



## Application for a Planning Permit

Lodgement Date: **30 June 2022**  
 Application Number: **PLA0158/22**  
 Lodgement Method: **Online**  
 Original Permit Number: **Not Applicable**

- ◆ Original Permit Number only relates to Amendment Applications
- ◆ All information in this form was submitted by the Applicant at the time of Lodgement.

### The Land

Property Address\* **140 Mckenzie Road NEERIM EAST VIC 3831**  
 Land Legal Description\* **V 9352 F 517 Lot 4 PS 129092 Neerim Parish**  
 Other Related Property  
 Other Related Land

### The Proposal

Category\* **Subdivision of 2 Lots**  
 Proposal\* **Two lot subdivision to create a lot for an existing dwelling in the Farming Zone.**  
 Estimated Cost\* **\$0.00**

### Application Information

Pre-Application Meeting\* **No**  
 Existing Land Use\* **Agriculture**  
 Encumbrances on Title\* **No**

### Applicant and Owner Details

#### Applicant Details\*

Surname/Company: **Associated Town  
 Planning  
 Consultants**

First Name:

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Postal Address: [Redacted]

Mobile Phone: [Redacted] Home Phone: [Redacted]

Work Phone: [Redacted] Email Address: [Redacted]

Agent/Contact Details

Surname/Company: Associated Town Planning Consultants

First Name: [Redacted]

Postal Address: [Redacted]

Mobile Phone: [Redacted] Home Phone: [Redacted]

Work Phone: [Redacted] Email Address: [Redacted]

Owner Details\*

Surname/Company: [Redacted] First Name: [Redacted]

Attachment Details

- Title (DOC-22-88205)
- mckenziroad140 Town Planning Report (DOC-22-88206)
- Proposed Subdivision Layout (DOC-22-88207)
- Proposed Subdivision Layout[1] (DOC-22-88208)

Applicant Declaration

I understand and declare that:

- I am the Applicant;
- all information provided within this application is true and correct; and
- the property/land owner (if not myself) has been notified of the application.

I agree to the declaration terms\*

Yes

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These third parties generally include, but are not limited to:  
Transport Infrastructure Agencies such as VicRoads and VLine  
Energy/Utilities Providers  
Catchment Management Authorities and Water Corporations

The specific referral bodies will be dependent on factors such as the proposed activities and the location of the applicable property. Applicants are encouraged to familiarise themselves with potential referral bodies. Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review of the application as part of a planning process specified in the Planning and Environment Act 1987.

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**REGISTER SEARCH STATEMENT (Title Search) Transfer of  
Land Act 1958**

Page 1 of 1

VOLUME 09352 FOLIO 517

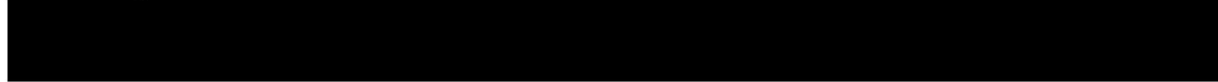
Security no : 124098651639L  
Produced 29/06/2022 02:59 PM

**LAND DESCRIPTION**

Lot 4 on Plan of Subdivision 129092.  
PARENT TITLE Volume 03429 Folio 670  
Created by instrument H550326 06/06/1979

**REGISTERED PROPRIETOR**

Estate Fee Simple  
Sole Proprietor



**ENCUMBRANCES, CAVEATS AND NOTICES**

MORTGAGE AH939003B 10/05/2011  
COMMONWEALTH BANK OF AUSTRALIA

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan or imaged folio set out under DIAGRAM LOCATION below.

**DIAGRAM LOCATION**

SEE LP129092 FOR FURTHER DETAILS AND BOUNDARIES

**ACTIVITY IN THE LAST 125 DAYS**

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 140 MCKENZIE ROAD NEERIM EAST VIC 3831

**ADMINISTRATIVE NOTICES**

NIL

eCT Control 15940N COMMONWEALTH BANK OF AUSTRALIA  
Effective from 23/10/2016

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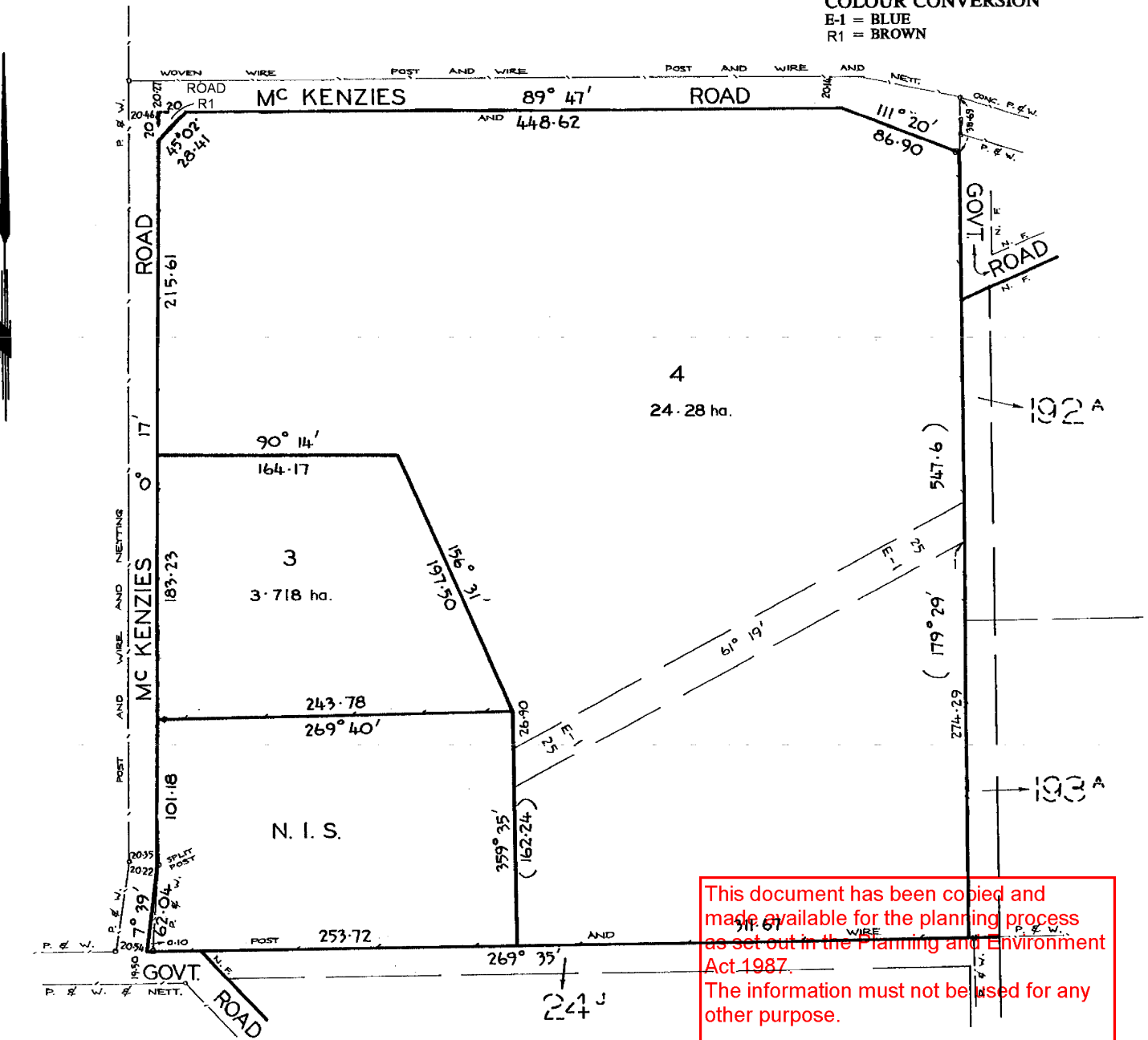
Advertised

LP129092P  
EDITION 1  
APPROVED 15/11/79

PLAN OF SUBDIVISION OF PART OF CROWN ALLOTMENT 23 <sup>B</sup> PARISH OF NEERIM COUNTY OF BULN BULN	ENCUMBRANCES	NOTATIONS
	BLUE: EASEMENT TO STATE ELECTRICITY COMMISSION OF VICTORIA VIDE N° 1930101	FOR REFERENCE MARKS SEE FIELDNOTES DEPTH LIMITATION: 15.24m
	APPROPRIATIONS	
	BROWN - WAY & DRAINAGE	

Measurements are in Feet & Inches  
Conversion Factor  
FEET X 0.3048 = METRES

COLOUR CONVERSION  
E-1 = BLUE  
R1 = BROWN

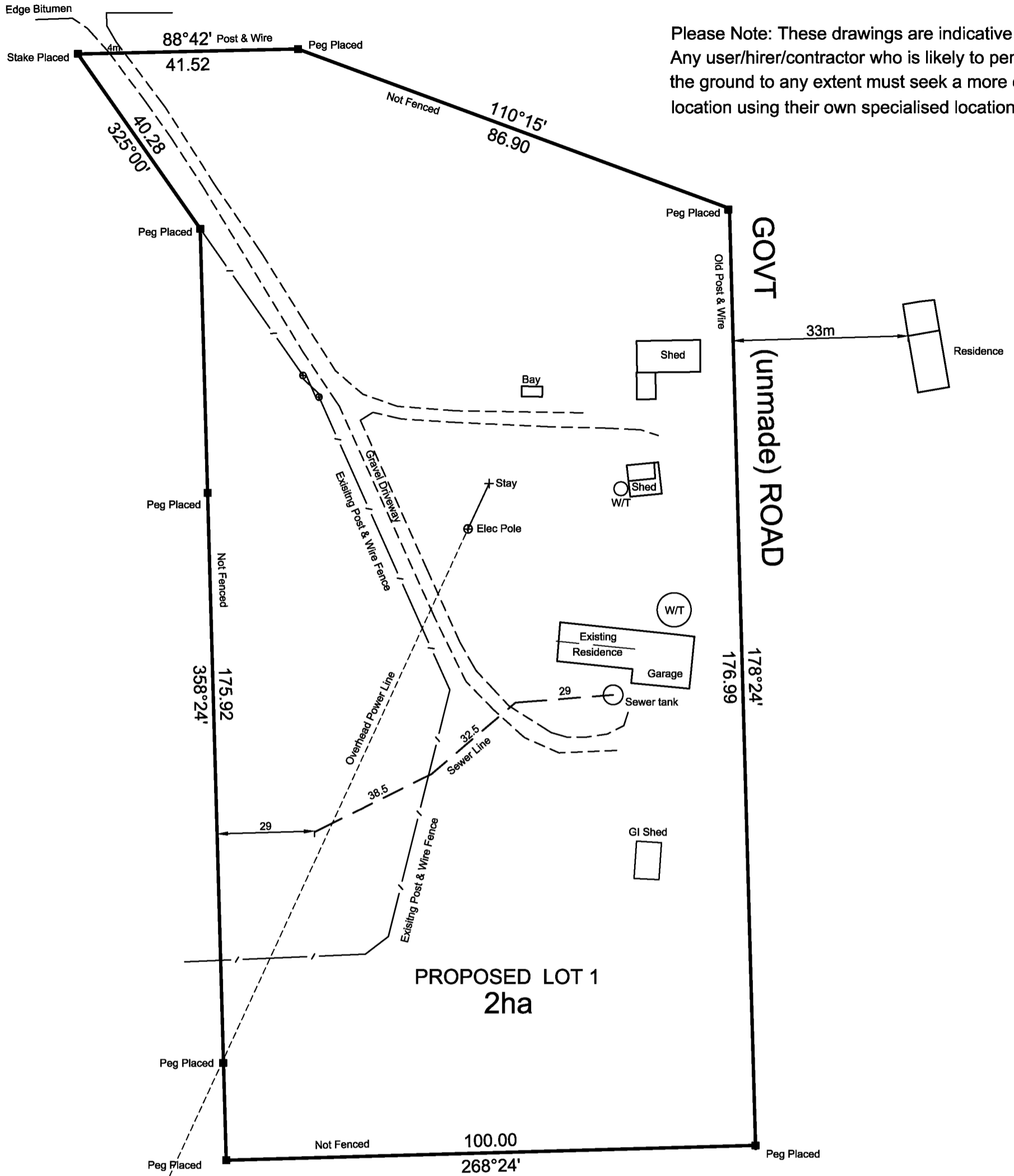


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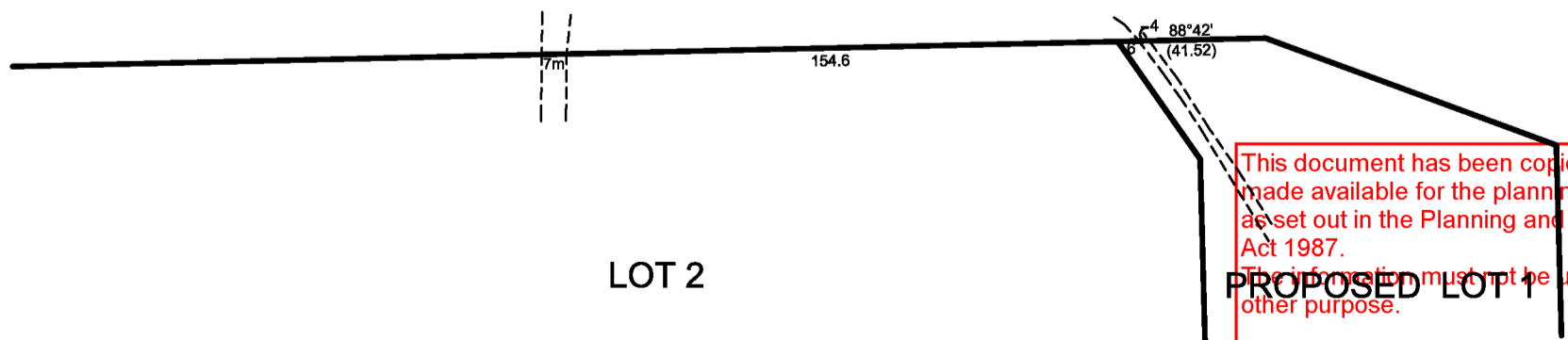
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Page 6 of 31

Please Note: These drawings are indicative only. Any user/hirer/contractor who is likely to penetrate the ground to any extent must seek a more detailed location using their own specialised location services.



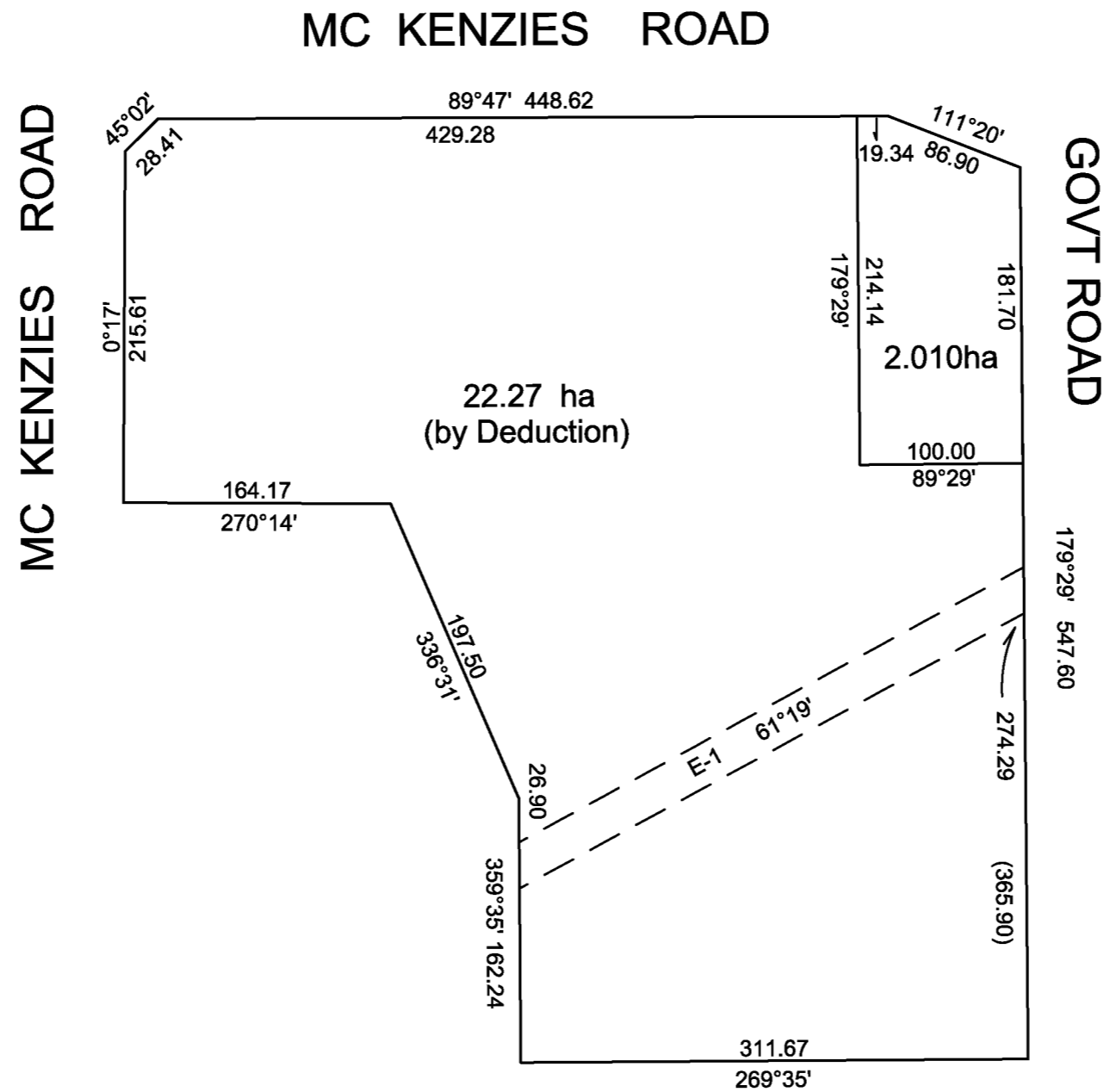
DETAILS OF ACCESS INTO PROPOSED LOTS



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Page 7 of 31

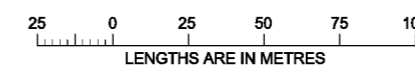


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ARIE CAFE & ASSOCIATES  
LICENSED SURVEYORS

SCALE  
1:2500



ORIGINAL SHEET  
SIZE: A3

SHEET 2

VER 2

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# Associated Town Planning Consultants

## Proposed Two-Lot Subdivision

140 McKenzie Road

Neerim East

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134

Page 9 of 31

## TABLE OF CONTENTS

<b>1</b>	<b>INTRODUCTION</b>	<b>3</b>
	1.1 Introduction	3
<b>2</b>	<b>The Site</b>	<b>4</b>
<b>3</b>	<b>Images of the Subject Site</b>	<b>6</b>
<b>4</b>	<b>The Locality</b>	<b>12</b>
<b>5</b>	<b>The Proposed Subdivision</b>	<b>14</b>
<b>6</b>	<b>The Planning Controls</b>	<b>15</b>
	6.1 Zoning	15
	6.2 Clause 35.07-3 Subdivision	15
	6.3 Clause 35.07-6 Decision guidelines	16
	6.4 Development Contributions Overlay	18
	6.5 General Provisions	18
<b>7</b>	<b>Aboriginal Cultural Heritage</b>	<b>19</b>
<b>8</b>	<b>Municipal Planning Strategy</b>	<b>20</b>
	8.1 Clause 02 Strategic Directions	20
<b>9</b>	<b>Planning Policy Framework</b>	<b>21</b>
	9.1 Clause 14.01-1S Protection of Agricultural Land	21
	9.2 Clause 14.01-1L Dwellings and Subdivisions in Rural Areas	21
<b>10</b>	<b>In Support of the Proposal</b>	<b>23</b>

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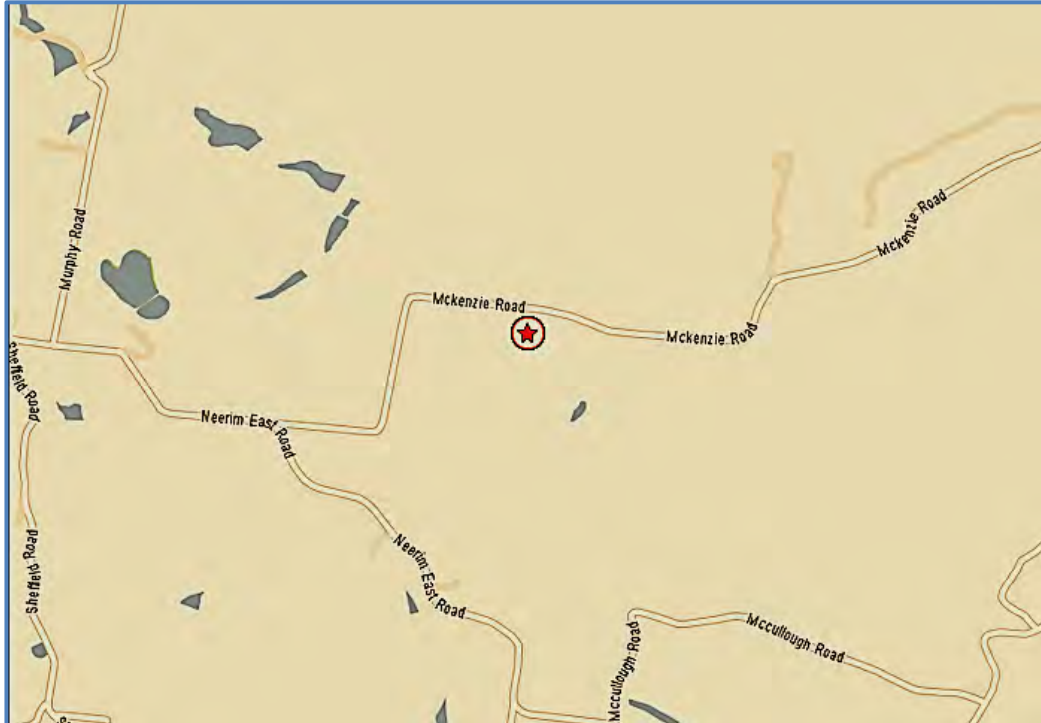
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# 1 INTRODUCTION

## 1.1 Introduction

It is proposed to subdivide the existing property into two titles. The property is located on the southern side of McKenzie Road, Neerim East.



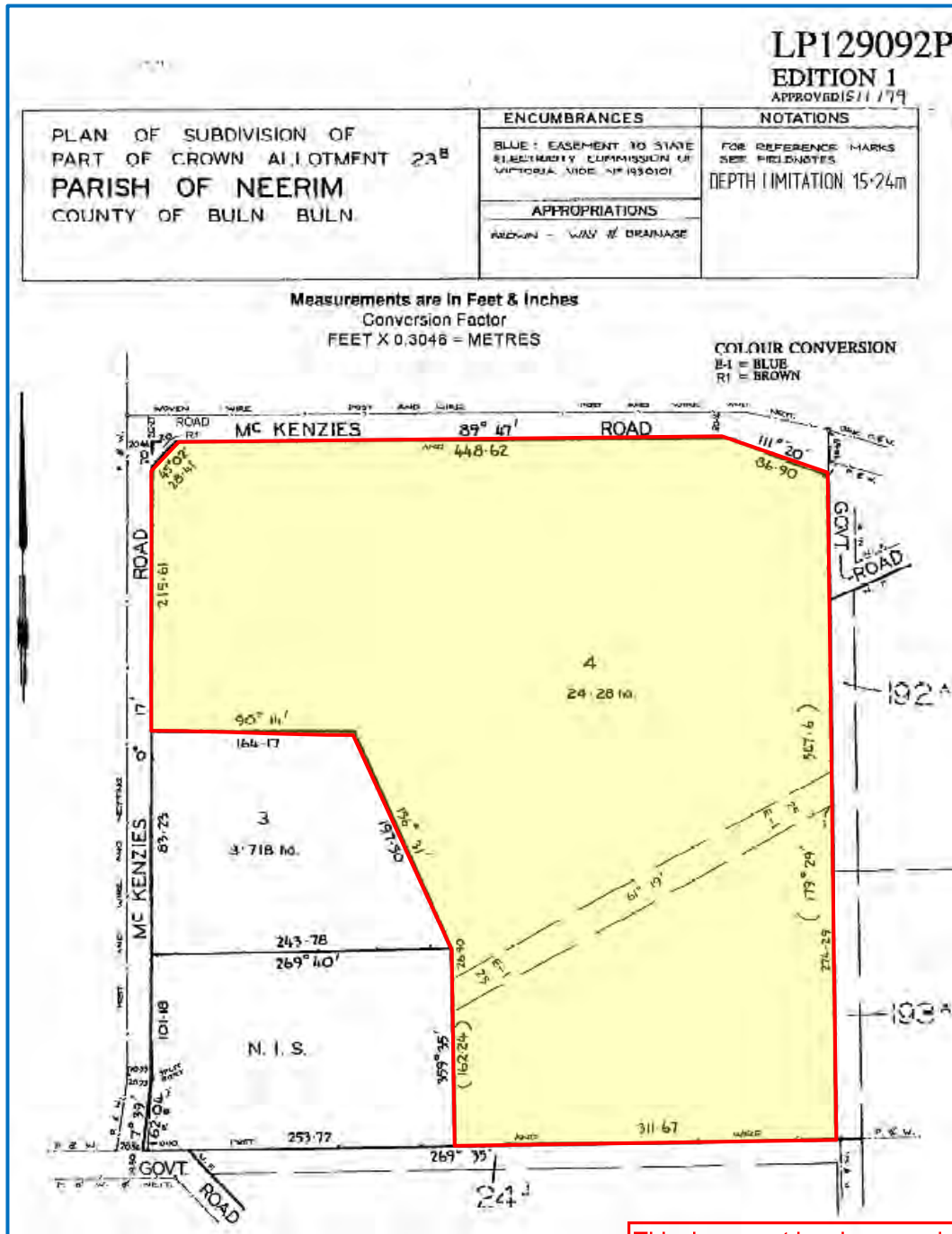
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2

**THE SITE**

The subject land is Lot 4 on Plan of Subdivision 129092, Certificate of Title: Volume 09352, Folio 517. It is a large irregularly shaped allotment comprising **24.28ha** with an extensive frontage to McKenzie Road along its northern alignment and also on its western alignment.



The property is a productive farm which is divided into a number of paddocks and contains a dwelling and a cherry orchard in the north-east part of the site adjacent to the eastern boundary with vehicular access off McKenzie Road.

Two secondary access points off McKenzie Road to the west of the main dwelling access provide vehicular access into the farm proper and the stockyards located off McKenzie Road. The property is developed with significant farm infrastructure including impounding channels, water troughs, and dam in the south-eastern area of the property.

There is a permanent spring and dams on the property south of the existing dwelling. The spring is the headwaters of Frenchman Creek which runs

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The aerial image shows the subject land



### 3 IMAGES OF THE SUBJECT SITE



View easterly along McKenzie Road past the westerly most access into the subject property



View to the westernmost access into the Subject Property and the existing stockyards

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View easterly along McKenzie Road past an existing access into the Subject Property



View from McKenzie Road to the central access into the Subject Property

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View easterly along McKenzie Road to the main access into the Subject Property



View to the main access into the Subject Property

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View to the main access driveway into the Subject Property



View from the access driveway to the established Cherry Orchard

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View south-easterly from the main driveway to the existing farm buildings and dwelling



View north-easterly from the main driveway to the existing farm buildings and dwelling

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View to the existing dwelling on the Subject Property



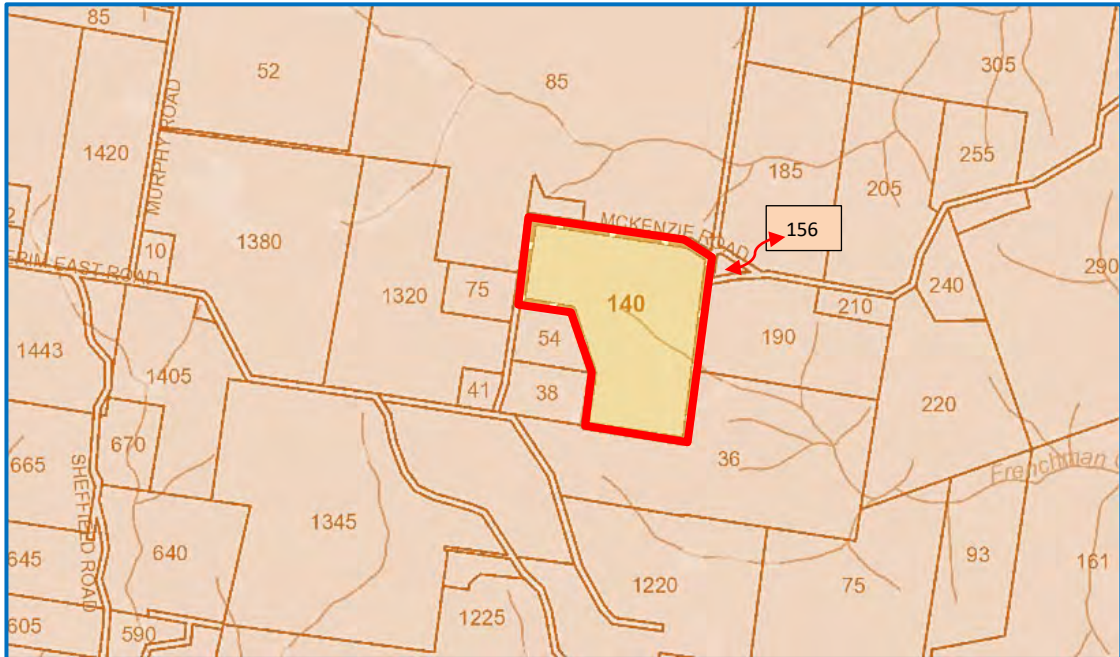
View northerly along the main driveway past the Cherry Orchard towards McKenzie Road

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**4 THE LOCALITY**

The map shows the subject land in the context of neighbouring lots.



The immediate locality comprises properties of varying sizes including:

1320 Neerim East Road	25.4ha	
41 McKenzie Road	1.37ha	
36 McKenzie Road	33.82ha	adjoins the subject land to the south and east
38 McKenzie Road	4.08ha	adjoins the subject land to the west
54 McKenzie Road	3.63ha	adjoins the subject land to the west
75 McKenzie Road	3.27ha	
85 McKenzie Road	92.03ha	
95 McKenzie Road	1.12ha	
185 McKenzie Road	19.84ha	
156 McKenzie Road	0.408ha	adjoins the subject land to the east
190 McKenzie Road	15.46ha	adjoins the subject land to the east
205 McKenzie Road	17.06ha	
255 McKenzie Road	6.81ha	
210 McKenzie Road	1.89ha	
220 McKenzie Road	20.62ha	
240 McKenzie Road	4.06ha	
260 McKenzie Road	1.68ha	
290 McKenzie Road	63.38ha	

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Properties in the immediate locality which have been the subject of a two-lot subdivision to create an allotment for an existing dwelling are listed below:

**1452 Neerim East Road**

A two lot subdivision of this property created Lot 1 and Lot 2 on PS637003.

Lot 2 (1452 Neerim East Road) comprises 4.05ha.

Lot 1 (1430 Neerim East Road) comprises 0.56ha.

**1405 Neerim East Road**

A two lot subdivision of this property created Lot 1 and Lot 2 on PS121755.

Lot 2 (1405 Neerim East Road) comprises 16.06ha.

Lot 1 (670 Sheffield Road) comprises 4.56ha

**1380 Neerim East Road**

A two lot subdivision of this property created Lot 1 and Lot 2 on PS432295.

Lot 2 (1380 Neerim East Road) comprises 35.17ha.

Lot 1 (10 Murphy Road) comprises 1.5ha.

**1320 Neerim Road East**

A two lot subdivision of this property created Lot 1 and Lot 2 on PS719263.

Lot 1 (1320 Neerim Road East) comprises 25.4ha.

Lot 2 (75 McKenzie Road) comprises 3.27ha.

**1225 Neerim Road East**

A two lot subdivision of this property created Lot 1 and Lot 2 on PS624793.

Lot 1 PS624793 (1245 Neerim Road East) comprises 1.69ha.

Lot 2 PS624793 (1225 Neerim Road East) comprises 49.05ha.

**1155 Neerim East Road**

A two lot subdivision of this property created Lot 1 and Lot 2 on PS344565.

Lot 1 (1155 Neerim East Road) comprises 1.89ha.

Lot 2 comprises 39.34ha.

**210 McKenzie Road**

A two lot re-subdivision of this property created Lot 1 and Lot 2 PS741172.

Lot 1 (190 McKenzie Road) comprises 15.46ha.

Lot 2 (210 McKenzie Road) comprises 1.89ha.

**260 McKenzie Road and 290 McKenzie Road**

A two lot subdivision of this property created Lot 1 and Lot 2 PS500307

Lot 1 (260 McKenzie Road) comprises 1.68ha

Lot 2 (290 McKenzie Road) comprises 63.38ha.

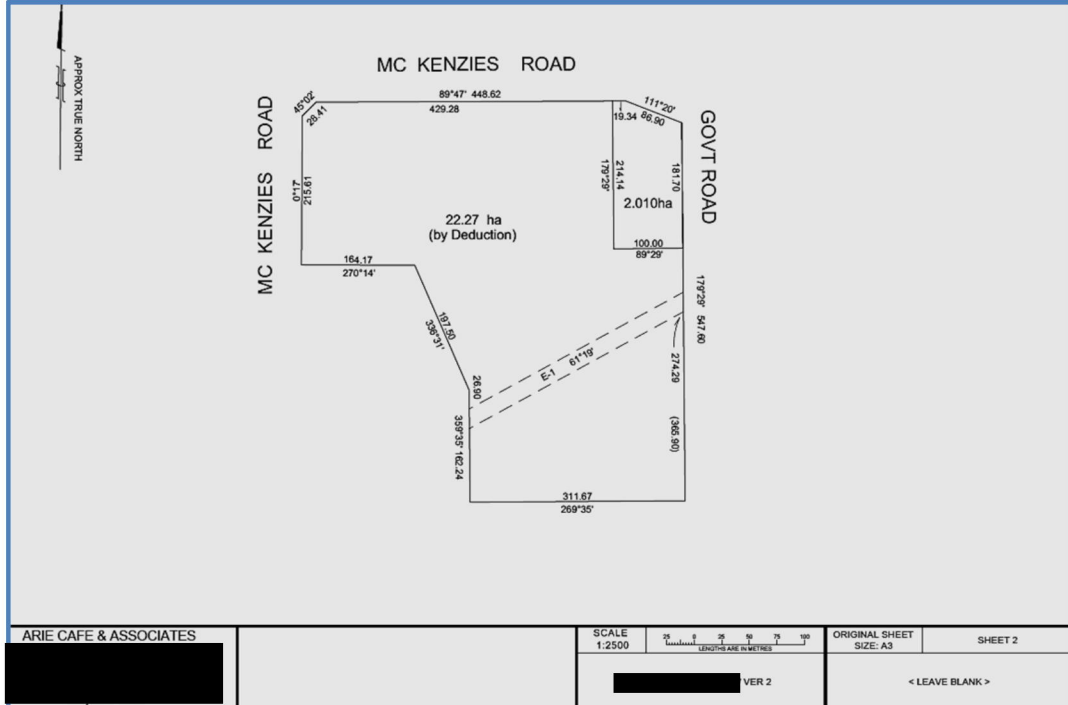
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## 5 THE PROPOSED SUBDIVISION

It is proposed to subdivide the existing title into two lots with one lot to contain the existing dwelling and Cherry Orchard. The allotment to contain the existing dwelling and Cherry Orchard will comprise 2.01ha; the larger balance lot will be approximately 22.27ha and will continue to be operated as a productive farm.



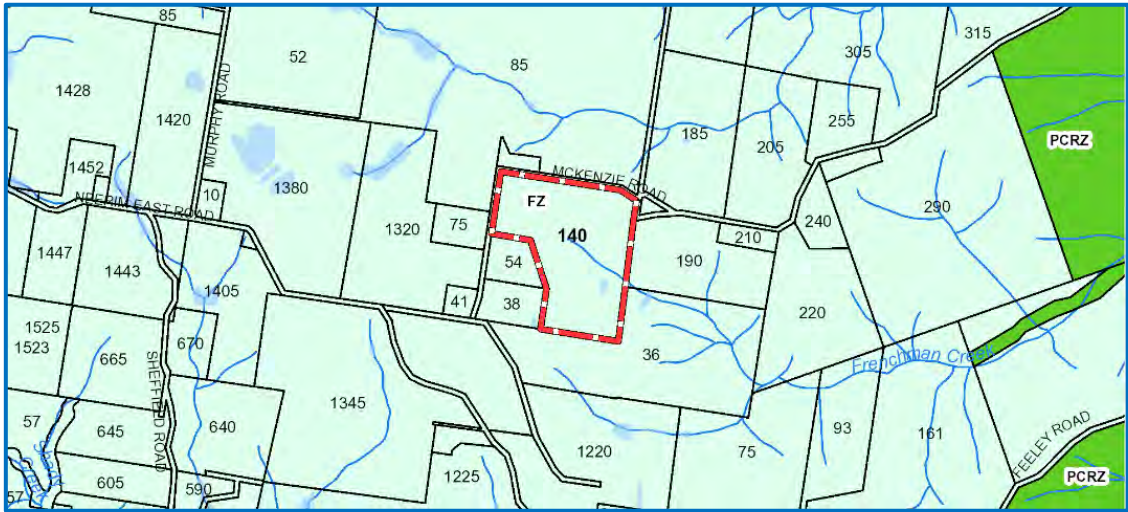
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## 6 THE PLANNING CONTROLS

### 6.1 Zoning

The subject land is within a **Farming Zone - Baw Baw Planning Scheme**.



The purpose of the zone is

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

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

*To encourage the retention of productive agricultural land.*

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

*To encourage the retention of employment and population to support rural communities.*

*To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

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

### 6.2 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.

The Schedule to the Zone specifies a minimum lot size of 40 hectare.

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.

**Comment:**

The proposed subdivision is a two lot subdivision which will create a lot for an existing dwelling.

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### 6.3 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:

#### 6.3.1 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 make use of existing infrastructure and services.*

#### Comment:

The proposed subdivision seeks to create a lot for an existing dwelling. Both lots will continue to be used for agriculture. The subdivision does not 'change anything on the ground' and will not impact the character of the area.

#### 6.3.2 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.

#### Comment:

The land will continue to be used for agricultural activity. The smaller lot with the dwelling will maintain the cherry orchard and the larger farm will continue to be productively operated and managed as a grazing and breeding operation.

#### 6.3.3 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

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- 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.

**Comment:**

The proposed subdivision does not result in the fragmentation or loss of productive agricultural land. The proposal does not seek approval for an additional dwelling.

**6.3.4**

**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.

**Comment:**

The proposed subdivision does not impact this decision guideline.

**6.3.5**

**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.

**Comment:**

The proposed subdivision does not impact this decision guideline.

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## 6.4 Development Contributions Overlay

### Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework. To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.

### Development contributions plan

A permit must not be granted to subdivide land, construct a building or construct or carry out works until a development contributions plan has been incorporated into this scheme.

### Response

The subject land is within Area 48 of the incorporated development contributions plan. The levy applies per dwelling. No new dwelling is proposed.

## 6.5 General Provisions

### 6.5.1 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.

### Response:

The property is a long-standing productive farm which has been in the same ownership for the past twenty years. The owners live on the property and run the farming activity. The subdivision will create a 2ha lot for the existing dwelling and the productive cherry tree orchard. The larger lot will continue to be operated as a productive grazing and breeding property.

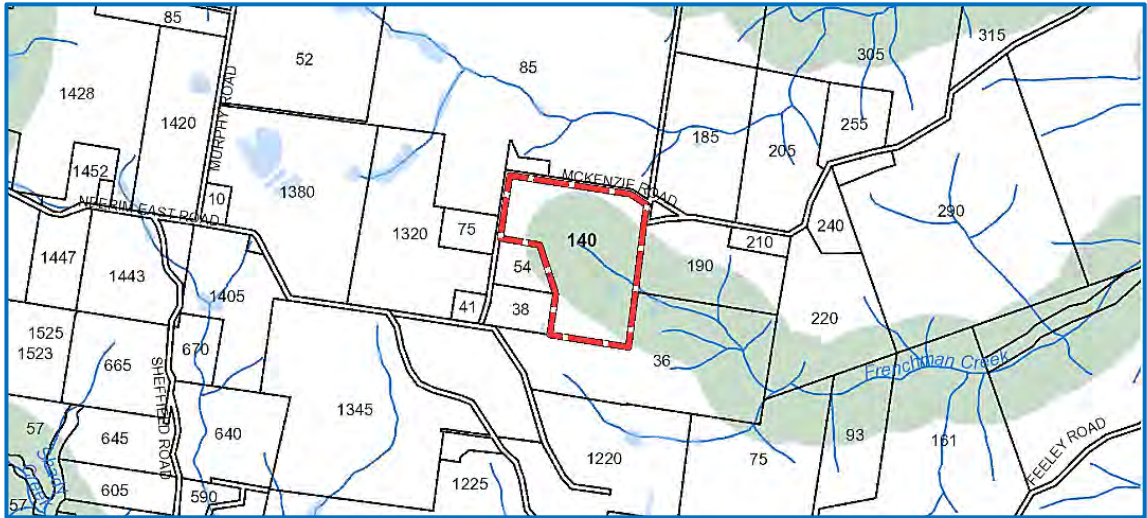
The site is connected to electricity and manages effluent treatment, drainage and water harvesting on site.

The subdivision does not impact native vegetation and has no impact on the operation of the transport system.

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## 7 ABORIGINAL CULTURAL HERITAGE

The subject land is within an area of Aboriginal Cultural Heritage Sensitivity.



The proposed subdivision **is not** a high impact activity.

Accordingly, a Cultural Heritage Management Plan is **not required**.

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## 8 MUNICIPAL PLANNING STRATEGY

### 8.1 Clause 02 Strategic Directions

#### 8.1.1 Clause 02.03-3 Natural Resource Management

Most rural land in Baw Baw is highly suitable for both intensive horticultural and broadacre pasture based farming due to its fertile soils, high rainfall, temperate climate, varied topography and proximity to markets.

The majority of the Shire's agricultural land can therefore support a wide range of agricultural enterprises to a high production level. Areas of particularly high quality land are located around Ellinbank, Yarragon, Trafalgar, Neerim South, Noojee, Thorpdale, and Allambee.

The current rural lot pattern in the Shire has resulted from the subdivision of Crown Allotments in the late 1800s and more recent post war subdivisions. A more intensive lot pattern is evident in the area around Warragul (16 hectares) while a more expansive lot pattern is evident elsewhere with minimum lot areas of 50 and 60 hectares.

While dwellings in rural areas have been integral to the development of Baw Baw as a farming area, there have been increasing pressures for subdivision and residential development for rural lifestyle rather than for farming purposes. These increasing pressures have the potential to impact on agricultural land use particularly broadacre farming such as dairying and its contribution to the economy. The increasing number of dwellings in rural areas is also altering the rural landscape of Baw Baw.

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The **strategic directions** for 'Natural Resource Management' planning in Baw Baw include:

- Maintain the integrity of the land resource and its protection from unplanned urban and residential encroachment.
- Protect and develop the Shire's resources relating to dairying, horticulture, grazing, timber production, tourism and high quality water.
- Support the coal, sand and timber industries subject to protecting the rural environment and landscape.
- Protect agricultural uses by minimising land use conflicts between agricultural and sensitive uses.
- Restrict dwellings and small lots that would result in the loss of productive agricultural land or that prejudice agricultural production.
- Encourage the consolidation and restructuring of existing fragmented agricultural landholdings.

#### **Response**

The proposed subdivision does not diminish the productive agricultural activity of the land and does not prejudice the existing agricultural production.

The smaller lot is created to contain the existing dwelling and the established cherry orchard. The larger lot is used for grazing and will continue to be used as a productive grazing / breeding property.

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## 9 PLANNING POLICY FRAMEWORK

### 9.1 Clause 14.01-1S Protection of Agricultural Land

#### 9.1.1 Objective

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

#### 9.1.2 Strategies

- Identify areas of productive agricultural land, including land for primary production and intensive agriculture.
- Consider state, regional and local, issues and characteristics when assessing agricultural quality and productivity.
- Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.
- Protect productive farmland that is of strategic significance in the local or regional context.
- Protect productive agricultural land from unplanned loss due to permanent changes in land use.
- Prevent inappropriately dispersed urban activities in rural areas.
- Protect strategically important agricultural and primary production land from incompatible uses.
- 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.
- 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.

#### **Response**

The proposed subdivision does not diminish the long term productive capacity of the land. The cherry tree orchard with its 120 established trees is retained on the smaller lot with the existing dwelling. The larger lot will continue to be farmed and managed by the current owners.

### 9.2 Clause 14.01-1L Dwellings and Subdivisions in Rural Areas

#### 9.2.1 Objectives

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

To provide guidance for development of dwellings that are integral to the substantial commercial farming or tourism use of the land.

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### 9.2.2 **Strategies** include

- Discourage the development of a dwelling on land that is used for small-scale grazing animal production unless there are special management requirements relating to the grazing of stock.
- Discourage the development of a dwelling unless it is required for a commercial farming purpose or for an approved tourism business to the satisfaction of the Responsible Authority.
- Discourage dwellings on lots where wastewater cannot be retained and treated within the lot.
- Limit the area associated with a dwelling and ancillary buildings and facilities so that the area for agriculture or rural purposes is maximised.
- Discourage the development of dwellings close to a neighbouring dwelling or a farming activity node such as; stockyards, dairy shed or effluent treatment ponds.

#### **Response**

As discussed above, the proposed subdivision does not diminish the long term productive capacity of the land. The existing cherry orchard with its 120 established trees is retained on the smaller lot with the existing dwelling. The larger lot will continue to be farmed and managed by the current owners. The application does not seek to establish a dwelling on the larger lot.

### 9.2.3 **Subdivision strategies**

- Discourage small lot subdivisions including dwelling excisions that may result in adverse amenity impacts or result in potential for further subdivision or dwellings.
- Discourage subdivision that would result in fragmentation of a large farm holding, or abandonment of primary production on most of the land.
- Discourage the subdivision of lots originally established for the purpose of rail, road or a reserve unless it involves consolidation of land with the adjoining rural property.
- Retain the potential for large scale, broadacre farming by encouraging the retention of large lots.
- Discourage re-subdivision within a land holding, that comprises of more than one lot, where it would increase the overall development potential of the land.
- Ensure that any building used as the basis for the creation of a small lot for an existing dwelling, satisfies the definition of a dwelling in the planning scheme, has existing use rights as a dwelling and is in a habitable condition.

### 9.2.4 **Policy guidelines**

#### Consider as relevant:

Discouraging the excision of a dwelling from a lot of less than 40 hectares unless either:

- The remaining lots within the land holding and same ownership are consolidated.
- The purpose of the subdivision is to make the residual lot available only for agricultural production and the applicant agrees to enter into an agreement under Section 173 of the Act to prohibit a dwelling on the residual lot.

#### **Response**

The subdivision does not fragment the farm holding nor will it lead to abandonment of primary production on most of the land. The purpose of the subdivision is to create a lot for the existing dwelling in which the current owners have resided since they purchased the property twenty years ago.

The larger residual lot will be available for agricultural production and will continue to be farmed and managed by the current owners. The application does not seek to establish a dwelling on the larger lot.

The owner can enter into a Section 173 Agreement as suggested, and agree that the Council considers it warranted.

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## 10 IN SUPPORT OF THE PROPOSAL

The Farming Zone makes express provision for subdivision to create an allotment for an existing dwelling.

The Municipal Planning Strategy acknowledges the importance of protecting agricultural land use and broadacre farming and its contribution to the rural landscape. The proposed subdivision will not result in the loss of productive agricultural land and does not impact the landscape

The Planning Policy Framework similarly has the express aim of protecting the State's agricultural base by preserving productive farmland, and Clause 14.01-1L expresses the local policy perspective and has the objective of ensuring subdivision – including creation of small lots for existing dwellings - minimises the loss of productive agricultural land and does not prejudice activities associated with agricultural production.

The proposed subdivision is a positive response to these expressed policy emphases as it seeks to create a 2ha allotment to accommodate the existing dwelling and cherry orchard while the larger 22.27ha residual lot will continue to be actively managed and operated by the existing owners as a productive grazing and breeding property.

The proposal does not diminish productive agricultural land; does not fragment productive agricultural land; and does not impact the existing rural farming landscape.

Accordingly, the proposal warrants Council support.



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