

## **22.03 DWELLING DENSITY, EXCISIONS AND REALIGNMENTS IN RURAL AREAS**

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C83

This policy applies to all land within the Green Wedge and Farming Zone.

### **22.03-1 Policy basis**

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Productive agricultural land is a scarce resource and the Mornington Peninsula rates highly in terms of both returns per hectare from agricultural use and inherent productivity factors. In addition, rural areas serve valuable environmental and recreational open space roles. However, the high amenity and relative accessibility of the Peninsula to Metropolitan Melbourne has led to the fragmentation of some rural land into relatively small parcels.

Land fragmentation is a key threat to continued agricultural use, inhibiting the ability to utilise economically efficient and sustainable farm practices. Fragmentation also increases the population density in rural areas, which often imposes constraints on farming operations due to concerns about the use of farm equipment, the use of fertilisers and the like and the introduction of dogs. In addition, the division of rural land holdings raises expectations of further residential encroachment, potentially increasing rural land prices and increasing pressures for further residential and rural residential sprawl – leading to further land fragmentation.

This cycle of fragmentation can only be broken by planning controls that stabilise both the development of housing in rural areas and subdivision expectations, combined with practical support for the sustainable management of land as farmland. In this context, excisions from rural properties should be seen as appropriate only in exceptional circumstances, linked to the expectations of long term farm owners, and provided they do not detract from the sustainable use of the land for farming or compromise environmental or landscape values associated with the land.

### **22.03-2 Objectives**

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- To support the objectives of the Green Wedge Zone and Farming Zone and to maintain farmland as a long term resource.
- To prevent the fragmentation of rural land and avoid constraints on rural land use resulting from increasing development densities in rural areas
- To maintain and enhance the landscape and environmental values of rural areas
- To provide an equitable and sustainable basis for consideration of proposals for excisions, as exceptional variations to the Green Wedge and Farming Zone subdivision provisions.
- To provide for the continued occupation of rural land by long term farm owners.
- To ensure compliance with the State environment protection policies and to prevent encroachment of sensitive uses into recommended air or noise buffer distances from potentially offensive uses, such as intensive animal industries
- To reduce the dispersal of population and infrastructure demands
- To provide opportunity for efficient use of rural land by intensive agricultural uses.

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## **POLICY**

### **Additional dwellings**

It is policy that:

In the Green Wedge Zone and Farming Zone no more than one dwelling be constructed on a lot, unless an additional dwelling is required for any of the following purposes:

- It is proposed to replace an existing dwelling that is to be demolished.
- It is to accommodate a person working on the land or a member of the family owning the land.
- It is proposed to provide accommodation for visitors, aged relatives or persons working on the land.

Before deciding on an application, the responsible authority must be satisfied that:

- The additional accommodation is justified having regard to the intensity and nature of the agricultural activity on the land.
- The scale of the proposed dwelling is consistent with the intended use.
- The siting of the proposed dwelling is integrated with the existing dwelling. This includes ensuring:
  - The proposed dwelling is sited in close proximity to the existing dwelling, to the extent that this is reasonable and practical having regard to the size of the lot and the use of the land.
- The use of shared access and services.
- The proposed dwelling will comply with State environment protection policies regarding the retention of wastes on the site and will not affect ground water and natural drainage off the site.
- The proposed dwelling will not reduce the primary agricultural activity on the land.
- The proposed dwelling will not detrimentally effect the natural systems on the land.
- The proposed dwelling will complement and respect the landscape values of the area.

The excision of a dwelling approved under this policy will not be supported.

### **Excisions**

#### **House lot excisions**

It is policy that, in considering applications for house lot excisions, the responsible authority will require that:

- Two dwellings existed on the land prior to the 14 May, 1975 and the proposed lot is to contain one of the existing dwellings, or
- All of the following requirements are met:
  - The land from which the lot is to be excised has been in the ownership of the same family since the 14 May 1975.
  - The land from which a lot is to be excised has an area at least equal to the minimum lot size specified in the schedule to clause 35-01.

- At least one dwelling existed or was approved on the land prior to the 14 May 1975.
- No previous approval has been granted to excise a lot from the land for any purpose since the 14 May, 1975; except where two dwellings existed on the land prior to the 14 May, 1975 and one of the dwellings has been previously excised.
- The lot to be excised has an area of at least one hectare or such smaller area as the responsible authority considers adequate to absorb domestic sewage, sullage and effluent.

Before deciding on an application the responsible authority will consider:

- Whether the lot is capable of absorbing domestic sewage sullage and effluent.
- The future use of the balance of the land.
- The need for the excision of a larger lot having regard to the location of existing buildings.

As part of any approval of an excision the responsible authority will require an applicant to enter into agreement under Section 173 of the Act to ensure that no part of the land may be further subdivided.

### **House lot excisions from horticultural and broiler chicken farms**

It is policy that:

The responsible authority may support an application for a house lot excision which does not meet the requirements of the previous section of this policy if it is proposed to excise a lot from either:

- A site containing an existing broiler chicken farm.
- Land used predominantly for horticulture or market gardening.

In considering applications the responsible authority will require that:

- The land exceeds 30 hectares in area.
- The land contains an operational broiler farm or is predominantly used for horticulture or market gardening, and has been utilised for such purpose to the extent that it is operating in a productive capacity to the satisfaction of the responsible authority
- The area remaining after the excision is capable of sustaining a viable agricultural enterprise to the satisfaction of the responsible authority. A report may be required from a suitably qualified agricultural consultant or authority, although such report shall not itself be conclusive.
- The balance of the land can continue to be used without detriment to the natural systems and landscape of the area, taking into account the likely construction and siting of buildings and works associated with the use of the land.
- An adequate buffer distance can be maintained between broiler sheds and the house on the lot that is to be created.
- An adequate water supply is available.
- No previous permission has been granted to excise a lot from the land since the 14 May 1975.

As part of any approval of an excision the responsible authority will require an applicant to enter into agreement under Section 173 of the Act to ensure that no part of the land may be further subdivided.

As part of any approval of an excision the responsible authority may require that an agreement be entered into under Section 173 of Act to prevent the construction of a dwelling on the balance of the land following the excision.

### **Realignments**

It is policy that:

A realignment of boundaries will only be supported where:

- No additional lot is created.
- No additional subdivision potential is created.
- The ability of any allotment to retain waste water on-site is not adversely affected.

The responsible authority must consider the effect of a proposed realignment on the existing or potential future rural use of the land, with a view to avoiding the fragmentation of larger lots into smaller parcels and to encouraging land consolidation.

Where larger lots exist which are equal to or approach the minimum lot area specified in the local schedule to the Green Wedge Zone and Farming Zone, these should not be fragmented into smaller parcels through realignment. As a guide, there should be no more than a five percent reduction in the area of the larger lot unless the responsible authority is satisfied that a greater change is necessary to achieve more effective long term land management.

The responsible authority may require the submission of a whole farm plan to demonstrate the purpose of the proposed realignment in relation to improved land management.

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### **Decision guidelines**

Before deciding on an application the responsible authority must consider as appropriate:

- The extent to which the application meets the objectives and directions of this policy.
- The extent to which any proposed variation of this policy can be applied on a consistent basis without undermining the strategic directions of this scheme.