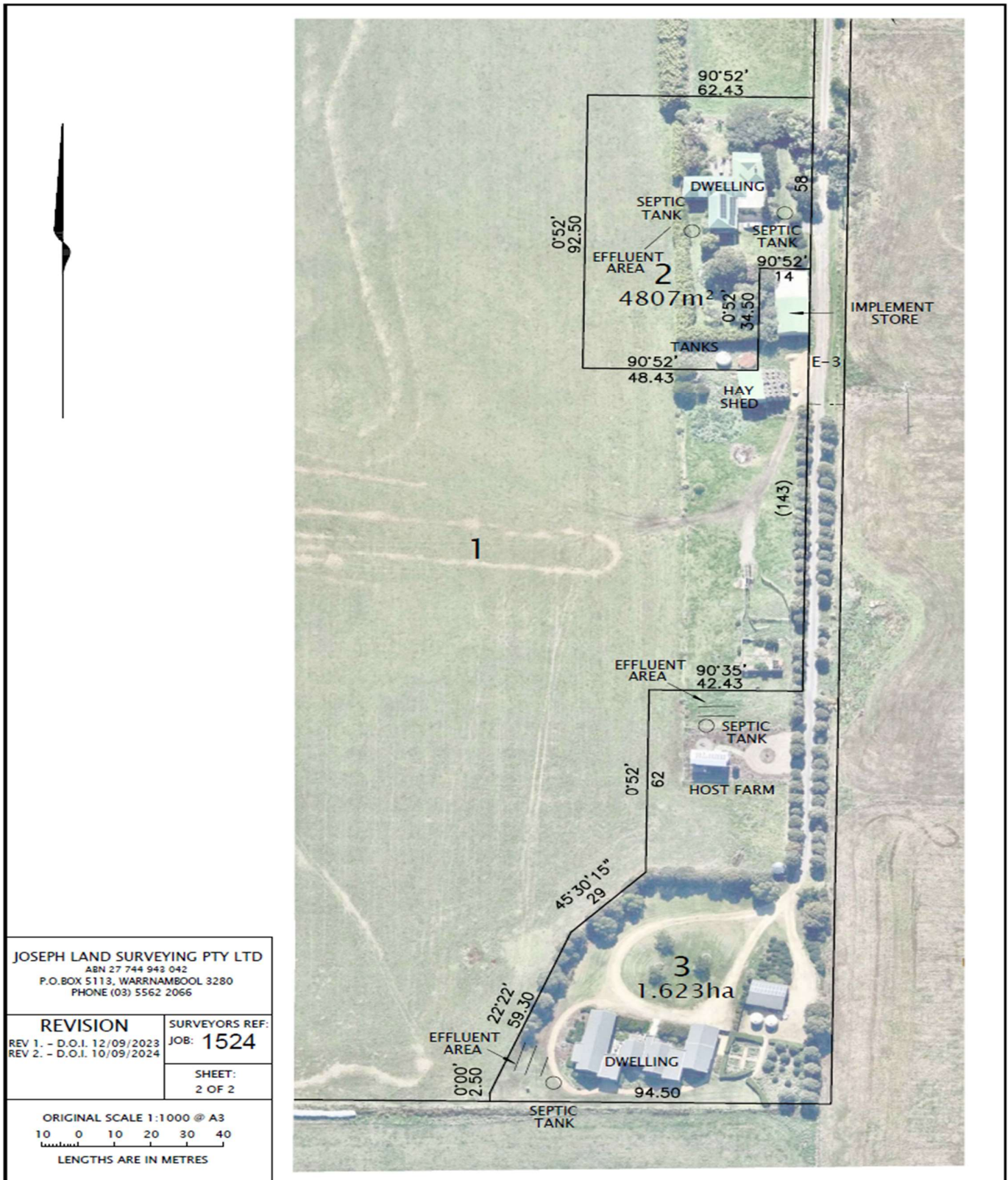
The land is used for dairy farming and has been predominantly cleared and grazed since the 1960's. Agricultural buildings include a hay shed, machinery shed and general farm building with associated agricultural facilities. It is proposed to include all agricultural related buildings and infrastructure in proposed Lot 1.

There is an all-weather private access road leading from Princes Highway to each lot.

The site is surrounded by farmland with well-spaced dwellings interspersed with farmland used for mixed grazing and arable farmland with Tower Hill wildlife reserve opposite to the north and mixed farming and the southern ocean to the south.

Aerial view below showing the 3 dwellings and site features.

Aerial view below showing the location of the 3 dwellings and features



**Entrance from Princes Highway looking West**



**Proposed Lot 1 – comprising land to be consolidated - looking north towards Princes Highway**





**Proposed Lot 1 - looking south**



**Machinery shed on proposed Lot 1**



**Hay shed on proposed Lot 1**



**Dwelling 1 - on proposed Lot 2**



Dwelling 1 on proposed Lot 2



**Dwelling 2 on proposed Lot 3 (used as accommodation - Host farm)**



**Dwelling 3 (modern house) on proposed Lot 3**



## 4. PLANNING CONTROLS

### Zone

Farming Zone (FZ) - Lot 1



Farming Zone (FZ) – Lot 2

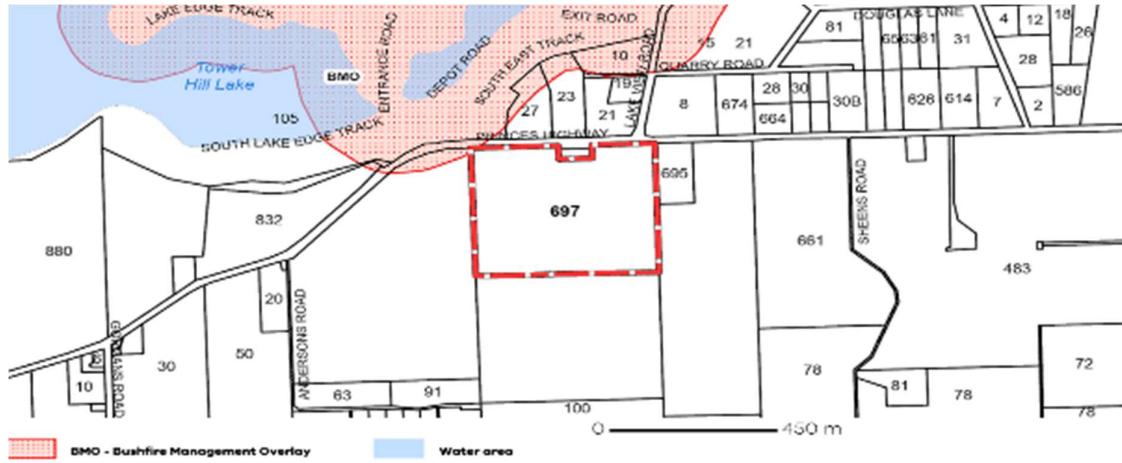


Farming Zone (FZ) - Lot 3



## Overlays

Bushfire Management Overlay (BMO) applies to part of lot 1 only



Significant Landscape Overlay Schedule 6 (SLO6) - Lot 1



Significant Landscape Overlay Schedule 6 (SLO6) - Lot 2



## Significant Landscape Overlay Schedule 6 (SLO6) -Lot 3



### Other

The entire site is situated within a Designated Bushfire Prone Area.

### Permit requirements

A permit is required under the Farming Zone at Clause **35.07-3** to subdivide land.

A permit is technically required under the BMO pursuant to **Clause 44.06-2** to subdivide land as it clips the corner of proposed Lot 1 but does not affect proposed Lots 2 and 3.

No permit is required under the SLO6 pursuant to **Clause 42.03-2** to subdivide land and there is no significant vegetation for removal including associated with any new boundary fencing.

### 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 any of the following apply:*

- The subdivision is to create a lot for an existing dwelling. The subdivision must be a two lot subdivision.*
- The subdivision is the re-subdivision of existing lots and the number of lots is not increased.*



- *The subdivision is by a public authority or utility service provider to create a lot for a utility installation.*

*A permit cannot be granted which would allow a separate lot to be created for land containing a small second dwelling.*

## **5. PLANNING ASSESSMENT**

### **Clause 35.07 Farming Zone**

#### **Purpose**

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

*To provide for the use of land for agriculture.*

*To encourage the retention of productive agricultural land.*

*To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*

*To encourage the retention of employment and population to support rural communities. To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

*To provide for the use and development of land for the specific purposes identified in a schedule to this zone.*

### **Clause 35.07-6**

#### **Decision guidelines**

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

*General issues The Municipal Planning Strategy and the Planning Policy Framework.*

*Any Regional Catchment Strategy and associated plan applying to the land.*

*The capability of the land to accommodate the proposed use or development, including the disposal of effluent.*

*How the use or development relates to sustainable land management.*

*Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.*

*How the use and development makes use of existing infrastructure and services.*

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

*Whether the use or development will support and enhance agricultural production.*

*Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.*

*The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.*

*The capacity of the site to sustain the agricultural use.*

*The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.*

*Any integrated land management plan prepared for the site.*

*Whether Rural worker accommodation is necessary having regard to:*

*The nature and scale of the agricultural use.*

*The accessibility to residential areas and existing accommodation, and the remoteness of the location. The duration of the use of the land for Rural worker accommodation.*

### **Accommodation issues**

*Whether the dwelling will result in the loss or fragmentation of productive agricultural land.*

*Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.*

*Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.*

*The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.*

*The potential for accommodation to be adversely affected by noise and shadow flicker impacts if it is located within one kilometre from the nearest title boundary of land subject to:*

*A permit for a wind energy facility; or*

*An application for a permit for a wind energy facility; or*

*An incorporated document approving a wind energy facility; or*

*A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the Environment Effects Act 1978.*

*The potential for accommodation to be adversely affected by vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority*

*has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.*

### **Environmental issues**

*The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.*

*The impact of the use or development on the flora and fauna on the site and its surrounds.*

*The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.*

*The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.*

### **Design and siting issues**

*The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.*

*The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.*

*The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.*

*The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.*

*Whether the use and development will require traffic management measures.*

*The need to locate and design buildings used for accommodation to avoid or reduce noise and shadow flicker impacts from the operation of a wind energy facility if it is located within one kilometre from the nearest title boundary of land subject to:*

*A permit for a wind energy facility; or*

*An application for a permit for a wind energy facility; or*

*An incorporated document approving a wind energy facility; or*

*A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the Environment Effects Act 1978.*

*The need to locate and design buildings used for accommodation to avoid or reduce the impact from vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title*

*boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.*

## **ASSESSMENT**

The proposal is consistent with the purpose of the Farming Zone as it re subdivides 3 under sized parcels of land (10 ha and 20ha) which are compromised for agriculture, into 1 larger allotment and groups all farm buildings and related farm infrastructure to create a more viable farming allotment.

The existing titles containing the 3 dwellings, are substantially reduced in size to apportion the viable farm land into the main farming paddock reducing the area around the dwellings for the benefit of agriculture.

This is considered more in keeping with the purpose of the zone and local and state planning policies to minimise the impacts of dwellings on agricultural productivity.

The re subdivision of boundaries enables the 3 existing dwellings which are not dependent on agriculture to be excised from the larger landholding. By reducing the extent of land around each dwelling site, this reduces the size of land associated with non-agricultural activity which is seen as an overall positive outcome in protecting the agricultural productivity of the land, whilst retaining an adequate buffer for the dwellings to protect amenity of residents and to provide sufficient open space commensurate with a rural dwelling site.

The new larger farm allotment is also increased from 20ha to 38ha to provide a more viable portion of land whilst not creating an “as of right” parcel for the use of a dwelling as the minimum lot size under the zone is 40ha. Any future planning application for a dwelling on this site will require a planning permit for use.

The dwelling sites will be self-sustaining in terms of access and existing infrastructure with the boundary configurations intended to contain the respective services and septic tanks and rainwater tanks, garaging etc.

The physical access arrangements remain the same with the private road to be “owned” by lot 3, with lots 1 and 2 having rights of access.

There is no significant vegetation required for removal associated with any alterations to boundary fencing.

The design and siting aspect is not relevant as there is no development as part of the application.

There are no existing wind turbines within 1km nor are any proposed as far as the applicant is aware.

## **Clause 44.06**

### **BUSHFIRE MANAGEMENT OVERLAY**

#### **Purpose**

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

*To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*

*To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*

*To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*

#### **44.06-8**

#### **Decision guidelines**

*Before deciding on an application, in addition to the decision guidelines in Clause 53.02 and Clause 65, the responsible authority must consider, as appropriate:*

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *Any other matters specified in a schedule to this overlay.*

### **ASSESSMENT**

An assessment is technically required as the curtilage of the overlay clips the top of lot 1 but does not impact the remainder of the land. There are no buildings or new lots created affected by the overlay therefore no increased fire risk as a result.

### **MPS ASSESSMENT**

#### **Clause 02.03-4**

#### **Natural resource management**

##### **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.*

*The Belfast Rural area (also known as the Killarney Area) between Rosebrook and the Tower Hill State Game Reserve comprises high quality fertile volcanic soils that have traditionally been the focus for potato farming. The area is characterised by a large number of small land holdings that are predominantly managed as conglomerations.*

*Sustainable timber production and the development of timber industries to process product are supported where they are undertaken with minimal adverse impacts.*

## **ASSESSMENT**

The proposed subdivision allows for enhanced agricultural activity to continue on the land as the farm will continue to be operated for dairy farming and will be of an increased capacity to remain viable in its own right.

Removing the already compromised land holdings around the dwellings is seen as a positive measure to improve the productivity and viability of the farm and to reduce the opportunity and potential impacts of non-agricultural activity on the retained farming land.

### **Clause 02.03-7**

#### **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.*

## **ASSESSMENT**

The intent of the Clause to sustain an agricultural use and to manage urban growth.

The proposal does not compromise this intent as the dwelling sites have been formulated to enable the land on proposed Lot 1 to be viable for agriculture in its own right and to adequately service the excised dwellings and associated infrastructure.

It is noted that Council undertook a Rural Housing and Settlement Strategy as part of amendment C70 which provides a framework and direction for Council to manage rural living land use pressures. In the context of this proposal, the Strategy considered new and existing dwellings on small lots within the FZ. As the dwellings are existing on small undersized lots, there is no additional fragmentation of agricultural land or resultant loss of agricultural land. On the contrary, the proposal seeks to redress fragmentation by creating a larger farming parcel and collocates the farm buildings into the larger parcel. The proposal is considered to be supported by the strategy.

If the proposal is approved, it does not necessarily lead to a proliferation of dwellings in the farming zone as any future dwelling applications if made, would require a planning permit for use which would be assessed at the time.

## **PPF ASSESSMENT**

### **Clause 13.02**

#### **BUSHFIRE**

##### **13.02-1S**

#### **Bushfire planning**

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

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

#### **Objective**

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

## **ASSESSMENT**

The Bushfire Management Overlay only clips the top of proposed lot 1 and does not realistically impact upon the proposal. The subject land is within an area designated as “Bushfire Prone” which is considered a lesser risk. The proposed subdivision does not increase the bushfire risk as there are no works proposed and all dwelling sites are already created and have existing road frontage, good visibility and accessibility and adequate water for firefighting.

**Clause 14.01-1L**  
**Agricultural production**

**Policy application**

*This policy applies to land in the Farming Zone and Rural Living Zone.*

**Strategies**

*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.*

**Policy guidelines**

Consider as relevant:

- *Ensuring lots subdivided to excise an existing dwelling have a maximum size of 2 hectares.*
- *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.*
- *Ensuring dwellings excised under the provisions of Clause 35.07-3 are in a habitable condition and comply with the Building Code of Australia.*
- *Creating the smaller lot in a manner that potential or existing dwellings will not restrict surrounding agricultural activities.*
- *Discouraging the excision of dwellings that did not exist at the date of approval of this scheme (6 January 2000).*

**ASSESSMENT**

The proposal is consistent with the objectives outlined under the Clause as it does not seek to remove productive farmland. There are no increased land use conflicts as the dwellings are existing.

On site impacts such as waterways, ridgelines are not affected as there is no development associated with the application.

- The dwelling sites are less than 2ha.
- Farming will continue on the balance lot (Lot 1).
- The dwellings are not required to operate the farm.
- The dwellings are in very good condition.
- The dwellings have road access and all-weather access leading from Princes Highway.



- The configuration of the proposed subdivision enables viable agricultural production on the balance lot and does not create land use conflicts.
- The dwelling sites are sufficiently buffered to restrict land use conflicts from the farming land and can be further screened to minimise amenity impacts from farming.
- The dwelling on proposed lot 2 was constructed before 2000.

Additionally, in assessing the proposal against the above Clause, the prevailing pattern of subdivision and situation also is not fully consistent with the Moyne Shire Planning Scheme. The application has been conceived with the intent of addressing what is considered a poor planning outcome as it stands today, but also in the hope that the outcome can be improved as well as being in line with my clients' aspirations for their farm.

As long standing farmers who intend to continue farming this land, and other land in the area, the key purpose of the application is land consolidation to enable it to be continued to be operated as a more viable farming enterprise rather than be further fragmented into lifestyle allotments.

In detail,

The subject land (existing titles) extends to 40.93ha and comprises 3 titles.

Lot 1 - 20.44ha undeveloped arable/grazing land.

Lot 2 - 10.27ha with dwelling constructed pre the year 2000. Images provided.

Lot 3 - 10.22ha with 2 dwellings, constructed post the year 2000, collocated onto 1 title.

The minimum lot size is 40 ha. Clearly from an agricultural perspective this land is compromised for agriculture given that the land has already been subdivided into 3 parcels below the minimum lot size and has 3 dwellings on the collective holding of 40.93 ha.

By collocating the dwellings into a cluster, it essentially ring fences the residential use. The principal farm house and accommodation property are amalgamated onto 1 smaller title leaving the balance of the 10 ha to be aggregated with the balance lot.

The diagram below shows the proximity of each dwelling and a 300m hypothetical buffer distance for example from "agricultural land" in accordance with general principles of Agriculture Victoria's separation distances- refer to plan overleaf.

It is therefore suggested that the resubdivision of land does not increase the influence of these dwellings on agriculture over and above what is already there.

There is an area in the west of the site outside the 300m radius which by consolidating this title has benefit.

The older dwelling on proposed lot 2 is proposed to be excised as it meets the dwelling excision strategy of being pre 2000 and is not required to continue the farming operation. Refer below 300m radius from existing dwellings.



#### 14.01-15

#### Protection of agricultural land

*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.*

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

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

## **ASSESSMENT**

As discussed in this report, no land is being removed from production; in fact, the opposite is occurring. Land is being consolidated into a more viable agricultural parcel.

Existing dwellings can be further screened by additional vegetation to minimise amenity impacts from farming activities.

The proposal is considered to be supported by the Clause to the *re-structure of inappropriate subdivisions where they exist on productive agricultural land.*

### **14.01-2S**

#### **Sustainable agricultural land use**

##### **Objective**

*To encourage sustainable agricultural land use.*

##### **Strategies**

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

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

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

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

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

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

*Facilitate ongoing productivity and investment in high value agriculture.*

## **ASSESSMENT**

The landholding is a genuine and long standing farming enterprise. The proposal is seeking to reinforce that commitment by improving the viability of the farming land by consolidating what is realistically “amenity land” around each dwelling into a viable agricultural parcel increased from 20 to 38 ha.

### **14.01-2L**

#### **Lifestyle Farming**

Applies to land in Farming Zone Schedule 3 (not the subject site).

#### **Clause 65.02**

### **APPROVAL OF AN APPLICATION TO SUBDIVIDE LAND**

*Before deciding on an application to subdivide land, the responsible authority must also consider, as appropriate:*

- *The suitability of the land for subdivision.*
- *The existing use and possible future development of the land and nearby land.*
- *The availability of subdivided land in the locality, and the need for the creation of further lots.*
- *The effect of development on the use or development of other land which has a common means of drainage.*
- *The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.*
- *The density of the proposed development.*
- *The area and dimensions of each lot in the subdivision.*
- *The layout of roads having regard to their function and relationship to existing roads.*
- *The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.*
- *The provision and location of reserves for public open space and other community facilities.*
- *The staging of the subdivision.*
- *The design and siting of buildings having regard to safety and the risk of spread of fire.*
- *The provision of off-street parking.*
- *The provision and location of common property.*
- *The functions of any body corporate.*
- *The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.*
- *If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.*

- *Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.*
- *The impact the development will have on the current and future development and operation of the transport system.*

*This clause does not apply to a VicSmart application.*

## **ASSESSMENT**

The application meets the decision guidelines of Clause 65 as the land is suitable for subdivision, improves agricultural potential and does not affect surrounding land uses or the amenity of the area. The proposal is considered to represent orderly planning.

## **6. CONCLUSION**

The intention of the application is twofold.

1. To excise the older dwelling (on proposed lot 2- photos provided) as it is no longer needed to operate the farm.
2. To consolidate the balance of the farming land on the 3 titles into a larger more productive parcel of 38ha.

The current landholding is a genuine and long standing farming enterprise which forms part of a larger landholding in the immediate area. The proposal is seeking to reinforce that commitment by improving the viability of the farming land by consolidating what is realistically “amenity land” around each dwelling into a viable agricultural parcel increased from 20 to 38 ha.

The landowners will continue to live in the house at the end of the lane and operate the farm and the accommodation property.

All dwellings can be further screened by additional plantings to further reduce any potential farming related impacts.

On balance the proposed re subdivision is considered to meet the requirements of the Farming Zone as it does not involve development or lead to fragmentation of farmland, in fact it is considered to be an enhancement to the current situation.

If the proposal is approved, there is no proliferation of dwellings in the Farming Zone as any future dwelling application would require a planning permit for use which would be assessed on its merits.

The proposal has been assessed against the provisions of the Farming Zone, relevant overlays MPS and PPF together with Clause 65 and found to meet the required objectives and Clauses, it is therefore respectfully requested a permit be issued.