

22**LOCAL PLANNING POLICIES**03/02/2011
C20**22.01****RURAL SUBDIVISION**03/02/2011
C20

This policy applies to the subdivision of land in the Farming, Rural Conservation and Rural Activity Zones.

Policy Basis

Viable and sustainable agriculture is recognised in the MSS as being a significant component of the economy of the Shire and fundamental to the existing and future wellbeing of the Shire and its residents. Some parts of the Shire contain agricultural land that is high quality and worthy of protection. These areas have been recognised in the planning scheme by inclusion in the Farming Zone. The fragmentation of high quality agricultural land by ad-hoc subdivision in the Farming Zone has the potential to compromise the ongoing agricultural viability of these areas. The protection of high quality agricultural land is necessary for the local economy and to assist in the diversification of agricultural activities, and caution needs to be exercised in the consideration of applications to subdivide land in the Farming Zone.

Applications for the subdivision of land in the Rural Conservation and Rural Activity Zone need to consider the suitability of access and the relative isolation of sites where the proposal may intend to provide additional housing. Subdivision applications will also need to consider the impact on environmental and biodiversity values and the risk associated with hazards such as fire and flood.

There are constant pressures on farm enterprises to adjust to changing economic and climatic circumstances. The need for increased operational scale coupled with the need to provide for farm succession often creates the need to restructure farm holdings. This policy seeks to make provision for genuine farm restructuring in response to these needs, whilst seeking to maintain the Shire's productive resource base.

Objectives

- To discourage the subdivision of land in areas containing high quality agricultural land where the subdivision will adversely impact on existing agricultural activity and may cause the fragmentation of high quality agricultural land.
- To avoid subdivision of land in areas of biodiversity conservation value where the subdivision will adversely impact on biodiversity values and may cause fragmentation of biodiversity conservation values.
- To ensure that subdivision does not occur in a manner that increases fire risk on new lots and associated dwellings, or lead to an incremental loss of environmental and biodiversity values in an effort to reduce that fire risk.
- To ensure encourage native vegetation precinct plans to allow for a strategic approach to development and protection of environmental values, particularly in the Rural Conservation Zone.
- To retain rural land units that have the capacity to sustain rural activities.
- To ensure subdivision occurs on land that is accessible and able to be cost effectively provided with adequate road access.
- To encourage the consolidation of rural holdings in the Farming Zone.
- Ensure that landscape and environmental values are considered, protected and enhanced.

- To ensure that the excisions of dwellings and creation of lots smaller than that specified in the schedule to the Farming, Rural Conservation and Rural Activity Zones is consistent with the purposes of the zones.
- To ensure that dwellings which are excised do not prejudice agricultural production activities.

Policy

It is policy that:

- Subdivisions and re-subdivisions that promote and facilitate farm restructuring or agricultural diversification will be supported.
- In the Farming Zone sufficient justification should be provided for the subdivision of land to demonstrate that the subdivision will support and enhance the maintenance of the land in agricultural production.
- Subdivision that is likely to lead to a concentration of lots that would change the general use and character of an area will be discouraged, particularly in the Farming Zone.
- Rural re-subdivisions should be undertaken in a manner that demonstrates that the proposal supports and promotes agricultural production, efficient farm operations, supports natural resource management and responds to the opportunities and constraints of the site.
- When undertaking rural re-subdivisions in the Farming Zone, the rationalisation of allotments is to be sought.
- In the Rural Conservation Zone, a Section 173 Agreement is to be applied to all subdivided land to ensure appropriate use and management of the land by all future owners. This may take the form of a Property Management Plan or Land Management Plan.
- Avoid the creation of lots with building envelopes located in areas of remnant bushland or on prominent ridgelines, hilltops and in other visually or risk exposed areas.
- The excision of dwellings should take place in a manner that ensures that:
 - The dwelling does not have the potential to restrict agricultural production on adjacent land.
 - Adequate distance is maintained within the lot around the dwelling to reasonably limit any impacts of adjacent agricultural activity.
 - The planting of vegetation within the excised lot is able to reduce potential impacts arising from the excision.
 - The excised dwelling has frontage to a maintained road.
 - Lots created to excise an existing dwelling have a maximum size of 2 hectares.
 - Dwelling excisions should minimise the loss of productive agricultural land.
 - The lot created by a dwelling excision must be of a sufficient size to enable on-site domestic waste water management.

Application Requirements

All applications must consider the State Planning Policy Framework as well as Local Planning Policy Framework requirements. In support of an application for subdivision in the rural zones, the lodgement of a site context plan is required and should clearly identify the following features:

- Property fences and boundaries.
- Electricity and other service easements.
- Made and unmade roads.
- Topography, waterways and drainage lines.

- Existing buildings.
- Native vegetation on site, and where necessary, its extent, type, conservation status and quality.
- Adjoining land uses.
- Existing effluent disposal systems.
- In the Rural Conservation Zone applications need to include measures to protect the environmental and biodiversity values on site.

An application for subdivision in the rural zones must also be accompanied by dimensioned plans and a statement that demonstrates that the application:

- Meets the requirements of this Policy and Clause 14.01 of the Towong Planning Scheme.
- Is consistent with the purpose and Decision Guidelines of the zone.
- Supports agricultural production or rural diversification.
- Supports natural resource management.
- Responds to the characteristics of the site.

Decision Guidelines

All applications for subdivision on all rural land will be assessed according to the following considerations:

- The agricultural quality of the land and the need to protect high quality agricultural land from fragmentation.
- Whether the subdivision maintains the continued agricultural use of the land and promotes efficient farm operations.
- The existing levels of infrastructure, particularly road access.
- Site characteristics and the presence of any environmental assets, constraints or hazards.
- The capacity of the proposal to support and promote farm restructuring or agricultural diversification.
- The need to protect the environmental values from fragmentation.

Policy Reference

Guidelines for Environmental Management Code of Practice – On-site Wastewater Management Publication 891.2 2008.

North East Regional Catchment Strategy, 2004.

North East Regional River Health Strategy, 2006.

Planning Permit Applications in Open Potable Water Supply Catchment Areas. 2009

Guidelines for the Protection of Water Quality 2001.

Upper North East Water Quality Strategy 2001.

Victoria's Native Vegetation Management – A Framework for Action, 2002