

## 21.03 SETTLEMENT

14/12/2017  
C77

This clause provides local content to support clause 11 (Settlement) and clause 16 (Housing).

### 21.03-1 Key issues

14/12/2017  
C77

The key planning issues and challenges relating to settlement include:

- Facilitating the orderly development of towns and settlements
- Facilitating the development of a diverse range of housing options for the existing and future population
- Facilitating the sustainable development of small town and settlements
- Controlling future development of housing in rural areas to ensure that it is responsive to a demonstrated need and will not prejudice the long-term sustainability of farming

An overview of these issues and challenges are described below.

### 21.03-2 Orderly development of towns and settlements

14/12/2017  
C77

#### Overview

Moira Shire is a predominantly rural municipality. Moira has four principal towns (Cobram, Yarrawonga, Numurkah and Nathalia) and a number of smaller towns and settlements that support the rural and lifestyle activities of residents. New residential development is particularly encouraged in these towns so as to attract and support expanding populations that will, in turn, stimulate the economic and social development of these centres.

To guide this development Council has completed the following strategic projects to guide the orderly development of its urban areas:

- Yarrawonga Strategy Plan 2004
- Cobram 2025 Strategy Plan 2007
- Numurkah Strategy Plan 2010
- Nathalia Strategy Plan 2010
- Moira Small Towns and Settlements Strategy Plan 2013

The *Bathumi, Youanmite and Marungi Restructure Plan Report 2008* has restructured areas to provide for the sustainable development of these areas.

Council seeks to consolidate residential uses in towns and in surrounding identified rural lifestyle areas, where there is no adverse impact on rural activities.

The *Yarrawonga to Bathumi Future Land Use Strategy 2002* guides development at the western end of the Yarrawonga-Bundalong corridor to ensure future development does not impact adversely on Lake Mulwala and the Lower Ovens River.

#### Objective 1

To promote the orderly development of urban areas.

#### Strategies

- Strategy 1.1 Ensuring development is consistent with adopted and incorporated strategy plans and town framework plans.
- Strategy 1.2 Encourage the consolidation of residential development in existing urban centres.
- Strategy 1.3 Avoid inappropriate encroachment of residential and rural residential development adjacent to rural areas not identified for urban expansion, and industrial areas.

**21.03-3 Housing diversity**14/12/2017  
C77**Overview**

The population of the Moira is aging. Increased options for housing this population will be required, particularly in the four large urban centres of Cobram, Yarrawonga, Numurkah and Nathalia where there is greater access to both physical and social services. Affordable housing needs to be provided within walking distance to facilities or transport to such facilities. Alternative forms of housing, such as medium density housing, will be required if objectives for affordability and accessibility are to be met. Diversity in housing options is important to maintain a diverse population mix. In particular, the provision of accommodation to suit the housing needs of young people will be vital to retaining a balanced population mix.

**Objective 1**

To provide a diverse range of housing options for the existing and future population.

**Strategies**

- Strategy 1.1 Promote a wide range of housing opportunities in urban areas that respond to the housing needs of the population through all stages of the lifecycle.
- Strategy 1.2 Promote alternative forms of supported housing such, as retirement and nursing homes, in existing urban centres with a high degree of accessibility to community and social infrastructure.
- Strategy 1.3 Support low density residential housing on land not required for conventional urban development.
- Strategy 1.4 Provide for lifestyle living opportunities on rural living land.

**21.03-4 Small towns and settlements**14/12/2017  
C77**Overview**

The *Moira Small Towns and Settlements Strategy Plan 2013* reviewed the capacity of all towns and settlements (excluding Cobram, Yarrawonga, Numurkah and Nathalia as key towns) to accommodate sustainable growth. These areas are important as a source of affordable housing providing over half of all dwellings, rural lifestyle opportunities and a sense of identity and individual character. The Strategy establishes a hierarchy classification as a town, village or hamlet based on growth capacity and infrastructure provision. Significant growth will be focused where infrastructure can support it.

Town	Village	Hamlet	Locality
Katamatite, Strathmerton, Tungamah, Wunghnu	Barmah, Bundalong, Katunga, Waaia, Yarroweyah	Bearii, Invergordon, Koonoomoo, Picola, St James	Burramine, Kaarimba, Kotupna, Lake Rowan, Lower Moira, Naring, Muckatah, Wilby, Yalca North

**Objective 1**

To facilitate the sustainable development of small towns and settlements.

**Strategies**

- Strategy 1.1 Consider the role and function of the settlement when considering future development and planning.
- Strategy 1.2 Guide growth to those settlements where the capacity to accommodate growth can be met and community services and facilities already exist.
- Strategy 1.3 Define a settlement by its settlement boundary.
- Strategy 1.4 Protect declared water supply catchments by guiding development to settlements where reticulated sewerage systems are available.

**21.03-5 Rural Activity Zone**14/12/2017  
C77**Overview**

The Rural Activity Zone applies to land east of Cobram and to areas east and west of Yarrawonga. The zone will build on existing tourism activities and take advantage of the natural attributes of the region including the Murray River and the agricultural landscapes and produce.

**Objective 1**

To encourage tourism uses directly related to primary production.

**Strategy**

- Strategy 1.1 Ensure that land is retained in parcels suitable for agriculture.
- Strategy 1.2 Avoid the proliferation of housing on small lots.
- Strategy 1.3 Encourage tourism uses that will not introduce conflict with agriculture.
- Strategy 1.4 Ensure that the siting of dwellings and other developments does not detract from the rural landscape and avoids environmental risks.
- Strategy 1.5 Prevent ribbon development along major highways and access roads to towns.

**Implementation**

The strategies in relation to development of the **Rural Activity Zone** will be implemented through the planning scheme by:

**Policy guidelines**

- Encouraging the following uses:
  - Agriculture;
  - Tourist and recreational activities;
  - Accommodation associated with tourist or recreational activities including Group accommodation, Backpackers' lodge, Camping and caravan park (including cabins) and Motel; and
  - Restaurant (but only in association with a tourist / recreational activity).
- Discouraging the following uses:
  - Convenience shop;
  - Equestrian supplies;
  - Motor racing track;
  - Hotel;
  - Landscape gardening supplies;
  - Store, Tavern and similar uses;
  - Intensive animal husbandry,
  - Cattle feedlot;
  - Residential hotel; and
  - Service station.
- Discouraging small lot subdivisions (other than those that promote farm consolidation) so as to avoid rural residential outcomes and non-agricultural neighbours.
- Discouraging dwellings not associated with or required for the agricultural or tourism use of the land.
- Requiring a landowner to enter into an agreement under Section 173 of the Act when considering a permit application for the construction of a dwelling to

prevent the further subdivision of the lot containing the dwelling, except for boundary realignments where there is no net increase in the number of lots and any lot containing a dwelling is at least 2 hectares in size.

#### **Decision guidelines**

When considering an application, and in addition to the decision guidelines in the Rural Activity Zone, the responsible authority will consider the following matters:

- The purpose statements outlined in the Schedule to the zone and policy guidance.
- Whether proposals are:
  - Of modest scale, that is relevant to the land size, surrounding uses and the ability to blend with the landscape.
  - Subservient to the landscape so as not to detract from the quality of the landscape.
  - Capable of no net loss net gain environmental outcomes.
  - Self-sufficient in the provision of relevant infrastructure and associated development costs.

When considering an application for a dwelling, and in addition to the decision guidelines in the Rural Activity Zone and those above, the responsible authority will consider the following matters:

- The relationship between the proposed dwelling and the agricultural activity on the land.
- Evidence, including an Integrated Land Management Plan or similar addressing the relationship between agricultural activities on the land and the proposed dwelling.
- The agricultural productive capacity or the agricultural potential of the land.
- The nature of the existing agricultural activity on the land and any new proposed agricultural activity at the land.
- The nature of the agricultural activities on the land and whether they require permanent and continuous care, supervision or security.
- The proposed siting of the dwelling and whether it minimises impacts on agricultural operations.
- The lot size, context and physical characteristics of the land.
- Whether the dwelling will result in a rural living or rural residential outcome in the area.
- Whether a condition is required that the landowner enter into an agreement under Sections 173 of the Act.

### **21.03-6 Housing and subdivision in rural areas**

14/12/2017  
C77

#### **Overview**

Housing in rural areas requires careful consideration to protect farming as the dominant activity in rural areas and as the major source of economic activity in the municipality. In particular, housing on small rural lots needs to be based on a demonstrated need and evidence that the dwelling will not prejudice the long-term sustainability of farming.

The process of farm consolidation is considered fundamental to the long term viability of the agricultural base. The fragmentation of existing farms is discouraged as it is inconsistent with the trend towards the consolidation of larger and more viable agricultural parcels. Fragmentation also leads to rural living opportunities which compromise farming purposes by increasing land prices and introducing residents with 'non-farming' amenity expectations. The existing supply of lots in the Farming Zone is considered sufficient to enable the incremental growth of farms.

Council acknowledges that there is a demand for rural living opportunities, however adequate land has been allocated to accommodate this demand. Unplanned rural living results in agricultural land being taken out of production. A rural dwelling will often be needed to properly farm the land, however new dwellings must be limited to those that genuinely relate to agricultural production.

It is increasingly evident that prospective agricultural investment is jeopardised, deterred, or completely lost by land uses and developments that have the potential to compromise the scale and location of such investment. In particular, agricultural investment is far less likely where land is already fragmented in ownership with housing dispersed throughout.

The *Regional Rural Land Use Strategy 2008* (RRLUS) identifies three categories of farming areas in Moira, Campaspe and Greater Shepparton and recommends different subdivision and minimum lot size provisions for dwellings for each category. The three categories are as follows.

**Growth areas** - being areas for growth and expansion of existing farm businesses and for new investment. Growth areas include those areas that have been retained in larger properties and provide the opportunity for large scale, standalone new agricultural development as well as for consolidation of existing farm properties wishing to grow. The RRLUS seeks to discourage the establishment of new dwellings and where possible encourage farm tenements and property boundaries to consolidate and enlarge in line with the trends in agriculture associated with productivity and viability. The minimum subdivision size in these areas has been set at 60 hectares and a dwelling needs a planning permit on all land less than 80 hectares in area.

**Consolidation areas** - being areas that support existing farm businesses to operate and expand. Consolidation areas typically include land with good soils and many of the former closer settlement areas, but their lot sizes are no longer reflective of current farm sizes. Consolidation areas are considered to provide opportunities for development of growing agricultural enterprises that can, over time, expand and consolidate through a process of property restructure. In this regard 'consolidation' includes the consolidation of land titles or the consolidation of farming enterprises through acquisition of non-contiguous land to increase farm size. The development of additional dwellings threatens expanding agricultural enterprises and accordingly, new dwellings within these areas are discouraged. The use of re-subdivision and excisions within consolidation areas will be considered in recognition that the excision of a dwelling from a farm can provide businesses an opportunity to consolidate property holdings based on the value of land for agriculture. The minimum subdivision size in these areas has also been set at 60 hectares and a dwelling needs a planning permit on all land less than 80 hectares in area.

**Niche areas** - being those areas with productive potential based on existing lot configuration and opportunities for smaller scale and specialized agriculture. Niche areas include those rural areas with productive potential due to soil type, property size or water access. The opportunity for properties within these areas to expand in response to general market trends is limited however due to land value and existing development as most lots are smaller with dwellings. Niche areas are productive farming areas and not rural living areas. Niche areas may involve activities such as spraying and frost fans. New dwellings within the niche area can be considered where associated with farm business activity. Given the existing size and lot configuration, it is envisaged that subdivision would rarely be required. The Niche area has yet to be applied in Moira.

The RRLUS discusses the conflict which arises when the expectations of the farmer and the rural lifestyle resident differ. It is acknowledged that direction is required to ensure that unplanned rural living is not displacing agriculture or preventing flexibility for farm businesses. In particular, existing minimum lot requirements that allow 'as of right' dwellings within the Farming Zone have been reviewed.

Important principles that have been applied in the rural areas are:

- The minimum subdivision size is always to be less than the minimum dwelling lot size in order to avoid expectations and perceptions that there will be an automatic entitlement to erect a dwelling on all newly created lots in the Farming Zone.

- Small lot subdivisions should not create any additional entitlements for a dwelling nor should they create an opportunity for a dwelling without a planning permit.

### **Objective 1**

To ensure housing in rural areas does not inhibit the use of the land for agriculture.

### **Strategies**

- Strategy 1.1 Ensure housing in rural areas is consistent with ‘Growth’ and ‘Consolidation’ areas identified in *Regional Rural Land Use Strategy 2008*.
- Strategy 1.2 Protect the use of agricultural land for agricultural purposes by ensuring that housing in rural areas minimises the impact on the environmental and economic sustainability of the Shire’s agricultural resources.
- Strategy 1.3 Restrict housing opportunities in rural areas other than identified on town fringes.

## **21.03-7**

14/12/2017  
C77

### **Implementation**

The strategies in relation to development of **rural dwellings** will be implemented through the planning scheme by:

#### **Policy guidelines**

- Discouraging a dwelling not associated with or required for the agricultural use of the land.
- Ensuring that the agricultural use has been established on the land (or an Integrated Land Management Plan under Clause 35.07-6 is in place) prior to the construction of a dwelling.
- Ensuring that the dwelling is located on a lot of at least 2 hectares in area.
- Requiring the landowner to enter into an agreement under Section 173 of the Act to:
  - Ensure that the dwelling is used in conjunction with agricultural production;
  - Prevent the subdivision of the lot containing the dwelling where the proposed lot size is less than the minimum subdivision area specified in the Farming Zone, except for boundary realignments where there is no net increase in the number of lots and any lot containing a dwelling is at least 2 hectares in size; and
  - Acknowledge the impacts of nearby agricultural activities.

#### **Criteria**

It is policy to assess proposals against the following criteria:

- The lot containing the dwelling and associated infrastructure is no greater than 2 hectares in area unless there is a need for a larger parcel to take account of natural or public infrastructure or to provide a farm boundary configuration that supports efficient agricultural practices.

#### **Decision guidelines**

When considering an application for a rural dwelling, and in addition to the decision guidelines in the Farming Zone, the responsible authority will consider the following matters:

- Whether the proposed new dwelling is located on a lot that has:
  - Legal frontage to a road.
  - A satisfactory frontage to depth ratio.
  - Suitable two way vehicle access via an all-weather road.

- Adequate buffers to protect residential amenity from the impacts of agricultural activity.
- The relationship between the proposed dwelling and the agricultural activity on the land.
- Evidence of an Integrated Land Management Plan under Clause 35.07-6 or similar, addressing the relationship between agricultural activities on the land and the proposed dwelling.
- The agricultural productive capacity or the agricultural potential of the land.
- The nature of the existing agricultural infrastructure and activity on the land and any new proposed agricultural infrastructure and activity at the land.
- The nature of the agricultural activities on the land and whether they require permanent and continuous care, supervision or security.
- The proposed siting of the dwelling and whether it minimises impacts on existing and potential agricultural operations on nearby land.
- The lot size, context and physical characteristics of the land.
- Whether the dwelling will result in a rural living or rural residential outcome in the area.
- The potential for land to be consolidated with other land to enhance agricultural productivity.
- Whether the planning scheme identifies a ‘non-agricultural’ future for the land and the implications of development on future development options.

The strategies in relation to **small lot rural subdivisions** will be implemented through the planning scheme by:

**Policy guidance**

- Discouraging small lot subdivisions except where:
  - Restructure is an outcome; and
  - No new opportunities for additional houses below the minimum subdivision area specified in the Schedule to the Farming Zone are created; and
  - The impact on neighbours and existing or potential agricultural use of nearby land is minimised.
- Allowing only one lot to be excised from any lot which existed at 9 September 1999.

**Decision guidelines**

When considering an application for a small lot rural subdivision that contains a dwelling or the re-subdivision of existing lots, the responsible authority will consider the following matters:

- The degree to which the subdivision supports productive agricultural outcomes, particularly farm consolidation.
- Whether the land is suitable for agricultural use based on:
  - Evidence of the capability and versatility of the land.
  - The planning history of the land and surrounding land.
  - Whether an Integrated Land Management Plan under Clause 35.07-6 has been prepared for the site.
- The size of the lot containing the dwelling and associated infrastructure and whether there is a need for a larger parcel to take account of natural or public infrastructure or to provide a farm boundary configuration that supports efficient agricultural practices.
- Whether the area of the ‘balance’ lot complies with the minimum subdivision area for the zone.

- Whether the dwelling on the lot existed on the land at 9 September 1999.
- Whether the existing dwelling on the lot is habitable.
- Whether the dwelling on the lot has existing use rights pursuant to Clause 63.
- Whether a condition is required that the landowner enter into an agreement under section 173 of the Act.
- Whether the proposal relies on land which was previously a road reserve, channel, utility lot, crown land or was of insufficient size to support a dwelling.
- Whether the subdivision creates an additional lot where a dwelling can be erected without a permit.
- Whether the proposal to realign lot boundaries is for the purpose of making minor adjustments including taking account of topographical or public infrastructure features.
- Whether the new lots create more productive and efficient agricultural outcomes, particularly through farm consolidation.

### **Application of zones and overlays**

- Apply the General Residential Zone to established urban residential areas
- Apply the Low Density Residential Zone to existing rural residential areas
- Apply the Rural Living zone (with a 2 hectares minimum lot size) to identify rural lifestyle opportunities around townships
- Apply the Mixed Use zone to areas within Yarrawonga which have been identified as having mixed use potential
- Apply the Township Zone to residential areas in smaller townships
- Apply the Commercial 1 Zone to the retail centres of the four major towns
- Apply the Commercial 2 Zone to areas where highway business activity is encouraged
- Applying the Industrial 1 Zone for the majority of industrial land within the Shire
- Applying the Industrial 2 Zone to sensitive industrial areas at the Peechelba Abattoirs
- Applying the Industrial 3 Zone to existing light industrial development
- Apply the Farming Zone, Schedule 1 to the 'growth' and 'consolidation' areas with a minimum lot size of 60ha
- Apply the Rural Activity Zone Schedule to areas along the Murray River Corridor that support rural based tourism
- Rationalise the residential zonings east of Yarrawonga in accordance with the Yarrawonga to Bathumi Land Use Strategy
- Apply the Development Plan Overlay to areas identified for future urban use, where particular issues of design and development need to be resolved
- Apply the Restructure Overlay to all undeveloped old townships
- Apply the Airport Environs Overlay to areas affected by the Yarrawonga Aerodrome

### **21.03-8**

14/12/2017  
C77

### **Reference documents**

- *Cobram 2025 Strategy Plan 2007 & Addendum 2008*
- *Yarrawonga Strategy Plan 2004*
- *Numurkah Strategy Plan 2010*

- *Nathalia Strategy Plan 2010*
- *Moira Small Towns and Settlements Strategy Plan, 2013*
- *Moira Small Towns and Settlements Strategy Plan Addendum Report, 2017*
- *Bathumi, Youanmite and Marungi Restructure Plan Report 2008*
- *Yarrowonga to Bathumi Future Land Use Strategy 2002*
- *Regional Rural Land Use Strategy 2008*
- *Moira Rural Living Strategy 2004*

**21.03-9**

**Further strategic work**

14/12/2017  
C77

- Review the *Moira Rural Living Strategy 2004*
- Review existing strategy plans for the four major towns – Cobram, Yarrowonga, Nathalia and Numurkah
- Undertake Urban Renewal / Development Investigations for areas adjacent to the alignment of the new river crossing in Yarrowonga
- Prepare an advertising signs policy